

ESTTA Tracking number: **ESTTA926482**

Filing date: **10/04/2018**

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

Proceeding	92068012
Party	Defendant MeCommerce, Inc. dba ThirdLove
Correspondence Address	KENT M WALKER LEWIS KOHN & WALKER LLP 15030 AVENUE OF SCIENCE , SUITE 201 SAN DIEGO, CA 92128 UNITED STATES kwalker@lewiskohn.com 858-436-1330
Submission	Voluntary Surrender Of Registration
Filer's Name	Kari Moyer-Henry
Filer's email	kmoyerhenry@lewiskohn.com, kwalker@lewiskohn.com, jlumanlan@lewiskohn.com
Signature	/KMH/
Date	10/04/2018
Attachments	SurrenderRegv2.pdf(65569 bytes)

1
2
3
4
5
6
7
8
9
10
11
12

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

NAKED BRAND GROUP, INC.,
a German Limited Liability Company

Petitioner,

v.

MECOMMERCE, INC. DBA THIRDLOVE,

Registrant.

Cancellation No.: 92068012

Registration No. 5,401,689

Mark: NAKED-5

Registered: February 13, 2018

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST FOR SURRENDER OF REGISTRATION

Pursuant to 37 CFR §2.134 and TBMP § 602.02(a), Registrant hereby expressly surrenders the subject Registration No. 5,401,689. A copy of the Registration certificate is attached.

Respectfully submitted

DATED: October 4, 2018

/Kent M. Walker/
Kent M. Walker
LEWIS KOHN & WALKER LLP
Attorneys for Registrant

United States of America

United States Patent and Trademark Office

Naked-5

Reg. No. 5,401,689

Registered Feb. 13, 2018

Int. Cl.: 25

Trademark

Principal Register

MeCommerce, Inc. (DELAWARE CORPORATION), DBA ThirdLove
350 Rhode Island St. Ste 360
San Francisco, CALIFORNIA 94103

CLASS 25: Bras; Lingerie; Panties; Undergarments; Underwear

FIRST USE 8-14-2017; IN COMMERCE 8-14-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-574,345, FILED 08-18-2017



Andrei Iancu

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
28
29

This certifies that a true and correct copy of Registrant’s Request for Surrender of Registration was served this 4th day of October, 2018, by electronic transmission to Opposer’s counsel as follows:

Michael Leonard
mleonard@foxrothschild.com
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222

Attorneys for Petitioner,
Naked Brand Group, Inc.

/Kent M. Walker/
Kent M. Walker