

ESTTA Tracking number: **ESTTA1092372**

Filing date: **10/30/2020**

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	Pro-Tracker IP Holding, LLC		
Entity	limited liability company	Citizenship	Idaho
Address	P.O. BOX 413 REXBURG, ID 83440 UNITED STATES		

Correspondence information	GRANT R. CLAYTON CLAYTON HOWARTH, P.C. P.O. BOX 1909 SANDY, UT 84091 UNITED STATES Primary Email: docketclerk@clayhow.com Secondary Email(s): gclayton@clayhow.com 801-255-5335
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Registration Subject to Cancellation

Registration No.	5070850	Registration date	11/01/2016
Registrant	Bad Boy Calls LLC 544 COUNTY ROAD 2400 DEWEY, IL 61840 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2008/08/17 First Use In Commerce: 2009/01/10 All goods and services in the class are subject to cancellation, namely: Bird calls; Hunting game calls

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition_for_Cancellation.pdf(2702312 bytes)
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Signature	/Grant R. Clayton/
Name	Grant R. Clayton
Date	10/30/2020

Grant R. Clayton (USPTO Reg. No. 32,462)
D. Owen Johnson (USPTO Reg. No. 76,254)
CLAYTON HOWARTH, P.C.
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Cottonwood Heights, Utah 84047
P.O. Box 1909
Sandy, Utah 84091
Telephone: (801) 255-5335

Attorney Docket No. T13434.C.1

Attorneys for Pro-Tracker IP Holding, LLC

Mark: BAD BOY CALLS
U.S. Trademark Registration No.: 5,070,850
Registered: November 1, 2016

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

PRO-TRACKER IP HOLDING, LLC,

Petitioner,

v.

BAD BOY CALLS LLC

Registrant.

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PETITION FOR CANCELLATION

No. _____

PETITION FOR CANCELLATION

As grounds for cancelling U.S. Trademark Registration No. 5,070,850 (“the ‘850
Registration”), it is alleged that:

PARTIES

1. Petitioner Pro-Tracker IP Holding, LLC is an Idaho Limited Liability Company
(hereinafter referred to as “Petitioner”).

2. Upon information and belief, Registrant, Bad Boy Calls LLC, is a former Illinois

Limited Liability Company, with an address of 544 County Road 2400, Dewey, Illinois 61840 (hereinafter referred to as “Registrant”).

3. Upon information and belief, Registrant has been involuntary dissolved by the Illinois Department of State

FACTS

4. On January 7, 2019, Petitioner filed U.S. Trademark Application No. 88/252,594 for the mark BAD BOYS.

5. On February 6, 2020, a Final Office Action refused Petitioner’s application due to a Section 2(d) refusal based on Registration No. 5,070,850.

6. On June 13, 2013, Registrant filed U.S. Trademark Application No. 85/955,218 (the ‘218 Application) for the mark BAD BOY CALLS (the “Mark”).

7. On February 7, 2012, the subject ‘850 Registration (U.S. Trademark Registration No. 5,070,850) issued from the ‘218 Application.

8. Upon information and belief, Registrant operated the Facebook.com business webpage www.facebook.com/badboycalls/ and badboycalls.myshopify.com, from about November 2016 to about December 29, 2018. See Exhibit 1.

9. On December 29, 2018, Registrant posted an announcement via its Facebook.com business page to its existing and potential clientele that “Our shop is closed due to family reasons. Please respect our privacy and we apologize for the inconvenience.” See Exhibit 1.

10. On February 14, 2020, the Secretary of State, Jesse White, for the State of Illinois, recorded Involuntary Dissolution, on 14 February 2020, of Bad Boy Calls LLC. See Exhibit 2.

11. The last known email address for Registrant in U.S. Patent and Trademark Office records is mdeering@meyercapel.com.

12. Upon information and belief, Registrant sold devices marked with the BAD BOY CALLS Mark but has not used the BAD BOY CALLS mark in at least 22 months and is not currently in business.

13. Upon information and belief, Registrant does not sell any products under the BAD BOY CALLS mark and has not used the mark in the ordinary course of trade since at least as early as December 29, 2018.

14. Upon information and belief www.facebook.com/badboycalls/ has not been updated nor any activity seen since the last post on December 29, 2018, indicating its shop would be closing due to “family reasons.”

