

ESTTA Tracking number: **ESTTA973073**

Filing date: **05/13/2019**

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	Purge Sports LLC		
Entity	limited liability company	Citizenship	New York
Address	47 Ward St. West Islip, NY 11795 UNITED STATES		

Attorney information	Kevin Haynie YourTrademarkAttorney.com 167 Lamp and Lantern Village #220 Chesterfield, MO 63017-8208 UNITED STATES kevin@yourtrademarkattorney.com, morris@yourtrademarkattorney.com (314) 479-3668
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**Registration Subject to Cancellation**

Registration No.	3009779	Registration date	10/25/2005
Registrant	MAPLE MOUNTAIN GROUP, INC. 588 SOUTH 2000 WEST SPRINGVILLE, UT 84663 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 1996/09/00 First Use In Commerce: 1996/09/00 All goods and services in the class are subject to cancellation, namely: Herbal and nutritional supplement
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	PURGE Petition for Cancellation with Exhibit.pdf(33773 bytes )
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Signature	/kmh355/
Name	Kevin Haynie
Date	05/13/2019

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

**Purge Sports LLC** )  
Petitioner, )  
v. ) Cancellation No. \_\_\_\_\_  
**Maple Mountain Group, Inc.** )  
Registrant. )  
\_\_\_\_\_ )

**PETITION FOR CANCELLATION**

Purge Sports LLC (“Petitioner”) is a New York limited liability company with a mailing address of 47 Ward St., West Islip, NY 11795.

According to the records of the United States Patent and Trademark Office (“USPTO”), the name and address of the current owner of U.S. Registration No. 3,009,779 is Maple Mountain Group, Inc., 588 S. 2000 W, Springville, UT 84663 (“Registrant”).

Pursuant to 15 U.S.C. §1064, Petitioner believes it is damaged by U.S. Registration No. 3,009,779 and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Registrant is the owner of U.S. Registration No. 3,009,779 for the trademark PURGE for “herbal and nutritional supplement,” in International Class 5.
  2. On March 13, 2018, Petitioner filed an application with the USPTO under §1(b) seeking to register the trademark PURGE SPORTS for “dietary and nutritional supplements.”
  3. Petitioner’s application was assigned Serial No. 87832572 by the USPTO.
- Petitioner has attached a status and title copy of its application as **Exhibit A**.

4. On November 20, 2018, the Trademark Examining Attorney assigned to review Petitioner's application made final his refusal to register Petitioner's PURGE SPORTS mark under Trademark Act §2(d) on the basis that it is likely to cause confusion with the mark in Registration No. 3,009,779.

5. Upon information and belief, Registrant has made no use of its PURGE trademark in connection with any goods or services for at least a year preceding the filing of this Petition for Cancellation.

6. Upon information and belief, Registrant has no current intent to resume use of its PURGE trademark in connection with the products recited in Registration No. 3,009,779.

7. Upon information and belief, Registrant had no intent to resume use of its PURGE trademark in connection with the products recited in Registration No. 3,009,779 at the time it discontinued use.

8. As a result of Registrant's failure to use its PURGE trademark, and Registrant's intent not to resume use of its PURGE trademark, the PURGE trademark has become abandoned, both at common law and under the Lanham Act.

9. Petitioner is harmed and damaged by U.S. Registration No. 3,009,779 because Petitioner is unable to obtain a federal registration for its PURGE SPORTS trademark while Registrant's registration exists on the Supplemental Register.

WHEREFORE, Petitioner is damaged by U.S. Registration No. 3,009,779 and prays that the same be cancelled in whole pursuant to 15 U.S.C. §1064.

Respectfully submitted,

PURGE SPORTS LLC

By: \_\_\_\_\_ /kmh355/

Dated: \_\_\_\_\_ 5/13/2019

Kevin Haynie

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*Attorney for Petitioner*

*Purge Sports LLC*

# **EXHIBIT A**

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Mark: PURGE SPORTS

PURGE SPORTS

US Serial Number: 87832572

Application Filing Date: Mar. 13, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 20, 2018

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## Mark Information

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Mark Literal Elements: PURGE SPORTS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Dietary and nutritional supplements

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

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## Basis Information (Case Level)

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Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: Purge Sports LLC

Owner Address: 47 Ward Street  
West Islip, NEW YORK 11795  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: NEW YORK

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## Attorney/Correspondence Information

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**Attorney of Record****Attorney Name:** Thomas D. Foster**Docket Number:** 6879.001-01**Attorney Primary  
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mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Nov. 20, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 20, 2018	FINAL REFUSAL E-MAILED	
Nov. 20, 2018	FINAL REFUSAL WRITTEN	83186
Sep. 26, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 25, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 25, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 23, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2018	NON-FINAL ACTION E-MAILED	6325
Jun. 23, 2018	NON-FINAL ACTION WRITTEN	83186
Jun. 23, 2018	ASSIGNED TO EXAMINER	83186
Mar. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 16, 2018	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information****TM Attorney:** BIBB, SCOTT**Law Office  
Assigned:** LAW OFFICE 109**File Location****Current Location:** TMEG LAW OFFICE 109 - EXAMINING  
ATTORNEY ASSIGNED**Date in Location:** Nov. 20, 2018