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ESTTA Tracking number: **ESTTA1062196**

Filing date: **06/16/2020**

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	Foreign Language Department Co., D/B/A Language Learning Network		
Entity	Corporation	Citizenship	New Jersey
Address	PO Box 395 Rutherford, NJ 07070 UNITED STATES		

Correspondence information	Sean Kreyling CEO Foreign Language Department Co., D/B/A Language Learning Network PO Box 395 Rutherford, NJ 07070 UNITED STATES sean.kreyling@langlearningnetwork.com, melissa.hordichuk@accessjustice.org no phone number provided

Registration Subject to Cancellation

Registration No.	5852126	Registration date	09/03/2019
Registrant	LLN, INC. 9 LEGENDS LANE CAMDEN, NJ 08103 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2019/01/22 First Use In Commerce: 2019/01/22 Goods and services in the class that are subject to cancellation: Clothing, namely, Tshirts
Class 035. First Use: 2019/01/22 First Use In Commerce: 2019/01/22 All goods and services in the class are subject to cancellation, namely: Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media and digital media
Class 041. First Use: 2019/01/22 First Use In Commerce: 2019/01/22 All goods and services in the class are subject to cancellation, namely: Entertainment services in the nature ofdevelopment, creation, production and distribution of multimedia entertainment content

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
Deceptiveness	Trademark Act Sections 14(3) and 2(a)

Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LLN		
Goods/Services	All business and marketing material, including presence on all web and social media platforms; branding merchandise on t-shirts, cell phone covers, pens, and educational services, materials, and curricula		

Attachments	TTAB Petition for Cancellation_061520.pdf(1738908 bytes)

Signature	/Sean Kreyling/
Name	Sean Kreyling, CEO
Date	06/16/2020

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

In the Matter of Registration No. 5852126
For the mark: LLN
Registered: September 3, 2019

FOREIGN LANGUAGE DEPARTMENT CO., D/B/A LANGUAGE LEARNING NETWORK,	:	Cancellation No. _____
Petitioner,	:	
v.	:	
LLN, INC.,	:	
Respondent.	:	

PETITION FOR CANCELLATION

FOREIGN LANGUAGE DEPARTMENT CO., D/B/A LANGUAGE LEARNING NETWORK, ("Petitioner"), a corporation organized and existing under the laws of NEW JERSEY with a principal place of business at PO BOX 395, RUTHERFORD, NJ 07070, believes that it has been and will continue to be damaged by U.S. Trademark Registration No. 5852126 for the LLN mark, and hereby petitions for cancellation of same pursuant to Section 14 of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064.

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is and has been in the business of education and teach-support services since May 28, 2013. In connection with this business, Petitioner promotes and sells educational products, platforms, services, and branded merchandise through its digital and social media presence.

2. Petitioner has used the LLN mark in U.S. commerce in connection with the marketing, advertisement, promotion, sale, and distribution of its education and teach-support services business and merchandise since at least as early as December 29, 2016. Attached hereto as Exhibit I are representative samples of Petitioner's public branding and widespread use of the LLN mark in connection with its educational goods and services.

3. Petitioner has expended substantial time, money, and resources marketing, advertising, and promoting the educational tools, services, and merchandise sold under the LLN mark. During the period from 2017-2019 alone, Petitioner has expended in excess of twenty thousand US Dollars ($20,000.00) on the marketing, advertising, and promotion of the educational tools, services, and merchandise sold under the LLN mark.

4. As a result of Petitioner's widespread, continuous, and exclusive use of the LLN mark, consumers in the United States have come to associate the LLN mark with Petitioner and Petitioner's educational products, media platforms, services, and merchandise. Petitioner therefore owns valid and incontestable federal statutory and common law rights to the LLN mark.

FIRST GROUND FOR CANCELLATION — LIKELIHOOD OF CONFUSION

5. Respondent's registered mark is identical to Petitioner's mark because they are the same three-letter standard character mark without claim to any particular font style, size, or color.