15. Upon information and belief, Registrant’s website badboycalls.myshopify.com is currently unavailable.

16. Upon information and belief, Registrant has abandoned, without an intent to resume use of, BAD BOYS CALLS.

GROUND FOR CANCELLATION
(Abandonment -Trademark Act Section 14(3) & TBMP Section 309.03(C))

17. Petitioner hereby incorporates the preceding facts and allegations as if fully set forth herein.

18. Upon information and belief, Registrant has abandoned, without an intent to resume, BAD BOYS CALLS.

19. Upon information and belief, Bad Boy Calls LLC has made no use of the mark BAD BOY CALLS since its self-proclaimed closure of business on December 29, 2018.

20. The ‘085 Registration must be cancelled because Bad Boy Calls LLC has abandoned, without an intent to resume, BAD BOY CALLS.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that the '850 Registration be cancelled and that this cancellation be sustained in its favor.

Any deficiency in the fee submitted can be charged to Deposit Account No. 50-0836.

All correspondence and telephonic communications should be directed to:

Grant R. Clayton
D. Owen Johnson
Attorney Docket No. T13434.C.1
CLAYTON HOWARTH, P.C.
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P.O. Box 1909
Sandy, Utah 84091
Telephone: (801) 255-5335

DATED this 30th day of October, 2020.

Respectfully submitted,

/s/ Grant R. Clayton _____
Grant R. Clayton
D. Owen Johnson

CLAYTON HOWARTH, P.C.
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Attorneys for Petitioner
Pro-Tracker IP Holding, LLC

GRC/src

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EXHIBIT 1

Email or Phone

Password

Log In

Forgot account?



Bad Boy Calls

@badboycalls

Home

Posts


Reviews

Photos

About

Community

Create a Page



Like

Share


Suggest Edits

...

Shop Now

Send Message

Posts



Bad Boy Calls

December 29, 2018 · 🌐


Our shop is closed due to family reasons. Please respect our privacy and we apologize for the inconvenience.

1

Like

Comment


Share



Bad Boy Calls

August 26, 2017 · 🌐

Our friends over at Hunters Haven do great work and Cole Thompson is a stand up dude!! Go see him for any of your hunting accessory or archery needs!!



No Rating Yet

Community

See All

337 people like this

343 people follow this

About

See All

Contact Bad Boy Calls on Messenger

badboycalls.myshopify.com

Brand · Shopping & Retail

Page Transparency

See More


Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created - November 3, 2016

People


337 likes

Related Pages




Small Biz Talk with Mr. Cody

Science, Technology & Engineering




Ransom Wedding Films

Video Creator



HD Kustom Wheels & Acc.

Automotive, Aircraft & Boat



Lace Boutique

Boutique Store

Log In

or

Create New Account

43,493 Views

https://www.facebook.com/badboycalls/

1/2

Hunters Haven
August 23, 2017 · 🌐

Thanks for the shout out Levi ! Listen to the pros! Take your bow to a pro shop and get it done right! #shoplocal #deerseason #bowlife #listentothepros 🏹🏹🏹
#shoutout

👍 3

👍 Like

💬 Comment

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American Pride Custom Remodels
Kitchen & Bath Contractor

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Français (France) · Deutsch



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Cookies · More ▾
Facebook © 2020

See more of Bad Boy Calls on Facebook

Log In

or

Create New Account

[Shopify Ecommerce - Shopping Cart & Software](#)

- [Want to setup an online store?](#)
- [Sign up for Shopify](#)
- [Buy a store](#)

Sorry, this shop is currently unavailable.

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EXHIBIT 2



Office of the Secretary of State Jesse White
CYBERDRIVEILLINOIS.COM

Corporation/LLC Search/Certificate of Good Standing

LLC File Detail Report

File Number	02579537
Entity Name	BAD BOY CALLS LLC
Status	INVOLUNTARY DISSOLUTION on Friday, 14 February 2020

Entity Information

Principal Office
201 W SPRINGFIELD AVE #601
CHAMPAIGN, IL 61820

Entity Type
LLC

Type of LLC
Domestic

Organization/Admission Date
Wednesday, 13 August 2008

Jurisdiction
IL

Duration
PERPETUAL

Agent Information

Name

JEFFREY W TOCK

Address

201 W SPRINGFIELD AVE #601
CHAMPAIGN , IL 61820

Change Date

Wednesday, 13 August 2008

Annual Report

For Year

2019

Filing Date

00/00/0000

Managers

Name

Address

SULLIVAN, CODY
544 COUNTY RD 2400 N
DEWEY, IL 61840

Assumed Name

INACTIVE

BAD BOY CALLS FISHING

Series Name

NOT AUTHORIZED TO ESTABLISH SERIES

[Return to Search](#)