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Filing date: **06/03/2020**

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	Cedar Fair, L.P.		
Entity	Limited Partnership	Citizenship	Delaware
Address	One Cedar Point Drive Sandusky, OH 44870 UNITED STATES		

Attorney information	Susan Neuberger Weller MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C 701 PENNSYLVANIA AVENUE, N.W. SUITE 900 Washington, DC 20004 UNITED STATES snweller@mintz.com, jddib@mintz.com, acromanini@mintz.com, ipdocketing-bos@mintz.com 202-585-3510
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Registration Subject to Cancellation

Registration No.	1751211	Registration date	02/09/1993
Registrant	BARTEN, C.H. ALFRED, JR. P.O. BOX 455 CONWAY, MA 01341 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 1989/10/18 First Use In Commerce: 1989/10/18 All goods and services in the class are subject to cancellation, namely: occasion cards, note paper, social stationery, art prints, [calendars] and bookmarks, not incorporating titles and characters originating in or primarily identified by the public with motion pictures, videotapes or television
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation ORION DESIGN.PDF(37609 bytes)
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Signature	/Susan Neuberger Weller/
Name	Susan Neuberger Weller
Date	06/03/2020

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

In the matter of Registration No. 1751211 for ORION DESIGN

Date of Issue: February 9, 1993

_____)	
CEDAR FAIR LP,)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
BARTEN, C.H. ALFRED, JR. dba ORION DESIGNS,)	
)	
Registrant.)	
_____)	

PETITION FOR CANCELLATION

Cedar Fair, LP, a Delaware limited partnership with a business address at One Cedar Point Drive, Sandusky, OH 44870, believes that it is being and will be damaged by the continued presence on the Principal Register of U.S. Registration No. 1751211 for the mark ORION DESIGN for “occasion cards, note paper, social stationery, art prints, and bookmarks, not incorporating titles and characters originating in or primarily identified by the public with motion pictures, videotapes or television” in International Class 16 and hereby petitions to cancel that Registration. As grounds for the Petition for Cancellation, Petitioner alleges as follows:

FACTUAL BACKGROUND

1. Petitioner Cedar Fair LP (“Petitioner”) owns US trademark application 88409337 for the mark ORION for a variety of goods and services including “posters, notepads, and postcards” in Class 16 (“Application”).
2. In an Office Action dated July 17, 2019, the Application was refused registration by the US Trademark Office under Section 2(d) of the Trademark Act on grounds of likely confusion with, in part, US Registration 1751211 owned by BARTEN, C.H. ALFRED, JR. DBA **ORION DESIGNS** for the mark ORION DESIGN for occasion cards, note paper, social stationery, art prints, and bookmarks, not incorporating titles and characters originating in or primarily identified by the public with motion pictures, videotapes or television” (“Registration”).
3. Upon information and belief, BARTEN, C.H. ALFRED, JR. DBA **ORION DESIGNS** is an individual with an address at P.O. BOX 455 CONWAY MASSACHUSETTS 01341 as set forth in the Registration (“Registrant”).
4. Upon information and belief, Registrant has abandoned use of the mark in the Registration with no intent to resume use.

COUNT I

(Abandonment)

5. Petitioner realleges and incorporates herein by reference the allegations contained in Paragraphs 1-4 above as is fully set forth herein.
6. As grounds for cancellation of Registration No. 1751211, Petitioner alleges, on information and belief, that Registrant has abandoned the ORION DESIGN mark that is the subject of the Registration. On information and belief, Registrant is not currently using the ORION DESIGN in


commerce within the scope of the challenged Registration. On information and belief, Registrant has abandoned the ORION DESIGN mark by discontinuing use of the mark with no intent to resume use.

7. As a result of the foregoing, Petitioner is being and will be damaged by the continued registration of the mark ORION DESIGN since such Registration denies Petitioner, as the owner of the Application for the mark ORION, of the ability to hold itself out as the owner of its mark and to register that mark with the US Trademark Office for goods in Class 16. Accordingly, Petitioner seeks cancellation of Registration 1751211 on grounds of abandonment.

WHEREFORE, Petitioner believes it is being or will be damaged by the continued presence on the Principal Register of U.S. Registration No. 1751211, and therefore petitions for cancellation of that Registration.

Respectfully submitted,

CEDAR FAIR LP

By: 

Susan Neuberger Weller
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
701 Pennsylvania AVE, NW
Washington, DC 20004
202-585-3510

Dated: June 3, 2020

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Attorneys for Petitioner
Cedar Fair LP