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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	finn GmbH		
Entity	(gmbh)	Citizenship	GERMANY
Address	PRINZREGENTENPLATZ 9 MUNICH, 81675 GERMANY		

Attorney information	RYAN S. HILBERT HOLLEY & MENKER PA PO BOX 331937 ATLANTIC BEACH, FL 32233 UNITED STATES Primary email: rhilbert@holleymenker.com Secondary email(s): eastdocket@holleymenker.com No phone number provided		
Docket no.	4807.1001		

Registration subject to cancellation

Registration no.	2150686	Registration date	04/14/1998
Register	Principal		
Registrant	FINNAIR OYJ TIETOTIE 11A HELSINKI AIRPORT FINLAND		

Goods/services subject to cancellation

Class 039. First Use: 1947 First Use In Commerce: 1947 All goods and services in the class are subject to cancellation, namely: arranging travel tours for others and air transportation of persons, property and mail

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	2023-4-2 Petition to Cancel - FINNAIR.pdf(131040 bytes)
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Signature	/Ryan S. Hilbert/
Name	Ryan S. Hilbert
Date	04/03/2023

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

finn GmbH,)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	Mark: FINNAIR
FINNAIR OYJ,)	Reg. No. 2150686
)	
Registrant.)	
)	

PETITION FOR CANCELLATION

finn GmbH, having an address of Prinzregentenplatz 9, Munich GERMANY 81675 (“Petitioner”), believes that it has been, and will continue to be, damaged by the mark FINNAIR as shown in U.S. Trademark Registration No. 2150686, which is owned by FINNAIR OYJ, having an address of Tietotie 11A Helsinki Airport FINLAND (“Registrant”), and hereby petitions to cancel the same.

As grounds for the cancellation, Petitioner, by its attorneys, avers as follows:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 90762517 (the “517 Application”) for FINN for “rental of bicycles and motorcycles; Vehicle rental; Rental of scooters for transportation purposes; none of the foregoing for use with arranging travel tours for others or air transportation of persons, property and mail” in Class 39.
2. The ‘517 Application was filed on June 8, 2021 under Section 44(e) of the Trademark Act, 15 U.S.C. § 1126.
3. Petitioner also is the owner of U.S. Trademark Application Serial No. 97036986 (the “986 Application”) for FINN for the following goods/services:

Class 12: Cars; Mobility vehicles, namely, vehicles for the physically handicapped and those of reduced mobility; Electric vehicles, namely, cars; Self-propelled electric vehicle; Vehicles; Automatic guided vehicles; Electrically operated scooters, namely, motor scooters; Electric bicycles; Electric cars; none of the foregoing for use with arranging travel tours for others, air transportation of persons, property and mail, or vehicles pulled by or used with horses

Class 36: Hire-purchase financing; Automobile lease-purchase financing; Arranging of lease agreements for vehicles; Lease purchase financing of vehicles; Financial services relating to the insurance of motor vehicles, namely, motor vehicle damage appraisal services, financial evaluation for insurance purposes and underwriting automobile insurance; Insurance services for the protection of drivers, namely, insurance underwriting services for the protection of drivers; Providing insurance information, namely, computerised information services relating to insurance; Insurance services relating to motor vehicles, namely, automobile accident insurance underwriting services, insurance claims processing in the field of automobile claims, and insurance brokerage, insurance information and insurance consultancy all relating to motor vehicles; Financial services relating to motor vehicles, namely, auto loan brokerage services, retail and wholesale financing services for motor vehicles, and arranging and provision of credit and loans for vehicle insurance and warranty purposes; Insurance services relating to mechanical breakdown, namely, automobile accident insurance underwriting services, insurance claims processing in the field of automobile claims, and insurance brokerage, insurance information and insurance consultancy all relating to motor vehicles; none of the foregoing for use with consumer and mobile banking services in the nature of checking and savings account services, issuance of credit cards, or mortgage lending

Class 39: Rental of electric cars; Car rental; Car rental, namely, arranging of car hire; rental of vehicles, namely, arranging of vehicle hire; Car sharing services; Automobile Vehicle renting services, namely, rental of automobiles

4. The '986 Application was filed on September 21, 2021 under Section 44(d) of the Trademark Act, 15 U.S.C. § 1126.

5. Petitioner is the owner of U.S. Trademark Application Serial No. 97256376 (the “376 Application”) for **FINN** for the following goods/services:

Class 12: Cars; Mobility vehicles, namely, vehicles for the physically handicapped and those of reduced mobility; Electric vehicles, namely, cars; Self-propelled electric vehicle; Vehicles; Automatic guided vehicles; Electrically operated scooters, namely, motor scooters; Electric bicycles; Electric cars; none of the foregoing for use with arranging

travel tours for others, air transportation of persons, property and mail, or vehicles pulled by or used with horses

