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ESTTA Tracking number: **ESTTA1146697**

Filing date: **07/14/2021**

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	E*TRADE Financial Holdings, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	671 NORTH GLEBE ROAD BALSTON TOWER ARLINGTON, VA 22203 UNITED STATES		

Attorney information	HAROLD MILSTEIN SHEPPARD MULLIN RICHTER & HAMPTON LLP 379 LYTTON AVENUE PALO ALTO, CA 94301 UNITED STATES Primary Email: svtmdocketing@sheppardmullin.com 650-815-2600
Docket Number	19PS-292065

Registration Subject to Cancellation

Registration No.	6243486	Registration date	01/12/2021
Registrant	Huang Honghui NO240, BUILDING 30, YUEHAI INTERNATIONAL GONGFANG ROAD NO.101 , GONGBEI ZHUHAI , GUANGDONG, 519000 CHINA		

Goods/Services Subject to Cancellation

Class 025. First Use: 2020/05/10 First Use In Commerce: 2020/05/10
All goods and services in the class are subject to cancellation, namely: Ankle socks; Board shorts; Coats; Men'ssocks; Men's dress socks; Pantyhose; Shirts; Socks; Socks and stockings; Sport stockings; Stockings; T-shirts; Thermal socks; Thigh high stockings

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Dilution by tarnishment	Trademark Act Sections 14(1) and 43(c)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1985826	Application Date	09/05/1995
Registration Date	07/09/1996	Foreign Priority Date	NONE
Word Mark	E TRADE		
Design Mark	E*TRADE		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1992/03/30 First Use In Commerce: 1992/03/30 stock brokerage services		

U.S. Registration No.	2220629	Application Date	06/08/1998
Registration Date	01/26/1999	Foreign Priority Date	NONE
Word Mark	E*TRADE		
Design Mark	E*TRADE		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1998/04/25 First Use In Commerce: 1998/04/25 stock brokerage services		

U.S. Registration No.	2643482	Application Date	11/09/1999
Registration Date	10/29/2002	Foreign Priority Date	NONE
Word Mark	E*TRADE FINANCIAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 FINANCIAL SERVICES, NAMELY BANKING SERVICES, STOCK BROKERAGE SERVICES, CREDIT CARD SERVICES, LOAN FINANCING, MORTGAGE LENDING AND MORTGAGE BROKERAGE SERVICES, BILL PAYMENT SERVICES, ELECTRONIC TRANSFER OF FUNDS ON BEHALF OF OTHERS, INSURANCE BROKERAGE SERVICES, AND PROVIDING INFORMATION IN THE FIELDS OF INVESTMENT ANDFINANCE OVER COMPUTER NETWORKS AND GLOBAL COMMUNICATIONS NETWORKS		

U.S. Registration	2654686	Application Date	06/08/1999

No.			
Registration Date	11/26/2002	Foreign Priority Date	NONE
Word Mark	E*TRADE FINANCIAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 Education and entertainment services, namely programming of business and financial news and information for use on personal computers, the world wide web and cable television		

U.S. Registration No.	2654702	Application Date	08/12/1999
Registration Date	11/26/2002	Foreign Priority Date	NONE
Word Mark	E*TRADE FINANCIAL		
Design Mark	E*TRADE FINANCIAL NETWORK		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 Financial services, namely stock brokerage services, investment brokerage services, brokerage and dealer services in mutual funds, and providing information inthe fields of investment and finance over computer networks and global communications networks		

U.S. Registration No.	2574989	Application Date	08/23/1999
Registration Date	06/04/2002	Foreign Priority Date	NONE
Word Mark	ETRADE.COM		
Design Mark	ETRADE.COM		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1998/12/00 First Use In Commerce: 1998/12/00 Financial services, namely stock brokerage services, investment brokerage services, brokerage and dealer services in mutual funds, and providing information		

	inthe fields of investment and finance over computer networks and global communication networks

U.S. Registration No.	2428121	Application Date	08/23/1999
Registration Date	02/13/2001	Foreign Priority Date	NONE
Word Mark	E*TRADE BANK		
Design Mark	E*TRADE BANK		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2000/04/06 First Use In Commerce: 2000/04/06 Banking services		

