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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	Populus Limited		
Entity	Limited Company	Citizenship	United Kingdom
Address	10 NORTHBURGH STREET NORTHBURGH HOUSE LONDON, EC1V 0AT UNITED KINGDOM		
Attorney information	JEFFREY B. SLADKUS, ESQ. THE SLADKUS LAW GROUP 1397 CARROLL DRIVE ATLANTA, GA 30318 UNITED STATES Primary Email: jeff@sladlaw.com Secondary Email(s): erica@sladlaw.com, kim@sladlaw.com, mandy@sladlaw.com 4042520900		
Docket Number			

Registration Subject to Cancellation

Registration No.	2547406	Registration date	03/12/2002
Registrant	Mahoney, Michael J 46-035 B LILIPUNA ROAD KANEOHE, HI 96744 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1995/12/18 First Use In Commerce: 1995/12/18 All goods and services in the class are subject to cancellation, namely: Graphic art design for use in informing, entertaining, promoting, advertising, marketing and customer services communication, including the use of illustrations, photography, print, digital and analog graphics, to be used on informational, instructional, and promotional material, such as signs, labeling, packaging, marketing materials, web sites, Internet advertising and vendoring communication; design and testing of new products for others; computer services, namely, designing and implementing web sites for others

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	BLUE YONDER Petition for Cancellation - FINAL 4823-9666-2492 v.1.pdf(109576 bytes)
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Signature	/Jeffrey B. Sladkus/
Name	Jeffrey B. Sladkus
Date	02/16/2021

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

Populus Limited,)	
)	
<i>Plaintiff,</i>)	U.S. Registration No. 2547406
)	
v.)	Mark: BLUE YONDER
)	
Michael J. Mahoney,)	Cancellation No. _____
)	
<i>Defendant.</i>)	
_____)	

PETITION FOR CANCELLATION

Plaintiff, Populus Limited, a United Kingdom Limited Company, located at Northburgh House, 10 Northburgh Street, London EC1V 0AT, by and through undersigned counsel and pursuant to 37 C.F.R. § 2.111(b) hereby petitions to cancel U.S. Registration No. 2547406, owned by Defendant, Michael J. Mahoney, because Plaintiff is being damaged by the registration. The grounds for the petition are as follows:

1. Plaintiff is a UK-based consulting company with teams in London, New York, and Hong Kong, offering clients insight, strategy, and imagination to respond to business needs such as growth, impact, and long-term success (the “Populus Services”).

2. Plaintiff owns U.S. Trademark Application Serial No. 79284538 for the mark YONDER (the “Yonder Mark”) covering the services listed on Exhibit A, attached hereto and incorporated herein by reference (the “Yonder Application”).

3. The Yonder Application was filed on January 13, 2020, pursuant to § 66(a) of the Trademark Act.

4. On information and belief, Defendant is an individual citizen of the United States with an address of 46-035 B Lilipuna Road Kaneohe, Hawaii 96744.

5. On information and belief, Defendant owns U.S. Registration No. 2547406 for the mark BLUE YONDER (“Defendant’s Mark”), covering the services identified on Exhibit B, attached hereto and incorporated herein by reference (“Defendant’s Registration”).

6. On or about May 11, 2020, the trademark examining attorney assigned to Plaintiff’s Yonder Application issued an office action refusing registration based in part upon a perceived likelihood of confusion with the mark in Defendant’s Registration.

7. On information and belief, Defendant does not currently use the mark in Defendant’s Registration in United States commerce on or in connection with any services in International Class 42 and does not intend to resume use of the registered mark in commerce in the future.

8. On information and belief, Defendant has abandoned the mark in Defendant’s Registration.

9. Defendant is not associated with or affiliated with Plaintiff.

10. Plaintiff has not consented to Defendant’s use or registration of Defendant’s mark in Defendant’s Registration.

**COUNT I
ABANDONMENT**

11. Paragraphs 1-10 are incorporated herein by reference as if fully set forth.

12. On information and belief, including Plaintiff’s investigation, Defendant’s mark in Defendant’s Registration is not currently used in United States commerce on or in connection with any services in International Class 42.

13. On information and belief, including Plaintiff’s investigation, Defendant has no intent to resume use in United States commerce of the mark in Defendant’s Registration.

14. Accordingly, Defendant's Registration should be cancelled pursuant to Trademark Act §§ 14 and 45, 15 U.S.C. §§ 1064 and 1127, because the mark in Defendant's Registration has been abandoned due to nonuse and Defendant has no intent to resume use of the registered mark in commerce.

WHEREFORE, Plaintiff respectfully requests the Board SUSTAIN its Petition for Cancellation against U.S. Trademark Registration No. 2547406.

Dated: February 16, 2021.

Respectfully submitted,
THE SLADKUS LAW GROUP

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Exhibit A

Yonder Application – Services

Class 35: Brand consultancy services; brand consultancy services in creating, analysing, evaluating, implementing and monitoring the culture behind businesses; brand consultancy services in creating corporate and brand identity; advertising services to create corporate and brand identity; brand strategy services; brand evaluation services; brand testing services; brand creation services; services relating to the analysis, evaluation, creation and brand establishment of trade marks, trade names and domain names; advertising; advertising services provided via the Internet; data processing; opinion polling services; conducting opinion polls and analysis thereof; market research services; provision of market research information; market analysis services; analysis of marketing trends; providing advice relating to the analysis of consumer buying habits; conducting marketing surveys and market studies; marketing services including advice and consultation in respect thereof; market research services featuring assessment, measurement, surveying and monitoring of media users, television, radio and media audiences and retail consumers; business research in the field of customer management and stakeholder management, in particular the monitoring, measuring and surveying of business, cultural and political leaders; brand effectiveness and brand monitoring services; business investigations services; specific industry monitoring in the field of market research; data processing analysis services; data collection services; market research data collection services; provision of business information, consultancy, and appraisals; business analysis and information services, and market research; business management, advisory and business research services; preparation of statistics; statistical information services; statistical analysis and reporting; business survey services; data processing analysis; advisory and consultancy services relating to all the aforesaid services

Class 42: Research and analysis relating to demographics; industrial research; design of market research software, data processing and transmission tools; brand design services; designing brand experiences for businesses and their consumers; design of brand names; electronic data storage

Exhibit B

Defendant's Registration – Services

Class 42: Graphic art design for use in informing, entertaining, promoting, advertising, marketing and customer services communication, including the use of illustrations, photography, print, digital and analog graphics, to be used on informational, instructional, and promotional material, such as signs, labeling, packaging, marketing materials, web sites, Internet advertising and vendoring communication; design and testing of new products for others; computer services, namely, designing and implementing web sites for others.