

ESTTA Tracking number: **ESTTA861033**

Filing date: **11/28/2017**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	America's First Federal Credit Union		
Entity	Federally Chartered Credit Union	Citizenship	Alabama
Address	1200 4th Avenue North Birmingham, AL 35203 UNITED STATES		

Attorney information	Stewart L. Gitler Welsh, Flaxman & Gitler LLC 2000 Duke Street Suite 100 Alexandria, VA 22314 UNITED STATES Email: mail@iplawsolutions.com, gitler@iplawsolutions.com Phone: 703-920-1122 x210
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Registrations Subject to Cancellation

Registration No.	2305835	Registration date	01/04/2000
Registrant	PINNACLE BANK 1401 N STREET LINCOLN, NE 68508 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 1989/10/01 First Use In Commerce: 1989/10/01 All goods and services in the class are subject to cancellation, namely: Banking Services

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Registration No.	4141673	Registration date	05/15/2012
Registrant	PINNACLE BANK 1401 N STREET LINCOLN, NE 68508 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 1989/10/01 First Use In Commerce: 1989/10/01 All goods and services in the class are subject to cancellation, namely: Banking, investment services, namely, investment consultation and management; and insurance agencies

Grounds for Cancellation

Abandonment		Trademark Act Section 14(3)	
Registration No.	4141675	Registration date	05/15/2012
Registrant	PINNACLE BANK 1401 N STREET LINCOLN, NE 68508 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2000/06/01 First Use In Commerce: 2000/06/01
All goods and services in the class are subject to cancellation, namely: Banking, investment services, namely, investment consultation and management; and insurance agencies

Grounds for Cancellation

Abandonment		Trademark Act Section 14(3)	
Registration No.	4141677	Registration date	05/15/2012
Registrant	PINNACLE BANK 1401 N STREET LINCOLN, NE 68508 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 1989/10/01 First Use In Commerce: 1989/10/01
All goods and services in the class are subject to cancellation, namely: Banking, investment services, namely, investment consultation and management; and insurance agencies

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Signature	/Stewart L Gitler/
Name	Stewart L Gitler
Date	11/28/2017

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

America's First Federal Credit Union)	
)	
Petitioner)	
)	Cancellation No. _____
v.)	
)	Reg. Nos. 2,305,835; 4,141,673;
PINNACLE BANK)	4,141,675 and 4,141,677
)	
Respondent)	
_____)	

CONSOLIDATED PETITION FOR CANCELLATION
UNDER 37 CFR §2.101(b)

Commissioner for Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Trademark Trial and Appeal Board

Sir:

Petitioner, **America's First Federal Credit Union**, a Federally Chartered Credit Union located and doing business at 1200 4th Avenue North, Birmingham, Alabama 35203, believes that it is, and will continue to be, damaged by the existence of U.S. Trademark Reg. Nos. 2,305,835; 4,141,673; 4,141,675 and 4,141,677, owned by Respondent, **PINNACLE BANK**, a Nebraska Chartered Bank, having an address of 1401 N Street, Lincoln, Nebraska United States 68508. The following are the marks sought to be cancelled, which will be hereafter referred to as the ("AMFIRST MARKS"):

U.S. Trademark Registration No. 2,305,835, 1 AMFIRST BANK N.A. & design was issued for banking services.

U.S. Trademark Registration No. 4,141,673, AMFIRST, was issued for banking, investment services, namely, investment consultation and management; and insurance agencies.

U.S. Trademark Registration No. 4,141,675, 1 AMFIRST N.A. & design, was issued for banking, investment services, namely, investment consultation and management; and insurance agencies.

U.S. Trademark Registration No. 4,141,677, 1 AMFIRST N.A. Second to NONE & design, was issued for banking, investment services, namely, investment consultation and management; and insurance agencies.

GROUND FOR CANCELLATION

As grounds for its cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other means:

1. Petitioner is a long established, Federally Chartered Credit Union who has been using the mark "AMFIRST" as a designation of its name, AMERICA'S FIRST FEDERAL CREDIT UNION for many years in association with credit union services.

2. Petitioner is informed and believes that Respondent is the owner of record of the AMFIRST MARKS.

3. Petitioner owns U.S. Trademark Application Serial Number 87/698,994 covering the mark "AMFIRST & design" for credit union services.

5. Respondent's registrations of the AMFIRST MARKS for the services identified above is an impediment to Petitioner's use and registration of the mark "AMFIRST & design" and is causing injury to Petitioner and Petitioner's rights in the AMFIRST & design mark.

6. On information and belief, the AMFIRST MARKS that are the subject of the registrations sought to be cancelled are no longer being used in commerce in the United States in conjunction with the services identified above and therefore the registrations should be cancelled from the Register.

7. On information and belief, based upon a search of the FDIC banking records, Respondent purchased "Amfirst Bank" of McCook, Nebraska, the original owner of the Registrations, on July 1, 2017 and as of that date, the marks were no longer used and was abandoned with no intent to resume use of the marks and therefore the Registrations should be cancelled from the Register.

8. Upon information and belief, Respondent has ceased use of the AMFIRST MARKS in the United States with no intent to resume use, and has abandoned any rights, if any, in the AMFIRST MARKS.

RELIEF SOUGHT

WHEREFORE, Petitioner believes it is being and will continue to be damaged by the registration of the AMFIRST MARKS shown in Registration Nos. 2,305,835; 4,141,673; 4,141,675 and 4,141,677, and respectfully requests that the Petition for Cancellation be sustained, and that the registrations be cancelled.

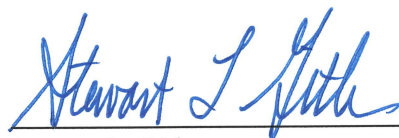
The filing fees have been submitted electronically. If the filing fees are found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 01-2221.

Respectfully submitted,

America's First Federal Credit Union

Date: 11/28/2017

By:



Stewart L. Gitler
John L. Welsh
Howard N. Flaxman
WELSH FLAXMAN & GITLER LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314
(703)920-1122
mail@iplawsolutions.com
Attorneys for Petitioner