

ESTTA Tracking number: **ESTTA1146582**

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	Cinch, LLC		
Entity	limited liability company	Citizenship	Utah
Address	2643 WEST 12165 SOUTH RIVERTON, UT 84065 UNITED STATES		
Attorney information	CHARLES L ROBERTS WASATCH-IP, A PROFESSIONAL CORPORATION 2825 E. COTTONWOOD PARKWAY SUITE 500 SALT LAKE CITY, UT 84121 UNITED STATES Primary Email: croberts@wasatch-ip.com 801-292-5300		
Docket Number			

Registration Subject to Cancellation

Registration No.	5243484	Registration date	07/18/2017
International Registration No.	NONE	International Registration Date	NONE
Registrant	A. RAYMOND et Cie 111-113 COURS BERRIAT, F-38000 GRENOBLE FRANCE		

Goods/Services Subject to Cancellation

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: Advertising; commercial business management; commercial administration; dissemination of advertising material (leaflets, prospectuses, printed matter, samples); document reproduction; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; publication of advertising texts; dissemination of advertisements; public relations
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	01 Petition for Cancellation with exhibits.pdf(137435 bytes)
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Signature	/Charles L. Roberts/
Name	Charles L. Roberts
Date	07/14/2021

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

<p>Cinch, LLC,</p> <p align="center">Petitioner,</p> <p align="center">v.</p> <p>A. RAYMOND et Cie,</p> <p align="center">Respondent.</p>	<p>Cancellation Proceeding No. _____</p> <p>Mark: PowAR Cinch</p>
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PETITION FOR CANCELLATION

In the matter of U.S. Trademark Registration No. 5,243,484 for the mark “PowAR Cinch,” filed on September 15, 2016 and registered on July 18, 2017.

Cinch, LLC, a Utah limited liability company having its principal place of business at 2643 West 12165 South, Riverton, Utah 84065 (“Petitioner”), believes that it has been damaged and will continue to be damaged by Registration No. 5,243,484 (“the ’484 Registration”) issued to A. RAYMOND et Cie (“Respondent”), a French société en commandite (sc), believed to have an address of 111-113 cours Berriat, F-38000 Grenoble, FRANCE, and Petitioner hereby petitions for cancellation of the ’484 Registration with respect to its class 35 services only.

As grounds for cancellation, Petitioner submits the following:

1. On July 18, 2017, Respondent was issued the ’484 Registration under Section 66(a) of the Trademark Act for the mark “PowAR Cinch” (“Registered Mark”). A printout from the United States Patent and Trademark Office website showing the details of the ’484 Registration is attached as Exhibit A. The ’484 Registration covers the following goods and services:

Class 006: Metal fasteners, namely, fastening and grounding clips of metal used for solar panels.

Class 009: Parts, apparatus and instruments for solar panels for conducting electricity, namely solar panels for production of electricity.

Class 035: Advertising; commercial business management; commercial administration; dissemination of advertising material (leaflets, prospectuses, printed matter, samples); document reproduction; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; publication of advertising texts; dissemination of advertisements; public relations.

This petition is limited to the class 035 services of the '484 Registration.

2. On October 1, 2019, Petitioner filed a Section 1(a) use-based trademark application with the U.S. Patent and Trademark Office for its mark CINCH, which was assigned serial no. 88/638,423 ("Petitioner's Application"). A printout from the United States Patent and Trademark Office website showing the details of Petitioner's Application is attached as Exhibit B. Petitioner's Application, as amended, covers the following services in class 042:

Software as a service (SAAS) services featuring software for marketing; Software as a service (SAAS) services featuring software for marketing automation; Software as a service (SAAS) services featuring software for data analytics; Software as a service (SAAS) services, namely, hosting software for use by others for use in marketing communication and data automation; Data automation and collection service using proprietary software to evaluate, analyze and collect service data. ("Petitioner's Services")

3. On January 13, 2020, the USPTO issued an Office Action against Petitioner's Application, refusing to register Petitioner's CINCH mark under section 2(d), on the grounds that it is confusingly similar to Respondent's Mark in the '484 Registration as to the class 035 services. This rejection was maintained and made final in a Final Office Action dated January 15, 2021.

4. Upon information and belief, Respondent has never used the Registered Mark in commerce for the services identified in class 035 of the '484 Registration, as defined by Section 45 of the Trademark Act, 15 U.S.C. § 1127, or has completely ceased any such use in connection

with the services identified in Class 035 of the '484 Registration, for a period of at least three consecutive years from the date of issuance of the '484 Registration, thereby abandoning the mark. *See Dragon Bleu (SARL) v. VENM, LLC*, 112 U.S.P.Q.2d 1925, 1931 (T.T.A.B. 2014) (one seeking to cancel a registration issued under Section 66(a) on grounds of abandonment states a claim by alleging either (a) three or more consecutive years of nonuse commencing no earlier than the date on which the registration was issued; or (b) if the period of non-use commencing no earlier than the date of registration and extending to the filing date of the claim is less than three years, facts supporting nonuse after the date of registration, coupled with an intent not to resume use); *see also Koninklijke Philips Elecs. N.V. v. Hunt Control Sys.*, 2016 U.S. Dist. LEXIS 84299, *32 (*citing Dragon Bleu*, 112 U.S.P.Q.2d at 1931).

