

ESTTA Tracking number: **ESTTA977922**

Filing date: **06/03/2019**

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	Hemisphere GNSS, Inc.		
Entity	Corporation	Citizenship	Canada
Address	6712 Fisher Street SE Suite 200 Alberta, T2H2A7 CANADA		

Attorney information	Jeffrey W. Johnson Schmeiser, Olsen & Watts LLP 18 E. University Drive, Suite 101 Mesa, AZ 85201 UNITED STATES trademarks@iplawusa.com, jjohnson@iplawusa.com, kenos@iplawusa.com, lholstin@iplawusa.com 480-655-0073
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Registration Subject to Cancellation

Registration No.	4721651	Registration date	04/14/2015
Registrant	Transcend Electronic Corp 72 W Live Oak Ave ARCADIA, CA 91007 UNITED STATES Email: ip8998@gmail.com		

Goods/Services Subject to Cancellation

Class 009. First Use: 2014/12/16 First Use In Commerce: 2014/12/16 Goods and services in the class that are subject to cancellation: Global positioning system (GPS)

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Related Proceedings	U.S. Trademark Application No. 88129615, pending before the U.S. Patent and Trademark Office.
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	88129615	Application Date	09/24/2018
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VECTOR		
Design Mark	<h1>VECTOR</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2002/06/24 First Use In Commerce: 2002/06/24 Global Navigation Satellite System (GNSS) and Global Positioning System (GPS) components, hardware, software, solutions, and technology for heading, navigation, and positioning, namely, GNSS and GPS antennas, compasses, and receivers; GNSS and GPS for marine heading, navigation, and positioning		

Attachments	88129615#TMSN.png(bytes) 01709_0069US01_Cancellation_Complaint.pdf(177073 bytes)
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Signature	/Jeffrey W. Johnson/
Name	Jeffrey W. Johnson
Date	06/03/2019

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

HEMISPHERE GNSS, Inc.,

Petitioner,

Cancellation No.:

v.

PETITION FOR CANCELLATION

Transcend Electronic Corp.,

Registrant.

Hemisphere GNSS, Inc. (“Petitioner”) believes that it has been and will continue to be damaged by U.S. Registration No. 4721651 (the “Registration”) in the name of Transcend Electronic Corp. (“Registrant”) for the word mark “VECTORCOM” (“Registrant’s Mark”) and covering the following list of services, among other goods and services, in International Class 009: “Global positioning system (GPS)” (Hereinafter “Registrant’s Services”). Petitioner hereby respectfully petitions to cancel the Registration as follows:

I. PARTIES

1. Petitioner is a corporation, residing and doing business in, Alberta, Canada, and in the United States.
2. On information and belief, Registrant is a California corporation, with its principal place of business in Arcadia, California.

II. PETITIONER’S MARK

3. Petitioner designs, markets, and sells Global Navigation Satellite System (GNSS) and Global Positioning System (GPS) systems, software, and components around the world (“Petitioner’s services”) and offers these services under the mark VECTOR (“Petitioner’s word mark”).

4. Petitioner first used Petitioner’s word mark with Petitioner’s goods and services at least as early as the year 2002, and has continuously used Petitioner’s word mark with Petitioner’s goods services at least from the year 2002 to the present.

5. Petitioner also owns the following pending federal trademark application for Petitioner’s word mark, covering Petitioner’s good and services (“Petitioner’s Application”):

<u>Serial No.</u>	<u>Services</u>
88129615	Class 009 Global Navigation Satellite System (GNSS) and Global Positioning System (GPS) components, hardware, software, solutions, and technology for heading, navigation, and positioning, namely, GNSS and GPS antennas, compasses, and receivers; GNSS and GPS for marine heading, navigation, and positioning.

III REGISTRANT’S MARK

6. On June 24, 2014 (“Registrant’s filing date”), Registrant filed Application Serial No. 86318166 for Registrant’s mark and based on Registrant’s intent to use Registrant’s mark in connection with Registrant’s services.

7. On January 30, 2015, Registrant filed a Statement of Use for Application Serial No. 86318166, alleging a date of first use of December 16, 2014 for all of the services currently identified in Class 009 of the registration (“Registrant’s first use date”).

8. Application Serial No. 86318166 received registration on April 14, 2015. (“Registration Date”).

IV. CLAIMS

A. PRIOR USE OF PETITIONER'S MARK

10. For more than sixteen years, Petitioner has continuously used and promoted Petitioner's word mark in connection with Petitioner's services, developing substantial goodwill and consumer recognition in Petitioner's word mark.

11. Petitioner's first use of Petitioner's word mark in connection with Petitioner's services is well-prior to both Registrant's filing date and Registrant's first use date, and upon information and belief, any other priority date upon which Registrant may rely.

B. LIKELIHOOD OF CONFUSION

12. On September 24, 2018, Petitioner filed Petitioner's Application, which is currently pending with the United States Patent and Trademark Office ("Trademark Office").

13. On December 3, 2018, an Examining Attorney of the Trademark Office refused registration of Petitioner's Application, citing a likelihood of confusion under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), between Petitioner's Application and the Registration.

14. As a result of the refusal of Petitioner's Application, the Registration has already damaged Petitioner and the Registration will continue to damage Petitioner.

15. The Registration will also continue to damage Petitioner because the Registration supports statutory rights in favor of Registrant and in violation and derogation of Petitioner's prior and superior rights in Petitioner's word mark and those words, VECTOR, in Petitioner's mark.

16. As Petitioner's rights in Petitioner's marks are senior to Registrant's rights in Registrant's mark, and the Trademark Office has determined that there exists a likelihood of

confusion between Petitioner's Application and the Registration, Registrant's services in class 009 of the Registration should be canceled.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that Registrant's services in Class 009 of the Registration be canceled.

VI. FEES

The \$400.00 fee for this Petition to Cancel has been electronically submitted with this filing.

DATED: June 3, 2019

Respectfully submitted,

SCHMEISER, OLSEN & WATTS LLP

By: /s/ Jeffrey W. Johnson

Jeffrey W. Johnson

Sean K. Enos

SCHMEISER, OLSEN & WATTS, LLP

18 E. University Drive, Suite 101

Mesa, Arizona 85201

Attorneys for Hemisphere GNSS, Inc.