

ESTTA Tracking number: **ESTTA1234905**

Filing date: **09/11/2022**

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	Stephen Perry		
Entity	Individual	Citizenship	UNITED STATES
Address	21731 VENTURA BLVD., SUITE 300 WOODLAND HILLS, CA 91364 UNITED STATES		

Attorney information	MATT SOLMON KRANE & SMITH, APC 16255 VENTURA BOULEVARD, SUITE 600 ENCINO, CA 91436 UNITED STATES Primary email: msolmon@kranesmith.com Secondary email(s): jsmith@kranesmith.com, amy@kranesmith.com (818) 382-4000		
Docket no.	Perry-2USD1		

Registration subject to cancellation

Registration no.	6634608	Registration date	02/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Sep 24, 1996 First Use In Commerce: Sep 24, 1996 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national	Trademark Act Sections 14(3) and 2(a)

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

Registration subject to cancellation

Registration no.	6634598	Registration date	02/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Sep 1983 First Use In Commerce: Sep 1983 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6634590	Registration date	02/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jul 1981 First Use In Commerce: Jul 1981 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660943	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Feb 29, 1980 First Use In Commerce: Feb 29, 1980 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660933	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101		

	UNITED STATES
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Goods/services subject to cancellation

<p>Class 025. First Use: Jan 30, 1981 First Use In Commerce: Jan 30, 1981 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts</p>
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Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660892	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

<p>Class 025. First Use: Jun 1983 First Use In Commerce: Jun 1983 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts</p>
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Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660848	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jul 31, 1981 First Use In Commerce: Jul 31, 1981 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660842	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Feb 29, 1980 First Use In Commerce: Feb 29, 1980 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
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Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6660839	Registration date	03/01/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Oct 22, 1996 First Use In Commerce: Oct 22, 1996 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640775	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jan 5, 1983 First Use In Commerce: Jan 5, 1983
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All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640772	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jan 1982 First Use In Commerce: Jan 1982
All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640763	Registration date	02/08/2022
Register	Principal		

Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES
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Goods/services subject to cancellation

Class 025. First Use: Aug 1986 First Use In Commerce: Aug 1986 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640749	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Feb 1, 1983 First Use In Commerce: Feb 1, 1983 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)

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

Registration no.	6640741	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Nov 1986 First Use In Commerce: Nov 1986 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640725	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jun 1979 First Use In Commerce: Jun 1979 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640713	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Mar 1978 First Use In Commerce: Mar 1978 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6640692	Registration date	02/08/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR IN CARE OF MICHAEL BARTHOLOMEW SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Feb 29, 1980 First Use In Commerce: Feb 29, 1980
All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6740487	Registration date	05/24/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jul 31, 1981 First Use In Commerce: Jul 31, 1981
All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts; the foregoing excluding clothing designed or promoted specifically for winter sports

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6732719	Registration date	05/24/2022
Register	Principal		
Registrant	Freedom JN LLC 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Aug 23, 1986 First Use In Commerce: Aug 23, 1986 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Registration subject to cancellation

Registration no.	6719831	Registration date	05/03/2022
Register	Principal		
Registrant	Freedom JN LLC IN CARE OF MICHAEL BARTHOLOMEW 50 WEST BROADWAY, 10TH FLOOR SALT LAKE CITY, UT 84101 UNITED STATES		

Goods/services subject to cancellation

Class 025. First Use: Jul 31, 1981 First Use In Commerce: Jul 31, 1981 All goods and services in the class are subject to cancellation, namely: Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Registrant not rightful owner of mark for identi-	Trademark Act Sections 14(1) and 1

fied goods or services	
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Sections 14(3) and 2(a)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	Freedom JN LLC - Petition to Cancel 20 Registrations - Perry September 11 2022.pdf(284523 bytes)
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Signature	/mss/
Name	Matt Solmon
Date	09/11/2022

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

In re Trademark Registration Nos. 6634608, 6634598, 6634590, 6660943, 6660933, 6660892, 6660848, 6660842, 6660839, 6640775, 6640772, 6640763, 6640749, 6640741, 6640725, 6640713, 6640692, 6740487, 6732719, 6719831

<p>Stephen Perry, an individual,</p> <p style="padding-left: 40px;">Petitioners,</p> <p>vs.</p> <p>Freedom JN LLC, a Delaware limited liability company,</p> <p style="padding-left: 40px;">Registrant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Cancellation No. _____</p>
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PETITION FOR CANCELLATION

Petitioner Stephen Perry, a/k/a Steve Perry (“Perry”), hereby submits this Petition to Cancel the below-listed United States trademark registrations for the corresponding listed marks, registered in the name of Freedom JN LLC, based on Sections 1, 2 and 14 of the Lanham Act, 15 U.S.C. 1051, 1052 and 1064.