6. Respondent's registration should be cancelled because the identical mark is likely to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d), and to cause damage to Petitioner thereby.

SECOND GROUND FOR CANCELLATION — WRONG OWNER

7. "It is axiomatic in trademark law that the standard test of ownership is priority of use. To acquire ownership of a trademark it is not enough to have invented the mark first or even to have registered it first; the party claiming ownership must have been the first to actually use

the mark in the sale of goods or services." *Sengoku Works Ltd. v. RMC Int'l Ltd.,* 96 F.3d 1217, 1219 (9th Cir. 1996).

8. Petitioner's LLN mark has priority over Respondent's mark because Petitioner's first use of the LLN mark in late 2016 predates the Respondent's first use on January 22, 2019 and Respondent's application for Registration No. 5852126 on June 15, 2017.

9. Because of the numerous examples of Petitioner's prior widespread use of the LLN mark in the marketing, promotion, and distribution of its merchandise and services through digital and social media prior to Respondent's application for Registration No. 5852126, Respondent's registration should be cancelled.

THIRD GROUND FOR CANCELLATION – DECEPTION

10. As a result of the accumulation of several years of delinquent taxes, Respondent has been voided as a corporate entity by the State of Delaware as of March 1, 2019. Attached hereto as Exhibit II are copies of Petitioner's publicly available filings.

11. Respondent did not exist at the time it was issued Registration No. 5852126 and yet nevertheless, deceitfully continued to register and use the LLN mark.

12. Respondent has continued to accrue further tax debt while making no effort to remedy its past delinquencies with the State of Delaware, and as such, Respondent remains a voided entity.

13. Because Respondent has been voided and defunct since March 1, 2019 and continues to deceive the public and risk Petitioner's reputation by using the LLN mark on digital and social media, Respondent's registration should be cancelled.

FOURTH GROUND FOR CANCELLATION – FRAUD

14. Petitioner incorporates paragraphs 11-13 by reference.

15. "Fraud in procuring a trademark registration or renewal occurs when an applicant knowingly makes false, material representation of fact in connection with his application." *Torres v. Cantine Torresella S.r.l.,* 1. U.S.P.Q.2d 1483, 1484 (Fed. Cir. 1986).

16. For Respondent to represent itself as a valid corporate entity on its application and to continue to hold itself out as such through the registration and exercise of the LLN mark, Respondent continues to make an indisputable false representation of fact.

17. This false representation of fact is material to the application for Registration No. 5852126 because Respondent's legal existence precedes its right to claim ownership and registration of the LLN mark.

18. Finally, the fact that Respondent's voided corporate status and tax delinquency is publicly available information, is clear and convincing evidence that Respondent not only knew of its fraudulent misrepresentation but intended to deceive the Federal government and the public by holding itself out as an active corporation in the State of Delaware.

19. Based on the foregoing, Respondent clearly obtained and continues to hold Registration No. 5852126 fraudulently, which is grounds for cancellation of the registration in its entirety.

WHEREFORE, Petitioner respectfully prays that Respondent's Registration No. 5852126 be cancelled.

