ESTTA Tracking number:

ESTTA1279646

Filing date:

04/19/2023

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	Delegator, LLC		
Entity	limited liability company Citizenship Tennessee		Tennessee
Address	701 CHERRY STREET SUITE 300 CHATTANOOGA, TN 37402 UNITED STATES		

Attorney information	CHARLES W. FORLIDAS MILLER & MARTIN PLLC 1200 VOLUNTEER BLDG., 832 GEORGIA AVE. ATTN: TRADEMARK PARALEGAL CHATTANOOGA, TN 37402-2289 UNITED STATES Primary email: TMNotices@millermartin.com Secondary email(s): Charles.Forlidas@millermartin.com, Eileen.Rumfelt@millermartin.com, Racquel.McGee@millermartin.com 404 962-6100
Docket no.	22489-0008

Registration subject to cancellation

Registration no.	5999519	Registration date	03/03/2020
Register	Principal		
Registrant	Shvetsov Roman Vyacheslavovich 33, ZHULEBENSKY BLVD, BLOCK 1, APT. 229 MOSCOW RUSSIAN FEDERATION		

Goods/services subject to cancellation

Class 035. First Use: None First Use In Commerce: None

All goods and services in the class are subject to cancellation, namely: Advertising agency services; rental of advertising space; business auditing; business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; employment agency services; computerized file management; bookkeeping; invoicing; Services consisting of the registration, collection, transcription, compilation and systemization of written communications and data; Public opinion polling; Conducting market studies; providing business marketing information; Commercial information and advice for consumers in the choice of products and services; business investigations; marketing research; personnel recruitment; business management and organization consultancy; consulting regarding public relations communication strategy; personnel management consultancy; professional business consultancy; consulting regarding advertising communication strategy; layout services for advertising purposes; marketing services; writing of resumes for others; scriptwriting for advertising purposes; news clipping services; updating and maintenance of information in registries; up-

dating and maintenance of data in computer databases; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; design of advertising materials; business appraisals; payroll preparation; business management assistance to industrial or commercial companies; commercial and industrial management assistance; commercial intermediation services, namely, mediation of contracts for purchase and sale of products; providing business information via a web site; provision of commercial and business contact information; Compiling indexes of information, namely, web indexing for commercial or advertising purposes; Providing television home shopping services in the field of general consumer merchandise; economic forecasting services; sales promotion for others; production of advertising films; publication of publicity texts; dissemination of advertising matter; direct mail advertising services; writing of publicity texts; advertising services; on-line advertising on a computer network; advertising by mail order; compilation of statistics; compilation of information into computer databases; business inquiries; systemization of information into computer databases; advisory services for business management, namely, business management consulting and advisory services; negotiation of business contracts for others; negotiation and conclusion of commercial transactions for third parties; compiling indexes of information for commercial or advertising purposes; tax preparation; drawing up of statements of accounts, namely, preparation of financial statement, accounts receivable billing services; psychological testing for the selection of personnel; business and personnel management; Commercial administration of the licensing of the goods and services of others; business administration of consumer loyalty programs; administrative processing of purchase orders; Word processing and typing services; appointment reminder services; website traffic optimization; tax filing services; search engine optimization for sales promotion; appointment scheduling services; price comparison services; secretarial services; Procurement services, namely, procurement of contracts for others for purchasing goods and services for other businesses; shorthand services; outsourcing services; telephone answering for unavailable subscribers; business efficiency expert services

Class 045. First Use: None First Use In Commerce: None

All goods and services in the class are subject to cancellation, namely: Legal research; intellectual property consultancy; monitoring intellectual property rights for legal advisory purposes, namely, advisory services relating to intellectual property rights; litigation services; personal letter writing; personal background investigations; alternative dispute resolution services; legal document preparation services; legal services in relation to the negotiation of contracts for others

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)	
Mark never used in commerce	Trademark Act Section 14(6)	
Abandonment	Trademark Act Section 14(3)	

Marks cited by petitioner as basis for cancellation

U.S. application no.	90887817	Application date	08/17/2021	
Register	Principal	Principal		
Registration date	NONE	Foreign priority date	NONE	
Word mark	DELEGATOR			
Design mark				
Description of mark	NONE			
Goods/services	Class 035. First use: First Use: Dec 31, 2009 First Use In Commerce: Dec 31, 2009			
	Digital advertising services; Web site optimization; Website traffic optimization; Search engine optimization for sales promotion; Marketing services in the field of web site traffic optimization; Marketing services in the field of conversion rate			

optimization (CRO); Consulting services in the field of search engine optimization for sales promotion; Advertising agency services; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Technical business consulting in the field of marketing

