

ESTTA Tracking number: **ESTTA1134421**

Filing date: **05/17/2021**

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	Wisepay Inc		
Entity	Corporation	Citizenship	Minnesota
Address	9217 17TH AVE S BLOOMINGTON, MN 55425 UNITED STATES		

Correspondence information	KATHERINE KOENIG KOENIG IP WORKS, PLLC 2208 MARINER DR. FORT LAUDERDALE, FL 33316 UNITED STATES Primary Email: mail@koenigipworks.com 9549031699
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Registration Subject to Cancellation

Registration No.	5705333	Registration date	03/19/2019
Registrant	ADP, INC. ONE ADP BOULEVARD ROSELAND, NJ 07068 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2018/09/25 First Use In Commerce: 2018/09/25 All goods and services in the class are subject to cancellation, namely: Magnetically encoded debit cards
Class 036. First Use: 2018/09/25 First Use In Commerce: 2018/09/25 All goods and services in the class are subject to cancellation, namely: Debit card services, namely, processing of debit card transactions and payments; payment processing services, namely, debit card transaction processing services; prepaid purchase card services, namely, processing electronic payments through prepaid cards, issuing prepaid credit cards; on-line prepaid card services, namely, processing of prepaid card transactions and payments; issuing prepaid debit cards for electronic cash transactions

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
Related Proceedings	Opp. No. 91268677

Attachments	IC-3000-4TC_Petition_Cancellation_5705333.pdf(22917 bytes)
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Signature	/Katherine Koenig/
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Name	Katherine Koenig
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Date	05/17/2021
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 5,705,333

For the mark: WISELY BY ADP

Wisepay Inc)	
)	
)	
)	
Petitioner)	
)	
v.)	Cancellation No.
)	
ADP, INC.,)	
)	
Registrant)	

PETITION FOR CANCELLATION

Petitioner, Wisepay Inc (hereinafter “Petitioner”), hereby submits this petition for cancellation of Registration No. 5,705,333 for the mark WISELY BY ADP in International Classes 9 and 36 and believes that it is or will be damaged by the continued existence of Registration No. 5,705,333 on the Principal Register. The grounds for the cancellation are as follows:

1. Petitioner is a Minnesota Company.
2. Respondent ADP INC. (hereinafter “Registrant” or “ADP”) is a Delaware company.
3. Registrant is the owner of U.S. Reg. No.5,705,333 for WISELY BY ADP in international classes 9 and 36.
4. Petitioner’s Application Serial No. 88/181,764, for the mark WISEPAY, has been opposed by Registrant on the basis of priority and likelihood of confusion with a number of registered trademarks owned by Registrant, including Registration No. 5,705,333 and two additional trademark registrations.

5. The additional trademark registrations plead as a basis for opposition against Application Serial No. 88/181,764 have filing dates after the filing date of Application Serial No. 88/181,764.

6. Petitioner is requesting cancellation of Reg. No. 5,705,333 on grounds of abandonment.

7. Based on investigation relating to the Registrant and the Registrant's use of Reg. No. 5,705,333 prior to the filing of this Petition for Cancellation, Petitioner, upon information and belief, is informed and believes that Registrant is not using the WISELY BY ADP mark in a bona fide trademark manner in international classes 9 and 36 and has not engaged in bona fide use of the WISELY BY ADP mark for a number of years.

8. Based on independent investigation prior to the filing of this Petition for Cancellation, Petitioner, upon information and belief, is informed and believes that Registrant has ceased all commercial use of the mark WISELY BY ADP in association with the goods and services identified in Registration No. 5,705,333 with the intent not to resume any such use in the future.

9. Upon information and belief, Registrant rebranded the goods and services previously offered under the WISELY BY ADP mark to Wisely Pay, Wisely Direct, Wisely Cash and Pay Card by Wisely.

10. As such, Petitioner is informed and believes and therefore alleges that the trademark of Registration No. 5,705,333 has been abandoned by the Registrant with respect to International Classes 9 and 36.

11. Accordingly, Registrant has a Registration for an abandoned trademark which it asserts as the basis for an opposition proceeding against Petitioner and which constitutes an obstacle to Petitioner's trademark, Application Serial No. 88/181,764, obtaining registration.

12. Petitioner has been and will continue to be damaged by the existence of Registration No. 5,705,333 in that, unless the Registrant's Mark is canceled, Petitioners' Mark may be barred from registration under Section 2(d) of the Trademark Act, 15, U.S.C. §1052(d).

WHEREFORE, Petitioner prays as follows:

1. That this petition is sustained; and
2. That U.S. Reg. No. 5,705,333 be cancelled.

Dated: Fort Lauderdale, FL
May 17, 2021

Respectfully submitted,

By: /s/Katherine Koenig/_____

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WISEPAY INC