

ESTTA Tracking number: **ESTTA1008270**

Filing date: **10/11/2019**

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	Noroeste USA Inc.		
Entity	Corporation	Citizenship	Texas
Address	1508 Robert Wynn St. El Paso, TX 79936 UNITED STATES		

Attorney information	Angel Miguel Munoz, Esq. Munoz-Lopez & Associates PLLC 40 Wall Street, FL 28 New York, NY 10005 UNITED STATES miguel@munoz-lopez.com, info@munoz-lopez.com 6465125847		
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**Registration Subject to Cancellation**

Registration No.	1616090	Registration date	10/02/1990
Registrant	NORTHWEST AIRLINES, INC. Department A1180 2700 Lone Oak Parkway Eagan, MN 55121 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 039. First Use: 1926/10/01 First Use In Commerce: 1926/10/01 All goods and services in the class are subject to cancellation, namely: AIR PASSENGER AND CARGO TRANSPORTATION SERVICES
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	Noroeste_Petition for Cancellation_10-11-2019.pdf(160731 bytes )
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Signature	/AMM/
Name	Angel Miguel Munoz, Esq.
Date	10/11/2019

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

In the Matter of U.S. Registration No. 1,616,090

-----X	:	
NOROESTE USA INC.	:	
Petitioner,	:	
v.	:	Cancellation No. _____
NORTHWEST AIRLINES, INC.	:	
Respondent.	:	
-----X	:	

**PETITION FOR CANCELLATION**

NOROESTE USA INC. (“Petitioner”), a corporation organized and existing under the laws of Texas, believes that it is and will continue to be damaged by U.S. Registration No. 1,616,090 for the mark NORTHWEST for “air passenger and cargo transportation services” in International Class 039, and hereby petitions to cancel said registration.

As grounds for cancellation, Petitioner asserts the following:

1. On October 02, 1990, the U.S. Patent and Trademark Office (“USPTO”) issued U.S. Registration No. 1,616,090 for the mark NORTHWEST for air passenger and cargo transportation services in International Class 039 (the “Registration”).
2. According to the USPTO Trademark Status & Document Retrieval system, the Registration is currently owned by NORTHWEST AIRLINES, INC., a defunct company who ceased operations on or about 2010 (“Respondent”).

3. According to the USPTO Assignment records, a number of purported security interests and assignments have occurred regarding the Registration. Reference to Respondent in this Petition may refer to Respondent's predecessors-in-interest, as the case may be.

#### Abandonment of the Mark

4. Upon information and belief, Respondent has abandoned the NORTHWEST mark shown in the Registration pursuant to Section 14(3) of the Trademark Act, 15 U.S.C. §1064(3).

5. Upon information, belief and inferred from the circumstances, Respondent is not currently using the NORTHWEST mark in connection with air passenger and cargo transportation services in International Class 039.

6. Upon information, belief and inferred from the circumstances, Respondent discontinued use and does not have a bona fide intent to resume use of the NORTHWEST mark in connection with air passenger and cargo transportation services in International Class 039.

7. Upon information, belief and inferred from the circumstances, Respondent has not used the NORTHWEST mark in connection with air passenger and cargo transportation services in International Class 039 for many years.

8. Upon information, belief and inferred from the circumstances, for at least three consecutive years, Respondent has not used the NORTHWEST mark in connection with air passenger and cargo transportation services in International Class 039, thereby constituting prima facie evidence of abandonment of the NORTHWEST mark as shown in the Registration.

9. Accordingly, Respondent's Registration should be cancelled as to all the services in International Class 039 based on abandonment.

#### Standing

10. Petitioner is the owner of the mark NOROESTE USA and design, which is subject to the Application No. 88/037,562 filed on July 13, 2018 in connection with “transportation by land of passengers and goods between Texas and the State of Chihuahua in Mexico” in International Class 039, and currently pending registration.

11. On July 09, 2019, the USPTO issued a final office action refusing registration of Petitioner’s application on the ground of likelihood of confusion under Section 2(d) based on Respondent’s Registration.

Prayer

WHEREFORE, Petitioner believes that it is being and will continue to be damaged by Respondent’s Registration, and requests that this Petition for Cancellation be sustained, and that Respondent’s Registration be cancelled.

Dated: October 11, 2019

Respectfully submitted,

By:   
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Angel Miguel Muñoz, Esq.  
Attorney for Applicant

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

In the Matter of U.S. Registration No. 1,616,090

-----X	:	
NOROESTE USA INC.	:	
Petitioner,	:	
v.	:	Cancellation No. _____
NORTHWEST AIRLINES, INC.	:	
Respondent.	:	
-----X	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 11, 2019, the foregoing Petition for Cancellation was served on Jeffrey R. Cadwell, counsel for Respondent by email at: ip.docket@dorsey.com



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Angel Miguel Muñoz, Esq.  
Attorney for Applicant

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