5. Petitioner has been damaged and will continue to be damaged if the '484 Registration is permitted to remain on the Principal Register in connection with its class 035 services because such registration stands as a bar to Petitioner's ability to federally register its CINCH Mark for Petitioner's Services, thereby hindering Petitioner's ability to protect and enforce its rights in the CINCH mark.

6. Upon information and belief, Respondent does not provide any of the services identified in Class 035 of the '484 Registration whatsoever under the mark "PowAR Cinch," including as of the date of issuance of the '484 Registration.

7. Upon information and belief, Respondent does not have any offices in the United States, nor any customers in the United States, for the services identified in Class 035 of the '484 Registration.

8. Upon information and belief, Respondent has either never used the Registered Mark in commerce in connection with the services identified in Class 035 of the '484

Registration, or Respondent has permanently ceased all use of the Registered Mark in commerce in connection with the services identified in Class 035 of the '484 Registration, with no intention to resume nay such use.

9. Upon information and belief, by reason of the facts set forth above and the fact that Respondent has failed to use the Registered Mark in commerce in connection with the services identified in Class 035 of the '484 Registration for at least three consecutive years from the registration date of the '484 Registration, Respondent has abandoned the Registered Mark as to the services identified in Class 035 of the '484 Registration, within the meaning of 15 U.S.C. §§ 1064(3) and 1127.

10. Based on the foregoing, if the Registered Mark is permitted to remain on the Principal Register in connection with its class 035 services, with all of the rights and privileges conferred on it by its status as the subject of a Principal Register registration, Petitioner will be damaged, including by its potential inability to secure a registration for its CINCH mark.

WHEREFORE, Cinch, LLC prays that this Petition be granted and that the '484 Registration be canceled as to the services identified in class 035.

Date: July 14, 2021.

Respectfully submitted,

Wasatch-IP, A Professional Corporation

By: /Charles L. Roberts/
Charles L. Roberts, Attorney
USPTO Reg. No. 32,434
2825 E. Cottonwood Parkway, Suite 500
Salt Lake City, UT 84117
801-292-5300
croberts@wasatch-ip.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document has been served on Respondent by forwarding said copy on July 14, 2021, via email to:

Edward T. White
LeClairRyan
trademarksri@leclairryan.com

By: Charles L. Roberts

Exhibit A

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Mark: POWAR CINCH

PowAR Cinch

US Serial Number: 79197280

Application Filing Date: Sep. 15, 2016

US Registration Number: 5243484

Registration Date: Jul. 18, 2017

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 18, 2017

Publication Date: May 02, 2017

Mark Information

Mark Literal Elements: POWAR CINCH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1321449

International Registration Date: Sep. 15, 2016

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Metal fasteners, namely, fastening and grounding clips of metal used for solar panels

International Class(es): 006 - Primary Class

U.S Class(es): 002, 012, 013, 014, 023, 025, 050

Class Status: ACTIVE

Basis: 66(a)

For: Parts, apparatus and instruments for solar panels for conducting electricity, namely solar panels for production of electricity

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: Advertising; commercial business management; commercial administration; dissemination of advertising material (leaflets, prospectuses, printed matter, samples); document reproduction; organization of exhibitions for commercial or advertising purposes; online advertising on a computer network; publication of advertising texts; dissemination of advertisements; public relations

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: Yes

Filed 66A: Yes

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: A. RAYMOND et Cie

Owner Address: 111-113 cours Berriat,
F-38000 Grenoble
FRANCE

Legal Entity Type: société en commandite (sc)

State or Country Where Organized: FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edward T. White

Docket Number: 48251.0413

Attorney Primary Email Address: trademarksri@leclairryan.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Edward T. White
LeClairRyan
919 East Main Street
Twenty-Fourth Floor
Richmond, VIRGINIA UNITED STATES 23219

Phone: 804.916.7160

Fax: 804.916.7270

Correspondent e-mail: trademarksri@leclairryan.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 28, 2020	NEW REPRESENTATIVE AT IB RECEIVED	
Nov. 10, 2017	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 25, 2017	FINAL DISPOSITION NOTICE SENT TO IB	
Oct. 25, 2017	FINAL DISPOSITION PROCESSED	72629
Oct. 18, 2017	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Jul. 18, 2017	REGISTERED-PRINCIPAL REGISTER	
May 02, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 02, 2017	PUBLISHED FOR OPPOSITION	
Apr. 12, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 19, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 17, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 16, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 16, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	

Mar. 13, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 27, 2017	REFUSAL PROCESSED BY IB	
Jan. 09, 2017	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Jan. 09, 2017	REFUSAL PROCESSED BY MPU	72629
Dec. 30, 2016	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Dec. 29, 2016	NON-FINAL ACTION WRITTEN	88573
Dec. 21, 2016	ASSIGNED TO EXAMINER	88573
Dec. 09, 2016	APPLICATION FILING RECEIPT MAILED	
Dec. 05, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 01, 2016	SN ASSIGNED FOR SECT 66A APPL FROM IB	