Registration Number	Trademark	Registration Date	Serial Number
6634608	WHEN YOU LOVE A WOMAN	2/1/22	90257958
6634598	SEND HER MY LOVE	2/1/22	90255210
6634590	WHO'S CRYING NOW	2/1/22	90251490
6660943	STAY AWHILE	3/1/22	90269389
6660933	HOPELESSLY IN LOVE	3/1/22	90266696
6660892	AFTER THE FALL	3/1/22	90259078

Cancellation No. _____

Registration Number	Trademark	Registration Date	Serial Number
6660848	STONE IN LOVE	3/1/22	90245491
6660842	GOOD MORNING GIRL	3/1/22	90242617
6660839	TRIAL BY FIRE	3/1/22	90240082
6640775	SEPARATE WAYS	2/8/22	90259064
6640772	OPEN ARMS	2/8/22	90257953
6640763	GIRL CAN'T HELP IT	2/8/22	90255203
6640749	ASK THE LONELY	2/8/22	90251464
6640741	I'LL BE ALRIGHT WITHOUT YOU	2/8/22	90249528
6640725	LOVIN', TOUCHIN', SQUEEZIN'	2/8/22	90245458
6640713	WHEEL IN THE SKY	2/8/22	90242627
6640692	ANYWAY YOU WANT IT	2/8/22	90240101
6740487	STILL THEY RIDE	5/24/22	90269361
6732719	RAISED ON RADIO	5/24/22	90237269
6719831	ONLY THE YOUNG	5/3/22	90249517

(Hereinafter, the above registrations are referred to collectively as the “Registrations” and the above-identified trademarks are referred to collectively as the “Registered Marks.”) The grounds for cancellation are more specifically alleged as follows:

The Parties

1. Perry is an individual and a citizen of the United States, who resides in the United States.
2. Upon information and belief, registrant Freedom JN LLC is a Delaware limited liability company with a principal place of business in the United States (“Registrant”).

3. Upon information and belief, Registrant is owned, managed and/or controlled by Jonathan Cain (“Cain”) and Neal Schon (“Schon”) – presumably, the “JN” of Registrant’s name – and is the alter ego of either or both Schon and/or Cain.

The Registrant’s Applications and Resulting Registrations

4. Upon information and belief, Cain and/or Schon, on behalf of Registrant, directed and controlled the filing and prosecution of the U.S. trademark applications that matured into the Registrations in the name of Registrant, as specified in more detail as follows:
 - a. On October 6, 2020, Registrant filed application serial number 90237269 for the mark RAISED ON RADIO for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6732719 for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under Section 1(a) with a claimed date of first use in commerce of August 23, 1986.

Registration No. 6732719 issued on March 24, 2022.
 - b. On October 7, 2020, Registrant filed application serial number 90240101 for the mark ANYWAY YOU WANT IT for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No.

6640692 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of February 29, 1980.

Registration No. 6640692 issued on February 8, 2022.

- c. On October 7, 2020, Registrant filed application serial number 90240082 for the mark TRIAL BY FIRE for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660839 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of October 22, 1996. Registration No. 6660839 issued on March 1, 2022.
- d. On October 8, 2020, Registrant filed application serial number 90242627 for the mark WHEEL IN THE SKY for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640713 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts;*

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Short-sleeved or long-sleeved t-shirts” in International Class 25, under Section 1(a) with a claimed date of first use in commerce of March 1978. Registration No. 6640713 issued on February 8, 2022.

- e. On October 8, 2020, Registrant filed application serial number 90242617 for the mark GOOD MORNING GIRL for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660842 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of February 29, 1980. Registration No. 6660842 issued on March 1, 2022.

- f. On October 9, 2020, Registrant filed application serial number 90245458 for the mark LOVIN’, TOUCHIN’, SQUEEZIN’ for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640725 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International

Class 25, under Section 1(a) with a claimed date of first use in commerce of June 1979. Registration No. 6640725 issued on February 8, 2022.