U.S. Registration No.	2729546	Application Date	11/09/1999
Registration Date	06/24/2003	Foreign Priority Date	NONE
Word Mark	E*TRADE FINANCIAL		
Design Mark	E*TRADE FINANCIAL		
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 [PROVIDING MULTIPLE-USER ACCESS TO A GLOBAL COMPUTER INFORMATION NETWORK;] TELECOMMUNICATIONS GATEWAY SERVICES, namely, PROVIDING AN ONLINE LINK TO NEWS, FINANCIAL INFORMATION, BUSINESS INFORMATION, CURRENT EVENTS AND REFERENCE MATERIALS		

U.S. Registration No.	2479300	Application Date	12/14/1999
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	E*TRADE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1999/09/03 First Use In Commerce: 1999/09/03 Financial services, namely, stock brokerage services, credit card services, loan financing, mortgage lending and mortgage brokerage services, bill payment services, electronic transfers of funds on behalf of others, insurance brokerage services and providing information in the fields of investment and finance over computer networks and global communicationsnetworks Class 038. First use: First Use: 1999/09/03 First Use In Commerce: 1999/09/03 [Providing on-line electronic bulletinboard services and chat rooms for transmission of messages among computer usersconcerning financial information and electronic mail services; providing multiple-user access to a global computer information network; telecommunications gateway services, namely providing an onlinelink to news, financial information, business information, current events and reference materials] Class 041. First use: First Use: 1999/09/03 First Use In Commerce: 1999/09/03 [Education and entertainment services,namely scheduling television programming, cable television programming, and programming via a global computer network in the area of business and financial news and information; and production of television programs and programs for broadcast via a global computer network in thearea of business and financial news andinformation; providing classes, seminars and conferences in the field of finance] Class 042. First use: First Use: 1999/09/03 First Use In Commerce: 1999/09/03 [Computer services, namely, providing on-line instructional newsletters in thefield of finance;providing search engines for obtaining data on a global information network]

U.S. Registration No.	5187019	Application Date	02/24/2015
Registration Date	04/18/2017	Foreign Priority Date	NONE
Word Mark	E*TRADE OPPORTUNITY IS EVERYWHERE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2015/03/16 First Use In Commerce: 2015/03/16		

	Financial services, namely, stock brokerage services, credit card services, loan financing, mortgage lending, mortgage brokerage services, bill payment services, electronic transfers of funds on behalf of others, providing information in the fields of investment and finance overcomputer networks and global communications networks; information services provided electronically on the subject of investment, loan financing, mortgage lending and mortgage brokerage, bill payment services, and other financial resources

U.S. Registration No.	5903362	Application Date	06/17/2019
Registration Date	11/05/2019	Foreign Priority Date	NONE
Word Mark	POWER E*TRADE		
Design Mark	POWER E*TRADE		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2018/00/00 First Use In Commerce: 2018/00/00 Downloadable computer software and mobile application for providing financial information and to facilitate futures, securities, and investment trading Class 036. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 Financial services, namely, providing securities brokerage services and options-brokerage services via direct, online computer connections and via multi-user global computer information networks; processing of financial transactions for others, namely, operating a trading platform to facilitate execution of transactions in securities, options and other financial instruments on financial exchangesand market centers; providing financialinformation in the fields of real time financial market data, securities, options and mutual fund quotes all by means of a multiple user global computer network Class 042. First use: First Use: 2018/00/00 First Use In Commerce: 2018/00/00 Providing temporary use of non-downloadable computer software via a global computer network for the purpose of providing users with an online stock and optionsbrokerage trading platform		

Attachments	74724746#TMSN.png(bytes) 75500678#TMSN.png(bytes) 75774573#TMSN.png(bytes) 75783594#TMSN.png(bytes) 75783598#TMSN.png(bytes) 75844326#TMSN.png(bytes) 75871786#TMSN.png(bytes) 86544892#TMSN.png(bytes) 88476415#TMSN.png(bytes) Petition for Cancellation of PROETRADE Word Mark.pdf(152375 bytes)

Signature	/ChelseaaBush/
Name	Chelseaa Bush
Date	07/14/2021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

E*TRADE FINANCIAL HOLDINGS, LLC, Petitioner, v. HUANG HONGHUI, Respondent.	Cancellation No. _____ Registration No. 6243486 Mark: PROETRADE Registered: January 12, 2021