International Registration Information (Section 66a)

<p>International Registration Number: 1321449</p> <p>Priority Claimed Flag: Yes</p> <p>Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED</p> <p>Notification of Designation Date: Dec. 01, 2016</p> <p>International Registration Renewal Date: Sep. 15, 2026</p> <p>First Refusal Flag: Yes</p>	<p>International Registration Date: Sep. 15, 2016</p> <p>Date of Section 67 Priority Claim: Apr. 18, 2016</p> <p>Date of International Registration Status: Dec. 01, 2016</p> <p>Date of Automatic Protection: Jun. 01, 2018</p>
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TM Staff and Location Information

TM Staff Information - None
File Location

Current Location: PUBLICATION AND ISSUE SECTION	Date in Location: Jul. 18, 2017
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Exhibit B

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Mark: CINCH

Cinch

US Serial Number: 88638423

Application Filing Date: Oct. 01, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 15, 2021

Mark Information

Mark Literal Elements: CINCH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 4537343

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (...) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Software as a service (SAAS) services featuring software for marketing; Software as a service (SAAS) services featuring software for marketing automation; Software as a service (SAAS) services featuring software for data analytics; Software as a service (SAAS) services, namely, hosting software for use by others for use in marketing communication and data automation; Data automation and collection service using proprietary software to evaluate, analyze and collect service data

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 2017

Use in Commerce: Jan. 01, 2017

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: CINCH SOLUTIONS, INC.

Owner Address: 2643 W. 12165 SO.
RIVERTON, UTAH UNITED STATES 84065

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Charles L. Roberts

Attorney Primary Email Address: croberts@wasatch-ip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Charles L. Roberts
Wasatch-IP, A Professional Corporation
2825 E. Cottonwood Parkway, Suite 500
Salt Lake City, UTAH UNITED STATES 84121

Phone: 801-292-5300

Correspondent e-mail: croberts@wasatch-ip.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 15, 2021	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 15, 2021	FINAL REFUSAL E-MAILED	
Jan. 15, 2021	FINAL REFUSAL WRITTEN	93644
Jan. 11, 2021	ASSIGNED TO EXAMINER	93644
Jan. 11, 2021	ASSIGNED TO EXAMINER	83223
Dec. 15, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Dec. 15, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Dec. 15, 2020	ASSIGNED TO LIE	68552
Dec. 09, 2020	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 07, 2020	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 19, 2020	NOTICE OF REVIVAL - E-MAILED	
Sep. 19, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 19, 2020	PETITION TO REVIVE-GRANTED	88889
Sep. 19, 2020	TEAS PETITION TO REVIVE RECEIVED	
Jul. 28, 2020	ABANDONMENT NOTICE E-MAILED - FAILURE TO RESPOND	
Jul. 28, 2020	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jan. 13, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION E-MAILED	6325
Jan. 13, 2020	NON-FINAL ACTION WRITTEN	94497
Jan. 04, 2020	ASSIGNED TO EXAMINER	94497
Oct. 04, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 04, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BATT, JAIME L

Law Office LAW OFFICE 125
Assigned:

File Location

Current Location: TMO LAW OFFICE 125 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jan. 15, 2021

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Applicant: Cinch, LLC

Assignment 1 of 2

Conveyance: ENTITY CONVERSION

Reel/Frame: [7056/0874](#)

Pages: 2

Date Recorded: Sep. 19, 2020

Supporting Documents: [assignment-tm-7056-0874.pdf](#)

Assignor

Name: [CYNCH, LLC](#)

Execution Date: Dec. 30, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country UTAH
Where Organized:

Assignee

Name: [CINCH SOLUTIONS, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Address: 2643 W. 12165 SO.
RIVERTON, UTAH 84065

Correspondent

Correspondent Name: CHARLES L. ROBERTS

Correspondent Address: 2825 E. COTTONWOOD PARKWAY, SUITE 500
SALT LAKE CITY, UT 84121

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNOR'S NAME PREVIOUSLY RECORDED AT REEL: 007056 FRAME: 0874. ASSIGNOR(S) HEREBY CONFIRMS THE ENTITY CONVERSION.

Reel/Frame: [7115/0534](#)

Pages: 2

Date Recorded: Nov. 25, 2020

Supporting Documents: [assignment-tm-7115-0534.pdf](#)

Assignor

Name: [CINCH, LLC](#)

Execution Date: Dec. 30, 2019

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country UTAH
Where Organized:

Assignee

Name: [CINCH SOLUTIONS, INC.](#)

Legal Entity Type: CORPORATION

State or Country DELAWARE
Where Organized:

Address: 2643 W. 12165 SO.
RIVERTON, UTAH 84065

Correspondent

Correspondent Name: CHARLES L. ROBERTS

Correspondent Address: 2825 E. COTTONWOOD PARKWAY, SUITE 500
SALT LAKE CITY, UT 84121

Domestic Representative - Not Found