

ESTTA Tracking number: **ESTTA1031893**

Filing date: **01/28/2020**

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	Lulu and Roo LLC		
Entity	LLC	Citizenship	UT
Address	1325 S 500 E #302 American Fork, UT 84003 UNITED STATES		

Attorney information	Peter M. de Jonge Thorpe North & Western LLP 175 S Main Street Salt Lake City, UT 84111 UNITED STATES dejonge@tnw.com, brett.davis@tnw.com, kaelynn.moultrie@tnw.com, joshua.gray@tnw.com, litigation@tnw.com 8015666633		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No.	4640189	Registration date	11/18/2014
Registrant	Hester, Jo Ann M. 702 Aria Lane Hubert, NC 28539 UNITED STATES Email: loo.roo.llc@gmail.com		

Goods/Services Subject to Cancellation

Class 025. First Use: 2014/02/28 First Use In Commerce: 2014/03/15 All goods and services in the class are subject to cancellation, namely: Neckties made in whole or in substantial part of cotton
--

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
-------------	-----------------------------

Attachments	LOO ROO Petition to Cancel.pdf(126932 bytes)
-------------	---

Signature	/Peter M de Jonge/
Name	Peter M. de Jonge
Date	01/28/2020

Peter M. de Jonge, Utah Bar No. 7185
Brett J. Davis, Utah Bar No. 7840
THORPE NORTH & WESTERN, LLP
175 South Main Street, Suite 900
Salt Lake City, UT 84111
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for Lulu and Roo LLC
Respondent's Mark: LOO & ROO
U.S. Trademark Registration No.: 4640189

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

<p>Lulu and Roo LLC, Petitioner, v. Jo Ann M. Hester, DBA Loo & Roo LLC, Respondent.</p>	<p>Cancellation No. _____</p>
--	-------------------------------

PETITION TO CANCEL

Petitioner Lulu and Roo LLC (“Petitioner”), a limited liability company existing under the laws of the State of Utah, having a principal place of business at 1325 S. 500 E. #302, American Fork, Utah, United States 84003, believes it will be damaged by the continued registration of the mark LOO & ROO, U.S. Trademark Registration No. 4640189, for goods in class 025 and alleges the following:

1. Upon information and belief, Jo Ann M. Hester, DBA Loo & Roo LLC (“Respondent”) has an address of 702 Aria Lane Hubert, North Carolina, United States 28539.
2. Upon information and belief, Respondent is the owner of U.S. Trademark Registration No. 4640189 for the mark LOO & ROO which is registered for use with “Neckties

made in whole or in substantial part of cotton” in International Class 025 (“Respondent’s Mark”).

3. On May 28, 2019, Petitioner filed U.S. Trademark Application Serial No. 88449558 for the mark LULU + ROO (“Petitioner’s Mark”). The goods are for: “Clothing; Shorts; Shirts; Headwear; Onesies; Blankets; Headbands; Beanies; Baby clothing; Jackets; One piece garments for infants and toddlers; Infant wear; Coats; Overalls; Adult clothing; Pants; Hoodies; Sweatshirts; Footwear; Shoes; Rompers; Tops; Sweat Pants; Sweat Shirts; Dresses; Skirts; Sleepers; Clothing Accessories; Sleep-wear; Sandals; Backpacks; Diaper bags; Beach Bags” in class 025.

4. On August 23, 2019, the USPTO issued an office action for Petitioner’s Mark in which Respondent’s Mark was cited against it for likelihood of confusion.

5. Upon information and belief, Respondent’s Mark has been abandoned due to nonuse with no intent to resume use.

6. Upon information and belief, Petitioner has been damaged and will continue to be damaged by the continued registration of Respondent’s Mark.

WHEREFORE, Petitioner respectfully requests that Registration No. 4640189 for the mark LOO & ROO be cancelled for all goods in class 025. The statutory cancellation filing fee of \$400.00 is included herewith. Please charge any additional fees and credit any overpayment to Deposit Account No. 20-0100.

DATED this 28th day of January, 2020.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

/s/ Peter M. de Jonge/

Peter M. de Jonge

Brett J. Davis

Attorneys for Petitioner,

Lulu and Roo LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing

PETITION TO CANCEL was served upon the following party by the method(s)

indicated below:

JungJin Lee
Trademark Lawyer Law Firm, PLLC
PO Box 512
Ann Arbor, MI 48106
doctet@trademarklawyerfirm.com

- Electronic Mail
- United States Mail, First Class
- Overnight Delivery
- Fax Transmission

DATED this 28th day of January, 2020.

/s/ Joshua Gray
Joshua Gray