PETITION FOR CANCELLATION

Petitioner E*TRADE Financial Holdings, LLC ("Petitioner"), a limited liability company organized and existing under the laws of the State of Delaware, having a place of business at 671 North Glebe Road, Balston Tower, Arlington, Virginia 22203, believes it will be damaged by the continued registration of the mark PROETRADE (the "PROETRADE Mark") shown in Registration No. 6243486 for goods in International Class 25, registered January 12, 2021 by Huang Honghui ("Respondent"), a China individual having an address at No. 240, Building 30, Yuehai International Gongfang Road No.101, Gongbei Zhuhai , Guangdong, China 519000, and hereby petitions to cancel the same.

As grounds for the cancellation, Petitioner alleges that:

1. Petitioner is the owner of the following U.S. Trademark Registrations for E*TRADE marks (the "E*TRADE Marks"):

Reg. No. 1985826, registered July 9, 1996 for:

"Stock brokerage services" in Class 36.

Reg. No. 2220629, registered January 26, 1999 for:

"Stock brokerage services" in Class 36.

E*TRADE FINANCIAL

Reg. No. 2643482, registered October 29, 2002 for:

"Financial services, namely banking services, stock brokerage services, credit card services, loan financing, mortgage lending and mortgage brokerage services, bill payment services, electronic transfer of funds on behalf of others, insurance brokerage services, and providing information in the fields of investment and finance over computer networks and global communications networks" in Class 36.

E*TRADE FINANCIAL

Reg. No. 2654686, registered November 26, 2002 for:

"Education and entertainment services, namely programming of business and financial news and information for use on personal computers, the world wide web and cable television" in Class 41.

E*TRADE FINANCIAL NETWORK

Reg. No. 2654702, registered November 26, 2002 for:

"Financial services, namely stock brokerage services, investment brokerage services, brokerage and dealer services in mutual funds, and providing information in the fields of investment and finance over computer networks and global communications networks" in Class 36.

ETRADE.COM Reg No. 2574989, registered June 4, 2002 for: "Financial services, namely stock brokerage services, investment brokerage services, brokerage and dealer services in mutual funds, and providing information in the fields of investment and finance over computer networks and global communication networks" in Class 36.
E*TRADE BANK Reg. No. 2428121, registered February 13, 2001 for: "Banking services" in Class 36.
E*TRADE FINANCIAL Reg. No. 2729546, registered June 24, 2003 for: "Telecommunications gateway services, namely, providing an online link to news, financial information, business information, current events and reference materials" in Class 38.
  Reg. No. 2479300, registered May 29, 2001 for: "Financial services, namely, stock brokerage services, credit card services, loan financing, mortgage lending and mortgage brokerage services, bill payment services, electronic transfers of funds on behalf of others, insurance brokerage services and providing information in the fields of investment and finance over computer networks and global communications networks" in Class 36.
E*TRADE OPPORTUNITY IS EVERYWHERE Reg. No. 5187019, registered April 18, 2017 for: "Financial services, namely, stock brokerage services, credit card services, loan financing, mortgage lending, mortgage brokerage services, bill payment services, electronic transfers of funds on behalf of others, providing information in the fields of investment and finance over computer networks and global communications networks; information services provided electronically on the subject of investment, loan financing, mortgage lending and mortgage brokerage, bill payment services, and other financial resources" in Class 36.

POWER E*TRADE

Reg. No. 5903362, registered November 5, 2019, for:

"Downloadable computer software and mobile application for providing financial information and to facilitate futures, securities, and investment trading" in Class 9;

"Financial services, namely, providing securities brokerage services and options brokerage services via direct, online computer connections and via multi-user global computer information networks; processing of financial transactions for others, namely, operating a trading platform to facilitate execution of transactions in securities, options and other financial instruments on financial exchanges and market centers; providing financial information in the fields of real time financial market data, securities, options and mutual fund quotes all by means of a multiple user global computer network" in Class 36; and

"Providing temporary use of non-downloadable computer software via a global computer network for the purpose of providing users with an online stock and options brokerage trading platform" in Class 42.

2. Petitioner's registrations listed above are valid, subsisting, and in full force and effect. Many of Petitioner's registrations are incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065 and thus serve as conclusive evidence of the validity of Petitioner's E*TRADE Marks, pursuant to 15 U.S.C. § 1115(b).