- g. On October 9, 2020, Registrant filed application serial number 90245491 for the mark STONE IN LOVE for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660848 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of July 31, 1981. Registration No. 6660848 issued on March 1, 2022.
- h. On October 12, 2020, Registrant filed application serial number 90249517 for the mark ONLY THE YOUNG for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6719831 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of July 31, 1981. Registration No. 6719831 issued on May 3, 2022.

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- i. On October 12, 2020, Registrant filed application serial number 90249528 for the mark I'LL BE ALRIGHT WITHOUT YOU for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640741 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of November 1986. Registration No. 6640741 issued on February 8, 2022.
- j. On October 13, 2020, Registrant filed application serial number 90251464 for the mark ASK THE LONELY for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640749 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of February 1, 1983. Registration No. 6640749 issued on February 8, 2022.
- k. On October 13, 2020, Registrant filed application serial number for the mark WHO'S CRYING NOW for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets;*

Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6634590 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of July 1981. Registration No. 6634590 issued on February 1, 2022.

- l. On October 14, 2020, Registrant filed application serial number 90255210 for the mark SEND HER MY LOVE for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6634598 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of September 1983. Registration No. 6634598 issued on February 1, 2022.

- m. On October 14, 2020, Registrant filed application serial number 90255203 for the mark GIRL CAN’T HELP IT for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International

Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640763 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of October 1986. Registration No. 6640763 issued on February 8, 2022.

- n. On October 15, 2020, Registrant filed application serial number 90257958 for the mark WHEN YOU LOVE A WOMAN for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6634608 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of September 24, 1996. Registration No. 6634608 issued on February 1, 2022.
- o. On October 15, 2020, Registrant filed application serial number 90257953 for the mark OPEN ARMS for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640772 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and*

short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts” in International Class 25, under Section 1(a) with a claimed date of first use in commerce of January 1982. Registration No. 6640772 issued on February 8, 2022.

- p. On October 16, 2020, Registrant filed application serial number 90259078 for the mark AFTER THE FALL for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660892 for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under Section 1(a) with a claimed date of first use in commerce of June 1983. Registration No. 6660892 issued on March 1, 2022.
- q. On October 16, 2020, Registrant filed application serial number 90259064 for the mark SEPARATE WAYS for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6640775 for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under Section

1(a) with a claimed date of first use in commerce of January 5, 1983.

Registration No. 6640775 issued on February 8, 2022.

- r. On October 20, 2020, Registrant filed application serial number 90266696 for the mark HOPELESSLY IN LOVE for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660933 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of January 30, 1981.

Registration No. 6660933 issued on March 1, 2022.

- s. On October 21, 2020, Registrant filed application serial number 90269389 for the mark STAY AWHILE for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6660943 for *“Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts”* in International Class 25, under Section 1(a) with a claimed date of first use in commerce of February 29, 1980. Registration No. 6660943 issued on March 1, 2022.

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- t. On October 21, 2020, Registrant filed application serial number 90269361 for the mark STILL THEY RIDE for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under a Section 1(b) filing basis, which matured into Registration No. 6740487 for “*Athletic jackets; Hats; Hiking jackets; Hoodies; Jackets; Shirts; Shirts and short-sleeved shirts; Socks; T-shirts; Tee-shirts; Tee shirts; Graphic T-shirts; Short-sleeved or long-sleeved t-shirts*” in International Class 25, under Section 1(a) with a claimed date of first use in commerce of July 31, 1981. Registration No. 6740487 issued on March 24, 2022.

The underlying applications identified above, which matured into the Registrations, are referred to hereinafter, individually and collectively, as the “Underlying Application(s).” The goods specified in the Underlying Application(s) and covered by the Registrations are referred to hereinafter as the “Covered Goods.”

5. Petitioner Perry believes that he is being, and will continue to be, damaged by the continuing validity of each of the Registrations that are the subject of this Petition to Cancel. Therefore, pursuant to Lanham Act §13(a), 15 U.S.C. §1063(a), Petitioner has standing to seek to cancel the Registrations.

The Relationship Between Perry, Schon and Cain & The Band Journey

6. The Registered Marks identify and correspond with – actually, are identical to – the song titles of twenty of some of the most popular and successful musical compositions and recordings released by the world-renowned American rock band professionally known

as “JOURNEY.” These twenty musical compositions and their associated titles are individually and collectively referred to herein as the “20 Song(s).”

