

ESTTA Tracking number: **ESTTA1268030**

Filing date: **02/23/2023**

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	Targus International LLC		
Entity	limited liability company	Citizenship	Delaware
Address	211 NORTH MILLER STREET ANAHEIM, CA 92806 UNITED STATES		

Attorney information	ANNE W. GLAZER STOEL RIVES LLP 760 SW NINTH AVENUE, SUITE 3000 PORTLAND, OR 97205 UNITED STATES Primary email: anne.glazer@stoel.com Secondary email(s): hannah.follender@stoel.com, patrick.hartigan@stoel.com, docketclerk@stoel.com 503-294-9584		
Docket no.	52253-5354		

Registration subject to cancellation

Registration no.	6044590	Registration date	05/05/2020
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	Ujet S.A. 1, RUE DE LA POWDRERIE L-3364 LEUDELANGE LUXEMBOURG		

Goods/services subject to cancellation

Class 012. First Use: None First Use In Commerce: None Goods and services in the class that are subject to cancellation: Bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags
Class 035. First Use: None First Use In Commerce: None Goods and services in the class that are subject to cancellation: Retail and wholesale store services and import export agency services all featuring Bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation

U.S. application no.	97306130	Application date	03/10/2022
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	CITYSMART		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: Mar 2013 First Use In Commerce: Mar 2013 Backpacks especially adapted for holding laptops and notebook computers; Carrying cases for mobile computers; Computer carrying cases; Protective covers and cases for laptops; Protective covers and cases for tablet computers; Sleeves for laptops</p> <p>Class 018. First use: First Use: Mar 2013 First Use In Commerce: Mar 2013 Backpacks; Luggage; All-purpose carrying bags; Roll bags</p>		

Attachments	Partial Cancellation - CITYSMART- US Reg. 6044590.pdf(98941 bytes)
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Signature	/Anne W. Glazer/
Name	Anne W. Glazer
Date	02/23/2023

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

Registration No. 6,044,590
For the mark: CITYSMART
Registration date: May 05, 2020

Targus International LLC,

Petitioner,

v.

Ujet S.A.,

Registrant.

Cancellation No. _____

**PETITION FOR PARTIAL
CANCELLATION**

**PETITION FOR PARTIAL CANCELLATION OR RESTRICTION UNDER TRADEMARK
ACT SECTION 18, 15 U.S.C. SECTION 1068**

Targus International LLC (“Petitioner”) believes that it is being damaged and/or will be damaged as a result of the continued registration, for the full identification of goods and services therein, of U.S. Registration No. 6,044,590 (the “Registration”). Accordingly, Petitioner hereby petitions for partial cancellation of the Registration pursuant to 15 U.S.C. § 1068. The grounds for partial cancellation are as follows:

1. Petitioner is a Delaware limited liability company with a place of business at 1211 North Miller Street, Anaheim, California 92806.
2. On information and belief, Ujet S.A. (“Registrant”) is a Luxembourg société anonyme with an address of Rue de la Poudrerie L-3364, Leudelange, Luxembourg.
3. Registrant obtained a U.S. registration for the mark CITYSMART (the “Mark”), in International Classes 12 and 35 (among other classes), under Section 66A of the Trademark Act.

4. Registrant is the record owner of the Registration.

5. The goods and services covered by the Registration include “bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags” in Class 12 and “retail and wholesale store services and import export agency services all featuring . . . bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags” in Class 35.

6. Petitioner has used the trademark CITYSMART in United States commerce continuously since March 2013 in connection with backpacks especially adapted for holding laptops and notebook computers, carrying cases for mobile computers, computer carrying cases, protective covers and cases for laptops, protective covers and cases for tablet computers, sleeves for laptops (in Class 9), and backpacks, luggage, all-purpose carrying bags, and roll bags (in Class 18).

7. As a result of Petitioner’s widespread, continuous, and exclusive use of the CITYSMART to identify its goods, Petitioner owns valid and subsisting common law rights to the trademark CITYSMART.

8. Petitioner’s CITYSMART mark is distinctive to both the consuming public and the Petitioner’s trade.

9. Petitioner has expended substantial time, money, and resources marketing, advertising, and promoting its goods sold under the CITYSMART mark.

10. On March 10, 2022, Petitioner filed an application under Section 1(a) of the Trademark Act, Serial No. 97/306130, to register the mark CITYSMART for various backpacks, cases, covers, sleeves, bags, and luggage in International Classes 9 and 18 (the “Application”).

11. On August 23, 2022, the USPTO Examining Attorney assigned to Petitioner’s Application rejected the Application under Section 2(d) of the Lanham Act, citing a likelihood of

confusion based on the Mark in the Registration, specifically due to the goods “bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags” in Class 12, as identified in the Registration.

12. Petitioner will be injured by the continued registration of the Mark for all the goods and services currently identified in the Registration, because Petitioner’s Application has been refused due to the presence of specified goods in the Registration, thereby depriving Petitioner from benefiting from the registration of its CITYSMART trademark.

13. Petitioner’s CITYSMART mark has priority over the Registrant’s mark because Petitioner’s first use date for the CITYSMART mark predates the filing of Registrant’s application for the Registration of the Mark or any other date on which the Registrant may rely for purposes of priority.

14. Registrant’s Registration should be partially cancelled because it consists of a mark which so resembles Petitioner’s previously used CITYSMART Mark as to be likely, when used in connection with certain of Registrant’s goods and services, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d), and to cause damage to Petitioner thereby.

15. The entry of modifications to the goods and services identified in the Registration to delete the wording “bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags” (in Class 12) and the wording “bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags” (in Class 35, as subjects of Registrant’s “retail and wholesale store services and import export agency services”) will avoid a finding of likelihood of confusion with Petitioner’s CITYSMART mark.

WHEREFORE, Petitioner prays that this Petition for Partial Cancellation of U.S. Registration No. 6,044,590 be granted so as to modify the Registration by limiting the identification of goods and

services therein to delete from Classes 12 and 35 the wording “bags for use on electric vehicles, namely, tank bags, saddlebags, briefcases, ladies bags”.

Petitioner prays that this Petition for Partial Cancellation be sustained in favor of Petitioner.

DATED: February 23, 2023.

/Anne W. Glazer/

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