Class 042. First use: First Use: Dec 31, 2010 First Use In Commerce: Dec 31, 2010

Technical computer technology consulting services in the field of computer system due diligence services for others in the field of stability, scalability, and performance; Technical computer technology consulting services in the field of computer system and software due diligence services for others in the field of mergers, acquisitions and financing

U.S. registration no.	3777583	Application date	09/03/2009
Register	Principal	Principal	
Registration date	04/20/2010	Foreign priority date	NONE
Word mark	DELEGATOR		
Design mark			
Description of mark	NONE		
Goods/services	Class 045. First use: First Use: Mar 19, 2003 First Use In Commerce: Mar 19, 2003		
	Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes		

U.S. registration no.	3777591	Application date	09/03/2009	
Register	Principal	Principal		
Registration date	04/20/2010	Foreign priority date	NONE	
Word mark	DELEGATOR GET IT DONE.			
Design mark				
Description of mark	NONE			
Goods/services	Class 045. First use: First Use: Oct 7, 2006 First Use In Commerce: Oct 7, 2006			
	Personal concierge services for others comprising making requested personal arrangements and reservations, running errands and providing customer specific information to meet individual needs, all rendered in business establishments, office buildings, hotels, residential complexes and homes			

Attachments	1PetitiontoCancelDELEGATOR24.pdf(3375479 bytes) 2ExhibitsAandB.pdf(588506 bytes) 3ExhibitsCandD.pdf(586179 bytes) 4ExhibitEPart1.pdf(5920111 bytes) 5ExhibitEPart2Specimens.pdf(1576913 bytes) 6ExhibitF.pdf(99512 bytes) 7ExhibitG.pdf(1228509 bytes)
	7ExhibitG.pdf(1228509 bytes)

	8ExhibitH.pdf(81524 bytes)	
Signature	/Charles W. Forlidas/	
Name	Charles W. Forlidas	
Date	04/19/2023	

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

For the mark: DELEGATOR24 Registered: March 3, 2020		
	- X	
DELEGATOR, LLC,	:	
	:	Cancellation No.
Petitioner,	:	
	:	
v.	:	
	:	
Vyacheslavovich, Shvetsov Roman,	:	
	:	
Respondent.	:	
	<u>-</u> X	

In the Matter of Registration No. 5,999,519

PETITION FOR CANCELLATION

Delegator, LLC ("Petitioner"), a limited liability company organized and existing under the laws of Tennessee with a principal place of business at 701 Cherry Street, Suite 300, Chattanooga, TN 37402, believes that it will be damaged by Shvetsov Roman Vyacheslavovich's ("Respondent") continued registration of U.S. Trademark Registration No. 5,999,519 for the mark DELEGATOR24 ("Respondent's Mark") in International Class 035 in connection with:

Advertising agency services; rental of advertising space; business auditing; business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; employment agency services; computerized file management; bookkeeping; invoicing; Services consisting of the registration, collection, transcription, compilation and systemization of written communications and data; Public opinion polling; Conducting market studies; providing business marketing information;

Commercial information and advice for consumers in the choice of products and services; business investigations; marketing research; personnel recruitment; business management and organization consultancy; consulting regarding public relations communication personnel management consultancy; consultancy; consulting regarding business advertising communication strategy; layout services for advertising purposes; marketing services; writing of resumes for others; scriptwriting for advertising purposes; news clipping services; updating and maintenance of information in registries; updating maintenance of data in computer databases; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; design of advertising materials; business appraisals; payroll preparation; business management assistance to industrial or commercial companies; commercial and industrial management assistance; commercial intermediation services, namely, mediation of contracts for purchase and sale of products; providing business information via a web site; provision of commercial and business contact information; Compiling indexes of information, namely, web indexing for commercial or advertising purposes; Providing television home shopping services in the field of general consumer merchandise; economic forecasting services; sales promotion for others; production of advertising films; publication of publicity texts; dissemination of advertising matter; direct mail advertising services: writing of publicity texts; advertising services; on-line advertising on a computer network; advertising by mail order; compilation of statistics; compilation of information into computer databases; business inquiries; systemization of information into computer databases; advisory services for business management, namely, business management consulting and advisory services; negotiation of business contracts for others; negotiation and conclusion of commercial transactions for third parties; compiling indexes of information for commercial or advertising purposes: tax preparation; drawing up of statements of accounts, namely, preparation of financial statement, accounts receivable billing services; psychological testing for the selection of personnel; business and personnel management; Commercial administration of the licensing of the goods and services of others; business administration of consumer loyalty programs; administrative processing of purchase orders; Word processing and typing appointment reminder services; website optimization; tax filing services; search engine optimization for sales promotion: appointment scheduling services: comparison services; secretarial services; Procurement services, namely, procurement of contracts for others for purchasing goods