3. Petitioner has continuously used the E*TRADE Marks in interstate commerce throughout the United States since at least as early as 1998 in connection with financial services, information services, educational services, and stock brokerage services, and intends to continue so using the E*TRADE Marks in the future.

4. On January 12, 2021, Respondent registered the PROETRADE Mark at Registration No. 6243486 with the U.S. Patent and Trademark Office in connection with:

> "Ankle socks; Board shorts; Coats; Men's socks; Men's dress socks; Pantyhose; Shirts; Socks; Socks and stockings; Sport stockings; Stockings; T-shirts; Thermal socks; Thigh high stockings" in Class 25.

Registration No. 6243486 claims a date of first use of May 10, 2020. The application for the PROETRADE Mark that matured into Registration No. 6243486 was filed on June 1, 2020.

5. There is no issue as to priority. The application date and date of first use claimed in Registration No. 6243486 are all in 2020. Petitioner's date of registration and use of the E*TRADE Marks are thus well before the application filing date and first use date claimed in Respondent's Registration No. 6243486 and Petitioner's E*TRADE Marks therefore have priority over Respondent's Registration No. 6243486.

6. Petitioner has offered and sold its services under the E*TRADE Marks throughout the United States and has built up valuable goodwill in connection with its E*TRADE Marks.

7. By virtue of the excellence of its services and by virtue of its efforts and expenditure of considerable sums for promotional and advertising activities, Petitioner has gained for its E*TRADE Marks a valuable reputation and has created, in the minds of the public, an exclusive association between the E*TRADE Marks and its services.

8. Petitioner's E*TRADE Marks are inherently distinctive and strong marks, serving to distinguish the source of Petitioner 's services.

9. Registrant's PROETRADE Mark is similar in appearance and commercial impression to Petitioner's E*TRADE Marks.

10. Registrant has registered the PROETRADE Mark in connection with goods that are related to the services of Petitioner offered under its E*TRADE Marks.

11. Respondent's continued registration and use of the PROETRADE Mark in connection with the goods set forth in Registration No. 6243486 are likely to cause confusion, to cause mistake, and to deceive customers, potential customers, and others as to the source of its

goods. Such confusion will cause harm to Petitioner and the consuming public and jeopardize the valuable goodwill and reputation Petitioner has built up in connection with its E*TRADE Marks. Person's familiar with Petitioner's E*TRADE Marks would be likely to buy Respondent's goods offered under the PROETRADE Mark as goods offered by Petitioner. Furthermore, any defect, objection or fault found with Respondent's goods marketed under the PROETRADE Mark would be likely to reflect upon and injure the reputation that Petitioner has established for its services offered under its E*TRADE Marks.

12. The E*TRADE Marks are distinctive and famous throughout the United States, and have become closely associated with the services of Petitioner. The E*TRADE Marks became famous prior to the application date or first use dates claimed for the PROETRADE Mark in Registration No. 6243486.

13. The PROETRADE Mark is likely to cause dilution by blurring and dilution by tarnishment of Petitioner's E*TRADE Marks, and also reduces the capacity of the famous E*TRADE Marks to identify the services of Petitioner.

14. Accordingly, for each and every reason stated above, Petitioner believes that it will be damaged by the continued registration of Respondent's PROETRADE Mark and petitions to cancel Registration No. 6243486.

15. Judgement by default has already been entered against Respondent and his Registration No. 5155373 for PROETRADE & Design in Class 25 for "Bathing caps; Bathing suits; Bathing trunks; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Coats; Dresses; Gloves as clothing; Hats; Leg warmers; Leg-warmers; Leggings; Pajamas; Scarfs; Skirts; Socks; Stockings; Sweaters; Tee shirts; Trousers; Underclothing" has been cancelled in Cancellation No. 92070213.

WHEREFORE, Petitioner prays that this cancellation be sustained and that the registration for the PROETRADE Mark at Registration No. 6243486 be cancelled as well.

July 14, 2021	
	Respectfully submitted, SHEPPARD, MULLIN, RICHTER & HAMPTON LLP By: Harold Milstein Harold J. Milstein Chelseaa Bush Attorneys for Petitioner E*TRADE FINANCIAL HOLDINGS, LLC