7. The band Journey was formed in 1973 in San Francisco, California. According to the Recording Industry Association of America, Journey has sold forty-eight million albums in the U.S., making it the 25th best-selling band. Its worldwide sales have reached over eighty million records globally, making it one of the world's best-selling bands of all time.
8. The band Journey once consisted of members Schon (lead guitarist), Cain (keyboardist) and Petitioner Perry (lead singer), among others.
9. Today, the band Journey includes Schon, Cain and others.
10. The band Journey had its biggest commercial success between 1978 and 1987, when Petitioner Perry was lead vocalist.
11. The band Journey was inducted into the Rock and Roll Hall of Fame with the class of 2017. Inductees included Perry, Schon and Cain, among others.
12. Petitioner Perry, as well as Schon and/or Cain, were individual and/or joint authors of each of the 20 Song(s) as specified with particularity in the list attached hereto, and incorporated herein by reference, as Exhibit A.
13. Petitioner Perry was lead singer for all 20 Song(s) when each was first released and through to the height of each of the 20 Song(s)' and the band Journey's success and popularity.
14. Perry's, Cain's and/or Schon's individual and/or undivided ownership interests in each of the 20 Song(s), including the copyrights thereto and the rights to their titles including

trademark rights, followed the authorship percentages specified in Exhibit A, at least until Cain and Schon assigned their ownership interests and rights to a third party, which is discussed later in this Petition.

Perry, Schon & Cain’s Partnership Agreement - “The Elmo Agreement”

15. On June 12, 1997, Schon, Cain and Petitioner Perry entered into a partnership agreement, the General Partnership Agreement of The Elmo Partners, that, in relevant part, established the mutual obligations of the partners to each other with respect to the 20 Song(s) and other musical compositions and the titles thereto (hereinafter, “The Elmo Agreement”). Perry, Schon and Cain are individually and collectively the “Partners” under The Elmo Agreement.
16. More specifically, Section 3.3 of The Elmo Agreement states that “[a]ll musical compositions written, in whole or in part, by Cain, Schon and/or Perry for the Group [Journey] which have been or are recorded by the Group and released are individually and collectively referred to herein as ‘Group Composition(s).’” This defined term Group Composition(s) from The Elmo Agreement will be used herein for the same purpose and with the same meaning.
17. The 20 Song(s) are among the Group Composition(s) that are subject to The Elmo Agreement.
18. Section 3.3 goes on to state that “...no Partner may authorize, approve or disapprove any use or exploitation, or grant or license any rights in or to any Group Composition(s), in whole or in part, (*including, without limitation, the titles thereof*) in connection with any Product or otherwise, without the prior, written, unanimous consent of all of the

Partners in each instance, and any purported authorization, approval, disapproval, grant, or license in violation hereof shall be deemed void from inception.” (Emphasis added.) “Product” is defined in The Elmo Agreement to include merchandise, which would include the Covered Goods.

19. The Elmo Agreement did not alter the percentages of the ownership interests of Perry, Cain and Schon in the 20 Song(s).
20. The Elmo Agreement established that, for any song or musical composition, regardless of who wrote it, that falls within the definition of Group Composition(s), prior to any usage, including use on or in connection with products as a trademark or otherwise, of such song or musical composition, which expressly includes the title thereto, unanimous agreement and consent by the Partners would be required as to such usage. Thus, for clarity and by example, even a song that was written 100% by Perry and that is a Group Composition(s), would require unanimous approval and consent by the Partners prior to use, as a trademark or otherwise, on or in connection with any products.
21. The Elmo Agreement was amended April 24, 1998, which addressed Perry’s departure from the band Journey and from the partnership subject to The Elmo Agreement. But that amendment, as well as any subsequent amendment, did not change the unanimous consent requirements of Section 3.3 of The Elmo Agreement.

Transfer Of Ownership Interests & Rights by Schon & Cain

22. On information and belief, on or about June 19, 2019, Schon transferred his entire undivided interests in the Group Composition(s) and all his rights to the titles thereto to a third party pursuant to written agreement (the "Schon Transfer Agreement").