and services for other businesses; shorthand services; outsourcing services; telephone answering for unavailable subscribers; business efficiency expert services ("Respondent's Services").

(The "Respondent Registration.") Petitioner petitions for cancellation of the Respondent Registration on grounds of likelihood of confusion and nonuse pursuant to Section 14 of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064. As grounds for cancellation, Petitioner alleges as follows:

- 1. Petitioner Delegator, LLC ("Petitioner") is a limited liability company organized and existing under the laws of Tennessee with a principal place of business at 701 Cherry Street, Suite 300, Chattanooga, TN 37402.
- 2. Petitioner began providing personal concierge services in or before 2003, and has been providing digital advertising and marketing services since at least 2009, and has been providing technical computer technology consulting services since at least 2010.
- 3. Petitioner has used the mark DELEGATOR in U.S. continuously in interstate commerce since at least as early as 2003, including use in connection with digital advertising and marketing services since at least as early as December 31, 2009, and in connection with technical computer technology consulting services since at least as early as 2010. As a result of this use, consumers in the United States have come to associate the DELEGATOR mark, as used in connection with digital advertising and marketing services, and technical computer technology consulting services with Petitioner and Petitioner's services. Petitioner, therefore, is the owner of common law rights in the DELEGATOR mark in connection with digital advertising and marketing services, and technical computer technology consulting services.
- 4. Petitioner is the owner of valid and subsisting U.S. Registration No. 3,777,583 for the DELEGATOR mark which issued on April 20, 2010, was corrected on July 13,

2010, and has become incontestable within the meaning of Section 15 of the Lanham Act, 15 U.S.C. § 1065. Attached as Exhibit A is a true and correct copy of corrected U.S. Registration No. 3,777,583. Attached as Exhibit B is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of U.S. Registration No. 3,777,583 as of April 18, 2023.

- 5. Petitioner is the owner of U.S. Registration No. 3,777,591 for the DELEGATOR GET IT DONE. mark which issued on April 20, 2010, was corrected on July 13, 2010, and has become incontestable within the meaning of Section 15 of the Lanham Act, 15 U.S.C. § 1065. Attached as Exhibit C is a true and correct copy of corrected U.S. Registration No. 3,777,591. Attached as Exhibit D is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of U.S. Registration No. 3,777,591 as of April 18, 2023.
- 6. Petitioner filed Application Serial No. 90/887,817 on August 17, 2021 (the "Petitioner Application") for the DELEGATOR mark, which, as amended, seeks registration for use in connection with the following services in International Class 42, which will hereafter be referred to as the "Pending App Services"):

digital advertising services; web site optimization; website traffic optimization; search engine optimization for sales promotion; marketing services in the field of web site traffic optimization; marketing services in the field of conversion rate optimization (CRO); consulting services in the field of search engine optimization for sales promotion; advertising agency services; advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; technical business consulting in the field of marketing" in International Class 35, and "computer technology consulting services in the field of computer system due diligence services for others in the field of stability, scalability, and

performance; technical computer technology consulting services in the field of computer system and software due diligence services for others in the field of mergers, acquisitions and financing."

The Petitioner Application is pending. Attached hereto as <u>Exhibit E</u> is a pdf copy of the pending Petitioner Application as filed.