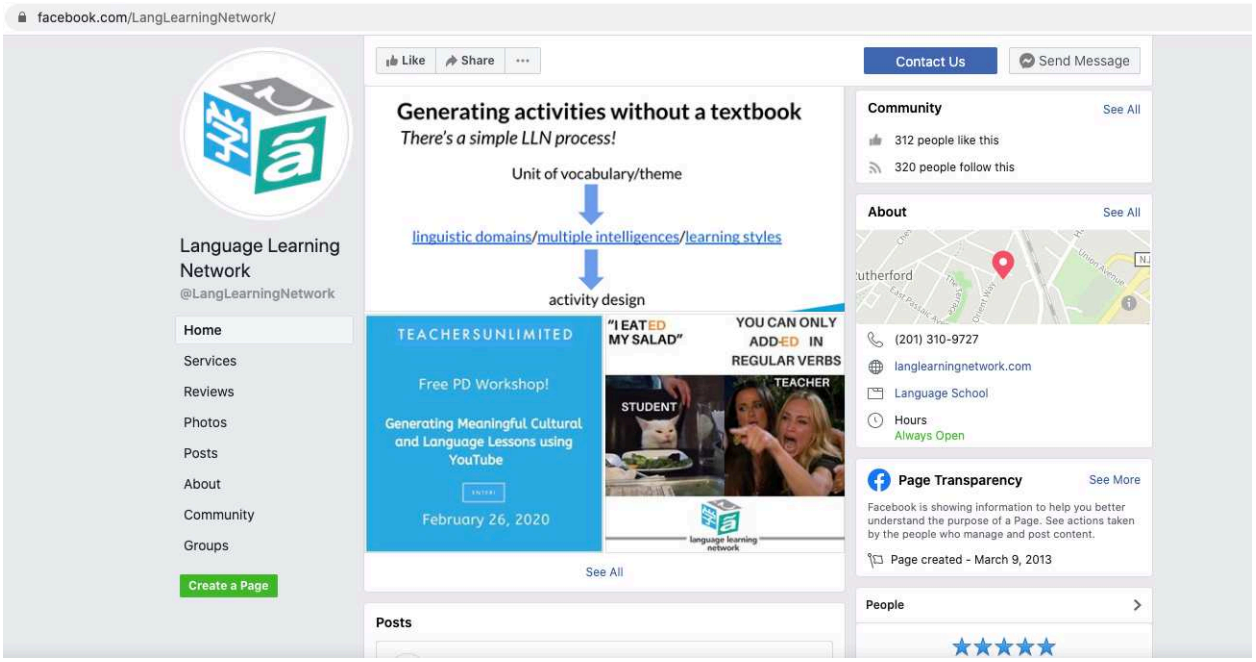
Dated: June 15, 2020

Respectfully submitted,

/s/ /Sean Kreyling/, Petitioner *pro se*

Sean Kreyling, CEO
Foreign Language Department Co.
PO Box 395
Rutherford, NJ 07070
(201) 310-9727
Sean.Kreyling@langlearningnetwork.com

EXHIBIT I



PROVIDER

Language Learning Network - Hoboken
50 Harrison Street, Suite PH 401, Hoboken, NJ 07030
Hoboken
(201) 310-9727
Share:

EDITOR'S TIP

Spanish, French, Italian, Chinese, Portugese, German, Latin, and Japanese are just a sampling of the languages that LLN offers!

ABOUT LANGUAGE LEARNING NETWORK - HOBOKEN

Language Learning Network (LLN) is a comprehensive language service that works with a culturally diverse body of students of all ages and levels. In addition to running children's language programs, LLN offers one-on-one and group languages classes, both in person and online, tailored to the needs and/or desires that students have: business, pleasure, travel, tutoring, etc. LLN is based in Northern New Jersey, but it serves students throughout the country and is also internationally affiliated, offering language courses and cultural briefings to expats and their families.

LANGUAGE LEARNING NETWORK

CONTACT

Website:
https://www.langlearningnetwork.com/

Mar 22, 2017

LH Spotlight: Language Learning Network

This post is sponsored by Language Learning Network, all opinions are our own.

LANGUAGE LEARNING NETWORK

A new language class is coming to town and we got the scoop (and a trial class) for you! The **Language Learning Network** is an innovative program that is currently running in East Rutherford and heading to Hoboken. Classes explore language through hands-on art projects, activities and play, helping each child to incorporate their newly learned vocabulary into a fun activity with their friends.

LLN offers early childhood language programs (in Spanish, German, French & more)

Neighbor News

Children's Language Program!

Language classes for children of all ages!