23. On information and belief, on or about February 25, 2020, Cain transferred his entire undivided interests in the Group Composition(s) and all his rights to the titles thereto to a third party pursuant to written agreement (the "Cain Transfer Agreement"). (The Schon Transfer Agreement and the Cain Transfer Agreement, together, are referred to hereinafter as the "Song Transfer Agreements.")
24. Upon information and belief, the Song Transfer Agreements both contain a grant from each of Schon and Cain absolutely, irrevocably and exclusively of their entire right, title and interests of every kind whatsoever (whether vested, future or contingent) in and to the Group Composition(s) including the exclusive right to use the titles of the Group Composition(s) for all purposes including for merchandise. Schon and Cain did not reserve for themselves any rights in the Group Composition(s) or the titles thereto including any reservation of rights regarding the use of the titles thereto on or in connection with any products.
25. Petitioner Perry did not transfer, and still possesses, his rights and interests in the Group Composition(s) and associated titles, including the trademark rights thereto, and the authority to consent to, authorize, grant and license the use of the titles of the 20 Song(s) on or in connection with any products, including the Covered Goods.
26. As a result of that transfer and relinquishment of rights to the titles to the Group Composition(s) and as of the filing dates of the Underlying Application(s), Schon and Cain did not possess the rights to consent to, authorize, grant or license the use of the titles to the Group Composition(s) on or in connection with the Covered Goods and to register the Registered Marks by and through Registrant.

27. As of the filing dates of the Underlying Application(s) and at all times since then, only Petitioner Perry and such third party possessed the rights to approve, consent to, authorize, grant or license the use and registration of the titles to the Group Composition(s), including the 20 Song(s), by Registrant or any other party. With respect to Petitioner and such third party and as of the filing dates of each of the Underlying Application(s), the ownership of the relevant interests and rights in and to the 20 Song(s) is further specified in Exhibit A.
28. As of the filing dates of the Underlying Application(s), as of the filing dates of the statements of use filed in support of the Registrations, and as of the filing date of this Petition to Cancel, Petitioner Perry did not and has not provided consent to Schon, Cain or Registrant to use and register the titles as trademarks for the Covered Goods that are the subject of the Registrations.
29. Upon information and belief, Registrant is not a successor-in-interest to any trademark rights for each of the Registered Marks.
30. Registrant was not the owner or user of the Registered Marks as of, and has not used each of the Registered Marks since, the dates of first use claimed in each of the statements of use filed for each of the Registered Marks.
31. Upon information and belief, to the extent that any of the Registered Marks were used for any Covered Goods prior to the filing dates of the Underlying Applications, such use did not inure to the benefit of Registrant and Registrant did not acquire any trademark rights and associate goodwill resulting from such use from Petitioner.

32. On information and believe after a reasonable investigation, Registrant, itself or through its licensee(s), did not use, and has never used, each of the Registered Marks on all the Covered Goods either prior to or since filing each respective statement of use for each of the Registered Marks.

COUNT ONE

Not Rightful Owner, 15 U.S.C. §1051

33. Petitioner incorporates herein by reference each of the foregoing paragraphs.
34. Registrant is not the owner of each of the Registered Marks for the Covered Goods.
35. Because Registrant is not, and never was, an owner or the exclusive owner of the Registered Marks for the Covered Goods, the Registrations are *void ab initio*.

COUNT TWO

Fraud on The Trademark Office

36. Petitioner incorporates herein by reference each of the foregoing paragraphs.
37. Registrant, under the direction and control of Schon and/or Cain, filed and prosecuted the Underlying Application(s) with false or misleading information, namely, that Registrant is the exclusive owner of the Registered Marks, that Registrant was the user of the Registered Marks back to the claimed dates of first use, that alleged use of the Registered Marks dating back to the claimed dates of first use inured to the benefit of Registrant, and that Registrant had use of each of the Registered Marks on all of the Covered Goods in United States commerce in the normal course of trade at the time it filed each respective statement of use for each of the Registered Marks.
38. Registrant knew that the information in the Underlying Application(s) was false or misleading.

39. Registrant knew that the information in each statement of use was false or misleading.
40. Registrant intentionally provided the false or misleading information with the intent to deceive or defraud the USPTO into granting Registrant the Registrations.
41. The false or misleading information in the Underlying Application(s) and during their prosecution was material to and likely to cause the USPTO to grant the Registrations to Registrant.
42. Because Registrant committed fraud on the USPTO, the Registrations are *void ab initio*.

COUNT THREE

False Suggestion of a Connection under Trademark Act § 2(a)

43. Petitioner incorporates herein by reference each of the foregoing paragraphs.
44. Because Perry was the original lead singer of the 20 Song(s) for the band Journey and when the 20 Song(s) became well-known and/or famous, the 20 Song(s) and their respective titles have become uniquely and unmistakably associated with and point to Petitioner Perry.
45. The Registered Marks are identical to the titles of the 20 Song(s) and are likely to falsely suggest a connection between Registrant and Petitioner Perry in violation of Section 2(a) of the Trademark Act.

