

ESTTA Tracking number: **ESTTA1202410**

Filing date: **04/12/2022**

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	Ecoflow Inc.		
Entity	Corporation	Citizenship	China
Address	PLANTA202, FOUNDER TECHNOLOGY INDUSTRIAL PARK, SHIYAN SUB-DISTRICT, BAO'AN DISTRICT SHENZHEN, GD 518000 CHINA		
Attorney information	BEN NATTER HAUG PARTNERS LLP 745 FIFTH AVENUE 10TH FLOOR NEW YORK, NY 10151 UNITED STATES Primary email: bnatter@haugpartners.com Secondary email(s): mbarer@haugpartners.com, ttab@haugpartners.com, docket@haugpartners.com No phone number provided		
Docket no.	A923-10		

Registration subject to cancellation

Registration no.	2947996	Registration date	05/10/2005
Register	Principal		
Registrant	IGN ENTERTAINMENT, INC 625 2ND STREET, 3RD FLOOR SAN FRANCISCO, CA 94107 UNITED STATES		

Goods/services subject to cancellation

Class 035. First Use: Jul 28, 1995 First Use In Commerce: Jul 28, 1995 All goods and services in the class are subject to cancellation, namely: ELECTRONIC RETAILING SERVICES VIA A GLOBAL COMPUTER NETWORK FEATURING ELECTRONICS, COMPUTERS AND SOFTWARE
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Grounds for cancellation

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

Attachments	Cancellation.1UP.pdf(106114 bytes)
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Signature	/Michael Barer/
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Name	Michael Barer
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Date	04/12/2022
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4. Based upon information and belief and internet research, Registrant has abandoned the Subject Registration and intends not to resume use of the Subject Mark.

5. Indeed, based upon information and belief and internet research, on February 21, 2013, Registrant announced the discontinuance of the 1UP website, <http://www.1up.com/>. See <http://www.1up.com/news/true-1up-reached.html>.

6. On July 24, 2014, Registrant further announced that it would no longer publish new content on the 1UP website, <http://www.1up.com/>, and that 1UP had been shut down. See <https://www.facebook.com/1Up> (“As you may know 1UP shut down at the beginning of 2013”).

7. Registrant also stated that the 1UP website, <http://www.1up.com/>, would exist merely as an unmaintained archive, noting that certain sections of the site may be unavailable or broken. *Id.*

8. Accordingly, based upon information and belief and internet research, the Subject Mark is abandoned and Registrant does not intend to resume use of the Subject Mark.

9. Despite the discontinuance of 1UP, on April 1, 2015, Daniel Nooger, a Trademark Management Consultant for Registrant, aware that false statements to the USPTO would jeopardize the validity of the Subject Registration, executed a declaration of continued use for submission to the USPTO alleging that the Subject Mark was in use in connection with the services of the Subject Registration when he knew or should have known that the Subject Mark was not being used in connection with the listed services.

10. Said false statements were made with the intent to induce the USPTO to maintain the Subject Registration, and reasonably relying upon the truth of said false statements, the USPTO did, in fact, maintain the Subject Registration.

11. Accordingly, Registrant fraudulently induced the USPTO to maintain the Subject

Registration.

12. In view of the foregoing, the Subject Mark has not been used in at least three years, constituting presumptive evidence of abandonment.

13. The Subject Registration has been cited as a basis for refusal for Petitioner's Application Serial No. 90/775,751.

14. Continued existence of the Subject Registration will cause irreparable harm, injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 2,947,996 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated: New York, NY
April 12, 2022

Respectfully submitted,
HAUG PARTNERS LLP

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