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Filing date: **08/27/2021**

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	Future Festivals, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	425 W. 11TH STREET SUITE 400 LOS ANGELES, CA 90015 UNITED STATES		
Attorney information	STEVEN E. LAURIDSEN TUCKER ELLIS LLP 515 SOUTH FLOWER STREET 42ND FLOOR LOS ANGELES, CA 90071 UNITED STATES Primary Email: trademarks@tuckerellis.com Secondary Email(s): steven.lauridsen@tuckerellis.com, david.steele@tuckerellis.com, eddie.gomez@tuckerellis.com 2134303400		
Docket Number	014223-721		

**Registration Subject to Cancellation**

Registration No.	6275607	Registration date	02/23/2021
Registrant	In Kahoots Inc 12641 CHANDLER BLVD VALLEY VILLAGE, CA 91607 UNITED STATES		

**Goods/Services Subject to Cancellation**


Class 041. First Use: 2020/04/16 First Use In Commerce: 2020/04/16 All goods and services in the class are subject to cancellation, namely: Online music festivals, namely, providing non-downloadable videos from live music concerts
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disre-	Trademark Act Sections 14(3) and 2(a)

ute	
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	5226016	Application Date	03/15/2016
Registration Date	06/20/2017	Foreign Priority Date	NONE
Word Mark	STAGECOACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2007/05/05 First Use In Commerce: 2007/05/05 Entertainment, namely, organizing and producing musical events		

U.S. Registration No.	5226017	Application Date	03/15/2016
Registration Date	06/20/2017	Foreign Priority Date	NONE
Word Mark	STAGECOACH		
Design Mark			
Description of Mark	The mark consists of "STAGECOACH" in a stylized font.		
Goods/Services	Class 041. First use: First Use: 2007/05/05 First Use In Commerce: 2007/05/05 Entertainment, namely, organizing and producing musical events		

U.S. Application No.	90402063	Application Date	12/22/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	STAGECOUCH		

Design Mark	<b>STAGECOUCH</b>
Description of Mark	NONE
Goods/Services	Class 038. First use: First Use: 2020/04/24 First Use In Commerce: 2020/04/24 Broadcasting of programmes via the internet; Streaming of audio, video, and audiovisual material on the Internet

Attachments	86940693#TMSN.png( bytes ) 86940847#TMSN.png( bytes ) 90402063#TMSN.png( bytes ) 2021-08-27.01 - STAGECOUCH Petition to Cancel.pdf(556224 bytes )
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Signature	/Steven E Lauridsen/
Name	Steven E. Lauridsen
Date	08/27/2021

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

FUTURE FESTIVALS, LLC,

Petitioner,

v.

IN KAHOOTS, INC.,

Respondent.

Cancellation No.

Serial No. 88/887,068

Registration No. 6,275,607

**PETITION FOR CANCELLATION**

Petitioner Future Festivals, LLC, a Delaware limited liability company, having its place of business at 425 W. 11th Street, Suite 400, Los Angeles, CA 90015, believes it has been and will continue to be damaged by the continued registration of the mark STAGECOUCH as shown in Registration No. 6,275,607 (“the ‘607 Registration”) in International Class 41. Petitioner therefore hereby petitions to cancel this registration on the basis of priority and likelihood of confusion, false association fraud on the Patent and Trademark Office, and for the underlying application being void *ab initio* due to the mark having not been in use when the use-based application and specimen were filed.

As grounds for cancellation, Petitioner alleges that:

1. Petitioner owns and produces the Stagecoach Festival (“Stagecoach” or the “Stagecoach Festival”). Petitioner also owns the exclusive rights to the STAGECOACH trademarks and service marks as well as the STAGECOUCH service mark (the “Stagecoach Marks”), which Petitioner uses in connection with its Stagecoach Festival, as well as numerous related goods and services.

2. Held annually at the 78-acre Empire Polo Club, the Stagecoach Festival features country music. As described on the Stagecoach Festival’s “Festival History” webpage, the first

Stagecoach Festival was held in 2007, and has been held continuously thereafter. The Stagecoach Festival features many of the biggest artists in country music. Some of the artists who have performed include: Tim McGraw, Emmylou Harris, Sugarland, Charlie Daniels Band, Miranda Lambert, Blake Shelton, Eric Church, Eagles, John Fogerty, Glen Campbell, Willie Nelson, Jason Aldean, Luke Bryan, Toby Keith, Lady Antebellum, Zac Brown Band, Brad Paisley, Alabama, Kenny Chesney, Rascal Flatts, Carrie Underwood, Keith Urban, and Brooks & Dunn.

3. In addition to its common law rights, Petitioner owns a number of registrations for its Stagecoach Marks.

4. Petitioner owns United States Trademark Registration No. 5,226,016 for STAGECOACH for “Entertainment, namely, organizing and producing musical events” in International Class 41 (“the ‘016 Registration”). The ‘016 Registration is valid and subsisting on the Principal Register.

