

ESTTA Tracking number: **ESTTA932952**

Filing date: **11/05/2018**

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	4 PILLAR DYNASTY LLC		
Entity	LIMITED LIABILITY COMPANY	Citizenship	NEW YORK
Address	525 SEVENTH AVENUE SUITE 1607 NEW YORK, NY 10018 UNITED STATES		

Attorney information	Max Moskowitz Ostrolenk Faber LLP 845 Third Avenue, 8th Floor New York, NY 10022 UNITED STATES tm@ostrolenk.com, smcmahon@ostrolenk.com (212) 382-0700		
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Registration Subject to Cancellation

Registration No.	5193684	Registration date	05/02/2017
Registrants	Pedro Javier Diaz Rangel 2250 avenida magnifica apt D Carlsbad, CA 92008 UNITED STATES Susana Teran 2250 avenida magnifica apt D Carlsbad, CA 92008 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2014/07/02 First Use In Commerce: 2014/07/02 All goods and services in the class are subject to cancellation, namely: Apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	02334327.PDF(3112578 bytes)
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Signature	/SPM/
Name	Sean P. McMahon
Date	11/05/2018

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

In the Matter of Registration No. 5,193,684

-----X	:	
4 PILLAR DYNASTY LLC,	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
DIAZ RANGEL, PEDRO JAVIER, and	:	
TERAN, SUSANA	:	
	:	
Respondents.	:	
	:	
-----X	:	

PETITION FOR CANCELLATION

Petitioner, 4 Pillar Dynasty LLC (“Petitioner”), a limited liability company of New York with an address at 525 Seventh Avenue, Suite 1607, New York, New York 10018, believes that it will be damaged by the continued existence of U.S. Trademark Registration No. 5,193,684 for the mark REVERSE 360, issued on May 2, 2017, for, among other things, “apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits” in Class 25, and therefore petitions to cancel the same. As grounds for its cancellation, Petitioner, by its attorneys Ostrolenk Faber LLP, alleges as follows:

1. Petitioner is a limited liability company of New York with an address at 525 Seventh Avenue, Suite 1607, New York, New York 10018.
2. Upon information and belief, Respondents, Pedro Javier Diaz Rangel and Susana Teran, are individuals of Venezuela with an address at 2250 Avenida Magnifica, Apt D, Carlsbad, California 92008.

3. Upon information and belief, Respondents are identified in U.S. Patent and Trademark Office records as the owner of U.S. Trademark Registration No. 5,193,684 for the mark REVERSE 360 for, among other things, “apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits” in Class 25, which issued on May 2, 2017.

4. Petitioner is the owner of U.S. Trademark Application Serial No. 86/417,870 filed with the U.S. Patent and Trademark Office on October 8, 2014 for the mark REVERSE for “Pants, jeans, coats, shirts, jackets, yoga pants and tops, sports bras, tank tops, leggings, loungewear, hooded sweatshirts, t-shirts, bicycle shorts, socks, tights, underwear and sweaters” in Class 25.

5. Upon information and belief, Respondents have discontinued use as a trademark of the designation REVERSE 360 as set forth in U.S. Trademark Registration No. 5,193,684 for “apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits” in Class 25.

6. Upon information and belief, Respondents’ discontinuance of use as a trademark of the designation REVERSE 360 for “apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits” in Class 25 set forth in U.S. Trademark Registration No. 5,193,684 has been intentional and without intent to resume use as a trademark in connection with any of said goods in Class 25.

7. Upon information and belief, Respondents previously used the domain www.reverse3sixty.com to market goods under the mark REVERSE 360, but that said domain no longer resolves to an active site offering the sale of goods or services of any kind.

8. Upon information and belief, the domain www.reverse3sixty.com, previously used by Respondents to market goods under the mark REVERSE 360, is currently available for sale

from accredited domain name registrars. A screenshot from GoDaddy.com is attached hereto as Exhibit A showing that the domain can be acquired for \$11.99. The discontinuance of use of a domain used to market goods under the mark REVERSE 360 demonstrates the abandonment of the mark REVERSE 360 and lack of intent to resume use thereof.

9. Continued registration of Respondents' mark REVERSE 360 for "apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits" in Class 25 will damage Petitioner in that Respondent's claim of exclusive rights in the mark REVERSE 360 as reflected in U.S. Trademark Registration No. 5,193,684 may be adverse Petitioner's ability to use and/or register the mark REVERSE set forth in U.S. Trademark Application Serial No. 86/417,870.

10. By reason of the foregoing, Respondents have abandoned any and all rights in and to the mark REVERSE 360 for "apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits" in Class 25 as set forth in U.S. Trademark Registration No. 5,193,684 pursuant to §§ 14(a) and 45 of the Lanham Act, 15 U.S.C. §§ 1064(a) and 1127.

11. By reason of the foregoing, Petitioner is being damaged and will continue to be damaged by the continued registration of the mark REVERSE 360 for "apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits" in Class 25 to Respondents.

WHEREFORE, it is respectfully requested that this cancellation action be sustained and that U.S. Trademark Registration No. 5,193,684 be cancelled with respect to "apparel, namely, t-shirts, shirts, shorts, pants, sweatshirts, sweatpants, jackets, hats, bathing suits, bathing trunks, rash guards, wetsuits" in Class 25.

The cancellation fee in the amount of \$400.00 is submitted herewith. If for any reason this amount is insufficient, it is requested that Petitioner's attorneys' deposit account No. 15-0700 be charged with any deficiency.

Dated: November 5, 2018
New York, New York

Respectfully submitted,



Max Moskowitz
Sean P. McMahon

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E-mail: tm@ostrolenk.com

Attorneys for Petitioner

Exhibit A

reverse3sixty.com



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