Class 36: Hire-purchase financing; Automobile lease-purchase financing; Arranging of lease agreements for vehicles; Lease purchase financing of vehicles; Financial services relating to the insurance of motor vehicles, namely, motor vehicle damage appraisal services, financial evaluation for insurance purposes and underwriting automobile insurance; Insurance services for the protection of drivers, namely, insurance underwriting services for the protection of drivers; Providing insurance information, namely, computerised information services relating to insurance; Insurance services relating to motor vehicles, namely, automobile accident insurance underwriting services, insurance claims processing in the field of automobile claims, and insurance brokerage, insurance information and insurance consultancy all relating to motor vehicles; Financial services relating to motor vehicles, namely, auto loan brokerage services, retail and wholesale financing services for motor vehicles, and arranging and provision of credit and loans for vehicle insurance and warranty purposes; Insurance services relating to mechanical breakdown, namely, automobile accident insurance underwriting services, insurance claims processing in the field of automobile claims, and insurance brokerage, insurance information and insurance consultancy all relating to motor vehicles; none of the foregoing for use with consumer and mobile banking services in the nature of checking and savings account services, issuance of credit cards, or mortgage lending

Class 39: Rental of electric cars; Car rental; Car rental, namely, arranging of car hire; rental of vehicles, namely, arranging of vehicle hire; Car sharing services; Automobile Vehicle renting services, namely, rental of automobiles

6. The ‘376 Application was filed on February 7, 2022 under Section 44(d) of the Trademark Act, 15 U.S.C. § 1126.

7. Upon information and belief, Registrant is the owner of U.S. Trademark Registration No. 2150686 (the “Registration”) for the mark FINNAIR for “arranging travel tours for others and air transportation of persons, property and mail” in Class 39.

8. As of the date of the instant Petition, the Registration is subsisting on the Principal Register.

9. Each of the marks in the ‘517 Application, the ‘986 Application, and the ‘376 Application has been refused registration by the United States Patent & Trademark Office

(“USPTO”) under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), based on an alleged likelihood of confusion with the mark in the Registration.

10. Upon information and belief, Registrant is not currently using the FINNAIR mark as shown in the Registration in interstate commerce for the services in the Registration.

11. Upon information and belief, for at least the last three consecutive years, Registrant has not used the FINNAIR mark that is the subject of the Registration in interstate commerce for the services in the Registration.

12. Upon information and belief, Registrant has abandoned the mark shown in the Registration pursuant to Section 14 of the Trademark Act, 15 U.S.C. §1064(3), with no intent to resume use in the reasonably foreseeable future.

13. Registrant’s non-use of the FINNAIR mark as shown in the Registration for the services in the Registration for at least the last three consecutive years constitutes prima facie evidence of abandonment of the mark as shown in the Registration.

14. In view of Registrant’s non-use and abandonment of the mark as shown in the Registration, Registrant is not entitled to continued registration of the mark pursuant to Section 14 of the Trademark Act, 15 U.S.C. § 1064(3), and as such, the Registration should be cancelled.

15. In the alternative, Petitioner requests that the services in the Registration be amended under Section 18 of the Trademark Act, 15 U.S.C. § 1068, so as to delete “arranging travel tours for others” and to limit the services in the Registration solely to the field of “airline travel” because, upon information and belief, Registrant is not using the FINNAIR mark as shown in the Registration in interstate commerce except in such a manner.

16. Upon information and belief, Registrant has not used, for at least the last three consecutive years, the FINNAIR mark as shown in the Registration in interstate commerce for “arranging travel tours for others.”

17. Upon information and belief, Registrant has not used, for at least the last three consecutive years, the FINNAIR mark as shown in the Registration in interstate commerce in any field other than the field of “airline travel.”

18. Petitioner has a real commercial interest in pursuit of the ‘517 Application, the ‘986 Application, and the ‘376 Application, and such interest will be compromised and harmed by the continued existence of Registrant’s Registration. Accordingly, Petitioner has standing to pursue this cancellation pursuant to Section 14 of the Trademark Act, 15 U.S.C. § 1064.

19. Petitioner is and will be further damaged by the continued subsistence of the Registration on the Principal Register because the USPTO has cited the Registration as a bar to registration of Petitioner’s ‘517 Application, ‘986 Application, and ‘376 Application pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

20. As a consequence of the above, Petitioner is and will continue to be damaged by the continued subsistence of the Registration on the Principal Register.

WHEREFORE, for the reasons set forth above, Petitioner requests that Registration No. 2150686 be cancelled and/or amended.

Respectfully submitted,

finn GmbH

By: 
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