5. Petitioner owns United States Trademark Registration No. 5,226,017 for STAGECOACH (stylized) for “Entertainment, namely, organizing and producing musical events” in International Class 41 (“the ‘017 Registration”). The ‘017 Registration is valid and subsisting on the Principal Register.

6. Petitioner is also the owner of U.S. Application Serial No. 90/402,063 for STAGECOUCH for “Broadcasting of programmes via the internet; Streaming of audio, video, and audiovisual material on the Internet” in International Class 41. This application claims a priority date before, on information and belief, any cognizable priority date of Respondent, through Respondent’s application has been cited against Petitioner’s.

7. Since long prior to Respondent's priority date, Petitioner has continuously used the Stagecoach Marks in commerce, alone and in combination with other terms and designs, in connection with its goods and services.

8. Despite Petitioner's long prior common law and statutory rights in the Stagecoach Marks, Respondent, with both actual and constructive notice of Petitioner's federal registrations and common law rights, filed an application for the mark STAGECOUCH in International Class 41 for "Online music festivals, namely, providing non-downloadable videos from live music concerts." This application matured into the '607 Registration.

9. Through the widespread use and advertising of its Stagecoach Marks over a long period of time and by virtue of the quality of goods and services sold in connection with the Stagecoach Marks, Petitioner has built up valuable goodwill and a reputation in connection with the Stagecoach Marks, both of which would be jeopardized by Respondent's continued use and registration of the STAGECOUCH mark.

10. Respondent's registered STAGECOUCH mark so resembles Petitioner's Stagecoach Marks, previously used in commerce and/or registered by Petitioner and not abandoned, as to be likely, when used in connection with the services of Respondent, to cause confusion, to cause mistake, or to deceive. The continued registration of the STAGECOUCH mark, as shown in the '607 Registration, would therefore damage Petitioner.

11. Respondent's alleged use in the United States of the STAGECOUCH mark in connection with the goods and services listed in the '607 Registration would create and is creating a false association between Respondent and Petitioner. The STAGECOUCH mark is the same as, or a close approximation of, Petitioner's Stagecoach Marks. The use of STAGECOUCH would be and is recognized by consumers as referring uniquely and unmistakably to Petitioner and to

Petitioner's festival. Petitioner is not connected or associated with Respondent or Respondent's services in any way. Petitioner has extensively used and marketed the Stagecoach Marks, and as a result, the Stagecoach Marks have achieved recognition in the United States such that a connection between Respondent and Petitioner would be presumed.

12. As additional bases for cancellation and based on Petitioner's investigation, the '607 Registration should be canceled both for fraud on the Patent and Trademark Office and because the underlying application is void *ab initio*.

13. With respect to the application that matured into the '607 Registration, Respondent filed as part of its application with the Patent and Trademark Office on April 24, 2020 a declaration stating that the subject mark was in use in commerce as of that date. With its application, Respondent filed a specimen purporting to show such usage. The specimen consisted of a website purportedly consisting of an electronic display of the mark in conjunction with a flyer for an online music festival. The specimen, however, shows that the subject mark was not in use in commerce as of that date and was not available to consumers on the date the application and specimen were filed. While tickets to the event were purportedly offered by the Respondent, the event itself did not allegedly take place until April 25, 2020. A service specimen must show the mark as used in the sale of services, "including use *in the performance or rendering of the services.*" 37 C.F.R. § 2.56(b)(2) (emphasis added). Because the services associated with the online music festival were not yet rendered on April 24, 2020, the specimen provided by Respondent was invalid and fraudulent regarding proof of use in commerce.

14. Respondent knew as of the filing date of the application and specimen that the mark had not been used in commerce as of that date. The Patent and Trademark Office would not have allowed the '607 Registration to issue absent acceptable use in commerce, thus making this

knowingly false statement material to the Patent and Trademark Office's decision to issue the '607 Registration. On information and belief, the applicant acted with intent to deceive the Patent and Trademark Office with this knowingly false statement.

15. For these same reasons, the application that matured into the '607 Registration is void *ab initio* and therefore should have never have matured into a registration.

16. If Respondent's Registration, which is both invalid and void *ab initio*, is allowed to remain on the register, likelihood of confusion, false association, fraud on the public and the Patent and Trademark Office, damage, and/or other injury to Petitioner will continue to occur.

WHEREFORE, Petitioner requests that this Petition for Cancellation be granted and that Registration No. 6,275,607 be cancelled in its entirety.

Respectfully submitted,

TUCKER ELLIS, LLP

Date: August 27, 2021

By: /s/Steven E. Lauridsen  
David J. Steele  
Steven E. Lauridsen  
trademarks@tuckerellis.com  
515 S. Flower St., Forty-Second Floor  
Los Angeles, California 90071  
(213) 430-3400

Attorneys for Petitioner