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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	Media Specialties, INC.		
Entity	Corporation	Citizenship	Idaho
Address	1901 WILDWOOD STREET BOISE, ID 83713 UNITED STATES		
Attorney information	SCOTT D. SWANSON SHAVER & SWANSON, LLP PO BOX 877 BOISE, ID 83701 UNITED STATES Primary Email: swanson@shaverswanson.com Secondary Email(s): katie@shaverswanson.com, brian@shaverswanson.com, legalassistant@shaverswanson.com 2083451122		
Docket Number	ROOT701		

**Registration Subject to Cancellation**

Registration No.	5518897	Registration date	07/17/2018
Registrant	LEJU (SHENZHEN) ROBOTICS CO., LTD. NO.85, HUDIPAI, NANDAFU COMMUNITY GUANLAN STREET, LONGHUA DISTRICT SHENZHEN GUANGDONG, 518110 CHINA		

**Goods/Services Subject to Cancellation**

Class 028. First Use: 2016/01/19 First Use In Commerce: 2016/01/19 Goods and services in the class that are subject to cancellation: Parlour games; Portable games with liquid crystal displays
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)

**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Application No.	90077907	Application Date	07/28/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PANDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2017/04/01 First Use In Commerce: 2017/11/01 Card games		

Attachments	Petition to Cancel.2020.09.16.as.filed.pdf(105542 bytes )
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Signature	/Scott D. Swanson/
Name	Scott D. Swanson
Date	09/16/2020

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

Media Specialties, INC, d/b/a Roots Family  
History,

Petitioner,

v.

LEJU (SHENZHEN) ROBOTICS CO., LTD.,

Registrant.

Cancellation No. \_\_\_\_\_

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**PETITION TO CANCEL/CANCEL IN PART**

Petitioner, Media Specialties, INC. an Idaho Corporation, doing business as Roots Family History, having a business address of 1901 Wildwood Street, Boise, Idaho 83713, believes that it is being damaged by Registrant, LEJU (SHENZHEN) ROBOTICS CO., LTD.’s (“Registrant”) U.S. Registration No. 5518897, and hereby petitions to cancel the same either in toto or in part. As grounds therefore, it is alleged that:

1. Registrant is the registrant of U.S. Trademark Registration No. 5518897.
  
2. Petitioner has filed trademark application No. 90077907 for PANDO (standard characters) in International Class 028 for the following goods and services:  
  
Class 028: Card games
  
3. Petitioner previously filed trademark application 87753911 for PANDO (standard characters) in International Class 028 for the following goods and services:

Class 028: Card games

4. Petitioner has been refused registration for trademark application No. 87753911 because the Examining Attorney contends a likelihood of confusion exists with Registrant's registration No. 5518897 under Trademark Act Section 2(d).

5. Registration No. 5518897 for the trademark PANDO (standard characters) was registered by Registrant on July 17, 2018, in international class 028 for the following services:

Dolls; Electric action toys; Game controllers for computer games; Mechanical toys; Parlour games; Portable games with liquid crystal displays; Radio-controlled toy vehicles; Scale-model vehicles; Stuffed and plush toys; Toy aircraft; Toy building blocks; Toy models; Toy robots; Toy vehicles; Transforming robotic toy vehicles; Transforming robotic toys; Video game machines

6. The examining attorney assigned to application serial no. 87753911 in particular cited to the registration goods of Parlour games and Portable games with liquid crystal displays in rejecting Petitioner's application for registration.

7. Since at least as early as November 1, 2017, Petitioner has invested and continues to invest considerable time, money and effort to promote and establish the reputation of the mark PANDO as widely as possible and to identify the Petitioner as the source of the goods associated with the mark. As a result, Petitioner has developed extremely valuable goodwill with respect to the mark PANDO.

8. The goods and services listed in the Registrant's registrations pertain to games the goods and services on which the Petitioner uses its trademarks also pertain to games and in light of the

identical word marks and similar design marks, a likelihood of confusion exists between Petitioner's marks and Registrant's marks.

9. Upon information and belief, Petitioner does not believe that Registrant offers the registered mark on goods which are competitive or related to Petitioner's, namely "parlour games and Portable games with liquid crystal displays" and as such, Petitioner requests that Registrants mark under US Registration No. 5518897 be partially cancelled to exclude "parlour games and portable games with liquid crystal displays". As such, Petitioner, on information and belief asserts that Registrant does not own or has abandoned any right to parlour games and portable games with liquid crystal displays.

10. In the alternative, if Registrant has ever utilized the mark Pando for "parlour games and portable games with liquid crystal displays," upon information and believe Registrant has abandoned the registered mark for "parlour games and portable games with liquid crystal displays" set forth in Petitioner's application and it has discontinued use of the mark with intent not to resume such use.

11. Petitioner believes that the entry of a proposed restriction will avoid a finding of a likelihood of confusion, with the proposed restriction being at least to delete the goods "parlour games; portable games with liquid crystal displays" from Registrant's registration.

12. In the alternative, if the entry of the proposed restriction will not avoid a finding of a likelihood of confusion, Petitioner began using the mark PANDO in commerce in 2017, while upon information and belief Registrant began using the mark PANDO subsequent to Petitioner.

13. Petitioner believes that Registrant's maintenance of Registration No. 5518897, is likely to, and will, result in financial and other injury and damage to Petitioner in its business by preventing Petitioner from obtaining a registration for its mark due to a likelihood of confusion between the marks and providing Registrant. Moreover, Petitioner's continued and legal use of its mark will be impaired by the continued registration by Registrant.

14. To the best of Petitioner's knowledge, the name and address of the current owner of Registration No. 5518897 is as follows:

LEJU (SHENZHEN) ROBOTICS CO., LTD.  
No.85, Hudipai, Nandafu Community  
Guanlan Street, Longhua District  
ShenZhen GuangDong CHINA 518110

WHEREFORE, Petitioner requests that Registration No. 5518897 be cancelled in toto, or in the alternative partially cancelled to exclude "parlour games and portable games with liquid crystal displays" and for such other and further as may be deemed proper.

Date: September 16, 2020

Respectfully submitted,

/Scott D. Swanson/

Scott D. Swanson

Reg. No. 60170

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