COUNT FOUR

Non-Use

46. Petitioner incorporates herein by reference each of the foregoing paragraphs.
47. Registrant never used each of the Registered Marks on or in connection with all the Covered Goods in U.S. commerce in the normal course of trade as of the filing date of each respective statement of use submitted as the basis for obtaining the Registrations.

48. Because Registrant filed the statements of use, but did not have use of each of the Registered Marks on or in connection with some or all of the Covered Goods therein, the Registrations should be cancelled, in whole or in part, with respect to all goods for which Registrant did not have use of Registered Marks at the time of filing the respective statements of use.

49. For all of the forgoing reasons, Petitioner is being, and will continue to be, damaged by the continued registration of the Registered Marks because registration will give Registrant *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, each of the Registered Marks to the apparent exclusion of Petitioner and his rights in the Registered Marks and/or create a false suggestion of a connection with Registrant.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board sustains this Petition to Cancel and that each of the Registrations Nos. 6634608, 6634598, 6634590, 6660943, 6660933, 6660892, 6660848, 6660842, 6660839, 6640775, 6640772, 6640763, 6640749, 6640741, 6640725, 6640713, 6640692, 6740487, 6732719, and 6719831 be cancelled in their entireties.

A filing fee for this Petition to Cancel in the amount of \$12,000.00 is being submitted herewith by credit card payment via the United States Patent and Trademark Office's online payment system.

Dated: September 11, 2022

Respectfully submitted,

KRANE & SMITH, APC

/ Matt Solmon /

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EXHIBIT A

MUSICAL COMPOSITION DETAILS

SONG TITLE	WRITER(S)	LEAD SINGER (At Release)	OWNER(S) as of respective Underlying Application(s) Filing Date
WHEN YOU LOVE A WOMAN	Perry 39.17% Cain 39.17% Schon 21.66%	Perry	Perry Third Party
SEND HER MY LOVE	Perry 50% Cain 50%	Perry	Third Party
WHO'S CRYING NOW	Perry 50% Cain 50%	Perry	Third Party
STAY AWHILE	Perry 100%	Perry	Perry Third Party
HOPELESSLY IN LOVE	Perry 100%	Perry	Perry
AFTER THE FALL	Perry 50% Cain 50%	Perry	Perry Third Party
STONE IN LOVE	Perry 33.33% Schon 33.33% Cain 33.33%	Perry	Perry Third Party
GOOD MORNING GIRL	Perry 50% Matt Schon 50%	Perry	Perry Third Party
TRIAL BY FIRE	Perry 42.5% Cain 32.5% Schon 25%	Perry	Perry Third Party
SEPARATE WAYS	Perry 50% Cain 50%	Perry	Perry Third Party
OPEN ARMS	Perry 50% Cain 50%	Perry	Perry Third Party
GIRL CAN'T HELP IT	Perry 41.66% Cain 41.66% Schon 16.66%	Perry	Perry Third Party
ASK THE LONELY	Perry 50% Cain 50%	Perry	Perry Third Party

SONG TITLE	WRITER(S)	LEAD SINGER (At Release)	OWNER(S) as of respective Underlying Application(s) Filing Date
I'LL BE ALRIGHT WITHOUT YOU	Perry 45% Cain 45% Schon 10%	Perry	Perry Third Party
LOVIN', TOUCHIN', SQUEEZIN'	Perry 100%	Perry	Perry Third Party
WHEEL IN THE SKY	Schon 57.5% Diane Valory 7.5% Robert Fleischman 35%	Perry	Third Party
ANYWAY YOU WANT IT	Perry 50% Schon 50%	Perry	Perry Third Party
STILL THEY RIDE	Perry 33.33% Schon 33.33% Cain 33.33%	Perry	Perry Third Party
RAISED ON RADIO	Perry 41.66% Cain 41.66% Schon 16.66%	Perry	Perry Third Party
ONLY THE YOUNG	Perry 33.33% Schon 33.33% Cain 33.33%	Perry	Perry Third Party

CERTIFICATE OF TRANSMITTAL

I hereby certify that on September 11, 2022, this Petition to Cancel is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).

*/Matt Solmon/*_____