By Sean Kreyling, Neighbor
Feb 23, 2017 10:06 am ET | Updated Feb 23, 2017 10:10 am ET

About the Program

Language Learning Network (LLN) offers early childhood Spanish programs that individualize instruction to best meet the needs of all students. One of our programs' differentiators is the incorporation of the Reggio Emilia philosophy (great read!). We are far from a cookie-

From: **Sean Kreyling** <foreignlangdept@gmail.com>
Date: Thu, Feb 16, 2017 at 1:33 PM
Subject: Yesterday's Call - Marketing Materials
To: Paul Silverman <paul@silvermanbuilding.com>

Hi Paul,

Thanks for the time yesterday.

As discussed, we will start this program on 03/04/17. I have attached a PDF that can be used for marketing purposes. Please let me know if you have any questions or suggestions. When do you expect to start marketing to the residents?

Best,
Sean Kreyling

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Sean Kreyling
Language Specialist
Foreign Language Department
(201) 310-9727
www.ForeignLangDept.com
Find us on Facebook and Twitter.

--
Sean Kreyling
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Little Language Learners™
¡Español!

About the Program

Language Learning Network (LLN) offers early childhood Spanish programs that individualize instruction to best meet the needs of all students. One of our programs' differentiators is the incorporation of the Reggio Emilia philosophy (great read!). We are far from a cookie-cutter program! In our classes, we approach and explore many sets of vocabulary and culturally thematic units with different expectations. Students first start to recognize and respond to new words and expressions. The students then work toward being able to independently provide these words within an appropriate conversational context. We keep our parents up to date with our biweekly newsletters. Programs for adolescents and adults are available.

Schedule: every Saturday **Start date:** 03/04/17 **Times:** 10:00 AM to 2:00 PM

Ages: 2-2.5-5; 6-8; and 9-12 **Class length:** one hour **Location:** Charles & Co

Los Reyes Magos (Three Kings) Activity

Preparation

Finished Products

About Language Learning Network

Language Learning Network is a comprehensive language service that works with a culturally diverse body of students of all ages and levels. In addition to running children's language programs at The Children's Studio in East Rutherford, New Jersey, LLN offers one-on-one and group languages classes, both in person and online, tailored to the needs and/or desires that students have: business, pleasure, travel, tutoring, etc. LLN is based in Northern New Jersey, but it serves students throughout the country and is also internationally affiliated, offering language courses and cultural briefings to expats and their families.

For registration information, please contact Sean Kreyling:
Sean.Kreyling@LangLearningNetwork.com or (201) 310-9727.

¡Muchas gracias!

EXHIBIT II

State Of Delaware

Entity Details

6/15/2020 12:08:08PM

File Number: 6397213
Incorporation Date / Formation Date: 5/1/2017
Entity Name: LLN, INC.
Entity Kind: Corporation
Entity Type: General
Residency: Domestic
State: DELAWARE
Status: Void, AR's or Tax Delinquent
Status Date: 3/1/2019

Registered Agent Information

Name: THE CORPORATION TRUST COMPANY
Address: CORPORATION TRUST CENTER 1209 ORANGE ST
City: WILMINGTON
Country:
State: DE
Postal Code: 19801
Phone: 302-658-7581

Tax Information

Last AnnualReport Filed: 0
Tax Due: $ 2182.47
Annual Tax Assessment: $1015
Total Authorized Shares: 100000

Filing History (Last 5 Filings)

Seq	Description	No of Pages	Filing Date mm/dd/yyyy	Filing Time	Effective Date mm/dd/yyyy
1	Amendment Name LIVELIFENICE, INC.	1	12/10/2018	11:30 AM	12/10/2018
2	Conversion LIVELIFENICE, LLC	1	5/1/2017	3:20 PM	5/1/2017
3	Formation LIVELIFENICE, LLC	3	5/1/2017	3:20 PM	5/1/2017
4	Conversion	1	5/1/2017	11:42 AM	5/1/2017
5	Formation	1	5/1/2017	11:42 AM	5/1/2017