

ESTTA Tracking number: **ESTTA1017026**

Filing date: **11/20/2019**

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	Origin Effects Limited		
Entity	limited company	Citizenship	United Kingdom
Address	6A St. Andrews Court Wellington Street Thame, Oxfordshire, OX9 3WT UNITED KINGDOM		

Attorney information	Brewster Taylor Stites & Harbison PLLC 1800 Diagonal Rd. Suite 325 Alexandria, VA 22314 UNITED STATES btaylor@stites.com (703) 739 4900
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Registration Subject to Cancellation

Registration No.	3872704	Registration date	11/09/2010
Registrant	Travis Harris 1025 Post St #33 San Francisco, CA 94509 UNITED STATES Email: travisharris@gmail.com		

Goods/Services Subject to Cancellation

Class 009. First Use: 2009/07/01 First Use In Commerce: 2009/08/01 All goods and services in the class are subject to cancellation, namely: Electronic effect pedals for use with sound amplifiers; Guitar amplifiers
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	PETITION_FOR_CANCELLATION_REVIVAL_ELECTRIC.pdf(171062 bytes)
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Signature	/BT/
Name	Brewster Taylor
Date	11/20/2019

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

ORIGIN EFFECTS LIMITED)	
Petitioner)	
)	
v.)	Cancellation No.
)	Registration No. 3,872,704
TRAVIS HARRIS DBA)	
REVIVAL ELECTRIC)	
Respondent)	

PETITION FOR CANCELLATION

ORIGIN EFFECTS LIMITED (hereinafter “**Petitioner**”), a limited company organized under the laws of the United Kingdom with a principal address at 6A St. Andrews Court, Wellington Street, Thame, Oxfordshire OX9 3WT United Kingdom, believes that it would be damaged by the continued registration of the mark "REVIVAL ELECTRIC" for “Electronic effect pedals for use with sound amplifiers; guitar amplifiers” in class 9, which is shown in U.S. Registration No. 3,872,704 and of which the owner of record is **TRAVIS HARRIS DBA REVIVAL ELECTRIC** (hereinafter “**Respondent**”), an individual citizen of the United States, with a principal address at 1025 Post St. #33, San Francisco, California 94509, and Petitioner, by its undersigned attorneys, hereby requests cancellation of Respondent’s registration of the mark "REVIVAL ELECTRIC" on the following grounds:

1. Respondent’s U.S. Registration No. 3,872,704 for “REVIVAL ELECTRIC” issued for “Electronic effect pedals for use with sound amplifiers; guitar amplifiers” on November 9, 2010, on an application which was filed on March 14, 2010 based on Respondent’s alleged use of the mark in commerce in connection with said goods under Section 1(a)(1) of the Trademark Act (15 U.S.C. §1051(a)(1)) with an alleged first use date of July 1, 2009 and first date of use in

commerce of August 1, 2009.

2. On July 10, 2018, Petitioner filed an application for registration of its mark “REVIVALDRIVE” for various types of musical equipment including “electronic effects pedals” and “amplifiers”. The application was accorded application Serial No. 88/031,419. On November 5, 2018, an Office Action issued in which registration was refused under Section 2(d) of the Trademark Act based on an alleged likelihood of confusion with the “REVIVAL ELECTRIC” mark in U.S. Registration No. 3,872,704. Petitioner successfully argued in its response that there was no likelihood of confusion between the marks, and in an action dated May 24, 2019, the refusal to register based on the prior “REVIVAL ELECTRIC” registration was withdrawn. However, a further non-final Office Action issued on June 28, 2019, in which, following further review, the refusal to register was reinstated.

3. On information and belief, Respondent has abandoned the “REVIVAL ELECTRIC” mark for the “Electronic effect pedals for use with sound amplifiers; guitar amplifiers” in U.S. Registration No. 3,872,704 within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127 at least in that the mark has been discontinued with intent not to resume use. The registration should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064.

4. The continued registration to Respondent of the mark “REVIVAL DRIVE” causes injury and damage to Petitioner’s rights in its “REVIVALDRIVE” mark, and it is therefore requested that U.S. Registration No. 3,872,704 be cancelled under 15 U.S.C. § 1064.

4. **WHEREFORE**, Petitioner believes that it would be damaged by continued registration of the mark in U.S. Registration No. 3,872,704 and prays that this petition for cancellation be sustained and that the registration be cancelled.

Respectfully Submitted,

STITES & HARBISON PLLC

November 20, 2019

/BT/
Brewster Taylor
1800 Diagonal Rd., Suite 325
Alexandria, Virginia 22314
Telephone: (703) 739-4900
Facsimile: (703) 739-9577
Email: btaylor@stites.com

Certificate of Service

I hereby certify that a true copy of the foregoing Cancellation Petition was served this 20th day of November, 2019, by sending it via e-mail to Respondent, Travis Harris dba Revival Electric at travisrharris@gmail.com and travis@revivalelectric.com.

/BT/
Brewster Taylor