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Filing date: **11/18/2021**

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 | Worldwide Sports Nutrition Pty Ltd | | |
| Entity | proprietary limited company | Citizenship | Australia |
| Address | 20 KOHL ST, UPPER COOMERA QUEENSLAND, QLD 4209 AUSTRALIA | | |
| Attorney information | CHRISTINA L. MARTINI MCDERMOTT, WILL AND EMERY 444 WEST LAKE STREET, SUITE 4000 CHICAGO, IL 60606-0029 UNITED STATES Primary Email: IPDocketChicago@mwe.com Secondary Email(s): cmartini@mwe.com, arubinstein@mwe.com, zbeal@mwe.com 3123722000 | | |
| Docket Number | | | |

Registration Subject to Cancellation

| | | | |
|------------------|---|-------------------|------------|
| Registration No. | 4207288 | Registration date | 09/11/2012 |
| Registrant | Lopez, Carlota 24165 DARMERA DRIVE LAKE ELSINORE, CA 92532 UNITED STATES | | |

Goods/Services Subject to Cancellation

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| Class 025. First Use: 2011/07/04 First Use In Commerce: 2011/07/04 All goods and services in the class are subject to cancellation, namely: Hats; Hooded sweat shirts; Shirts; Shorts; Sweat pants; Sweat shirts; Sweat suits; Tank tops; Thermal underwear |
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Grounds for Cancellation

| | |
|-------------|-----------------------------|
| Abandonment | Trademark Act Section 14(3) |
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| | |
|-------------|---|
| Attachments | Petition to Cancel ONE MORE REP.pdf(81487 bytes) |
|-------------|---|

| | |
|-----------|----------------------|
| Signature | /Abigail Rubinstein/ |
| Name | Abigail Rubinstein |

| | |
|------|------------|
| Date | 11/18/2021 |
|------|------------|

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

In the Matter of Registration No. 4207288
For the mark: ONE MORE REP
Registration Date: September 11, 2012

Worldwide Sports Nutrition Pty Ltd

Petitioner,

v.

Carlota Lopez

Registrant.

Cancellation No. _____

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner Worldwide Sports Nutrition Pty Ltd (“Petitioner”), a proprietary limited company organized and existing under the laws of Australia, having its principal place of business at 20 Kohl St, Upper Coomera, Qld, Australia 4209, through its undersigned attorneys, believes that it is being damaged by Registration No. 4207288 and hereby petitions to cancel the same.

As grounds therefore, it is alleged as follows:

1. Upon information and belief, Carlota Lopez (“Registrant”) is an individual with an address of 24165 Darmera Drive, Lake Elsinore, California 92532.
2. Upon information and belief, on June 13, 2011, Registrant filed Application Serial No. 85344247 for the mark ONE MORE REP for use in connection with hats; hooded sweat

shirts; shirts; shorts; sweat pants; sweat shirts; sweat suits; tank tops; thermal underwear in Class 25.

3. Upon information and belief, on September 11, 2012, Application Serial No. 85344247 matured into Registration No. 4207288 for the mark ONE MORE REP (“Registered Mark”) for use in connection with hats; hooded sweat shirts; shirts; shorts; sweat pants; sweat shirts; sweat suits; tank tops; thermal underwear in Class 25.

4. On August 31, 2020, Petitioner filed Application Serial No. 79310944 for the mark ONEMOREREP through the Madrid Protocol system (“Petitioner’s Mark”) for use in connection with clothing; jackets (clothing); women's clothing; footwear; headgear for wear; boots for sports; caps (headwear); sports singlets; sweaters; tee-shirts; tights; boxer shorts; gym shorts; gym suits; athletics shorts; menswear; singlets; sportswear; sweatpants; hooded sweatshirts; sweatshirts; tank tops; training shoes.

5. An Office Action issued on May 20, 2021 in which the Examining Attorney refused registration of Petitioner’s Mark under Section 2(d) of the Trademark Act on the ground that there was a likelihood of confusion with Registration No. 4207288 for the Registered Mark.

6. Upon information and belief, Registrant does not currently use the Registered Mark.

7. Upon information and belief, Registrant has not used the Registered Mark in commerce for at least the last three (3) consecutive years.

8. Upon information and belief, as a result of nonuse, the Registered Mark has been abandoned by Registrant, and is therefore subject to cancellation under Section 14 of the Trademark Act, 15 U.S.C. § 1064(3).

9. Petitioner is being damaged and will continue to be damaged by the continued registration of the Registered Mark in that Petitioner will not be able to obtain a registration for its own mark and there may be a cloud of uncertainty hanging over Petitioner's use of its mark in the United States.

11. Accordingly, Registration No. 4207288 should be cancelled.

WHEREFORE, Petitioner requests that Registration No. 4207288 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated: November 18, 2021

Respectfully Submitted,

/Abigail Rubinstein/ _____
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Worldwide Sports Nutrition Pty Ltd*