- 7. Petitioner has been using the DELEGATOR trademark continuously in interstate commerce in connection with the Pending App Services in International Class 35 since at least as early as December 31, 2009, and since at least as early as December 31, 2010 for the Pending App Services in International Class 42.
- 8. Petitioner and its DELEGATOR brands have developed a strong reputation in the digital advertising and marketing and technical computer technology consulting services industries in the United States, based upon over ten (10) years of continuous service.
- 9. As a result of the success of Petitioner's business, Petitioner's DELEGATOR trademarks and the goodwill associated with the services offered under Petitioner's DELEGATOR trademarks are recognized and well known by consumers throughout the United States.
- 10. Petitioner has engaged and continues to engage in widespread advertising efforts to further build consumer recognition of the services offered under Petitioner's DELEGATOR trademarks.
- 11. Petitioner has expended substantial amounts of time, money and effort in advertising and promoting its DELEGATOR trademarks for over a decade, and in developing and maintaining the goodwill associated therewith.
- 12. As a result of Petitioner's extensive and continuous efforts, the purchasing public and members of the trade now immediately and directly associate Petitioner's

DELEGATOR trademarks with Petitioner and its services, thereby confirming the distinctive nature of Petitioner's DELEGATOR trademarks.

- 13. As a result of its widespread, continuous, and exclusive use of Petitioner's DELEGATOR trademarks to identify the Pending App Services and Petitioner as their source, Petitioner owns valid and subsisting federal statutory and common law rights to the DELEGATOR trademark.
- 14. In a final Office Action dated January 20, 2023 (the "Final Office Action"), the Examining Attorney cited the Respondent Registration against the Petitioner Application, asserting that registration of the DELEGATOR mark would be likely to cause consumer confusion with the DELEGATOR24 mark of the Respondent Registration, thereby interfering with the Petitioner Application and causing harm to Petitioner. Petitioner, therefore, has a real interest in seeking cancellation of the Respondent Registration and is entitled to bring this action.
- 15. Respondent Shvetsov Roman Vyacheslavovich, a citizen of the Russian Federation with an address of 33, Zhulebensky Blvd., block 1, Apt. 229, Moscow, Russian Federation, is the current listed owner of Respondent's Registration.
- 16. On February 9, 2018, Respondent filed Application Serial No. 87/791,914 (the "Respondent Application") to register the DELEGATOR24 mark in, *inter alia*, International Class 35 in connection with:

Advertising agency services; rental of advertising space; business auditing; business intermediary services relating to the matching of potential private investors with entrepreneurs needing funding; employment agency services; computerized file management; bookkeeping; invoicing; Services consisting of the registration, collection, transcription, compilation and systemization of written communications and data; Public opinion polling; Conducting market studies; providing business marketing information;

Commercial information and advice for consumers in the choice of products and services; business investigations; marketing research; personnel recruitment; business management and organization consultancy; consulting regarding public relations communication personnel management consultancy; consulting regarding business consultancy; advertising communication strategy; layout services for advertising purposes; marketing services; writing of resumes for others; scriptwriting for advertising purposes; news clipping services; updating and maintenance of information in registries; updating maintenance of data in computer databases; updating of advertising material; word processing; organization of exhibitions for commercial or advertising purposes; design of advertising materials; business appraisals; payroll preparation; business management assistance to industrial or commercial companies; commercial and industrial management assistance; commercial intermediation services, namely, mediation of contracts for purchase and sale of products; providing business information via a web site; provision of commercial and business contact information; Compiling indexes of information, namely, web indexing for commercial or advertising purposes; Providing television home shopping services in the field of general consumer merchandise; economic forecasting services; sales promotion for others; production of advertising films; publication of publicity texts; dissemination of advertising matter; direct mail advertising services; writing of publicity texts; advertising services; on-line advertising on a computer network; advertising by mail order; compilation of statistics; compilation of information into computer databases; business inquiries; systemization of information into computer databases; advisory services for business management, namely, business management consulting and advisory services; negotiation of business contracts for others; negotiation and conclusion of commercial transactions for third parties; compiling indexes of information for commercial or advertising purposes; tax preparation; drawing up of statements of accounts, namely, preparation of financial statement, accounts receivable billing services; psychological testing for the selection of personnel; business and personnel management; Commercial administration of the licensing of the goods and services of others; business administration of consumer loyalty programs; administrative processing of purchase orders; Word processing and typing appointment reminder services; website optimization; tax filing services; search engine optimization for sales promotion: appointment scheduling services: comparison services; secretarial services; Procurement services, namely, procurement of contracts for others for purchasing goods

and services for other businesses; shorthand services; outsourcing services; telephone answering for unavailable subscribers; business efficiency expert services.

The foregoing was the basis for the Respondent Registration at issue in this proceeding. Respondent filed the Respondent Application based on an intent to use the DELEGATOR24 mark in U.S. commerce under Section 1(b) of the Lanham Act, 15 U.S.C. §1051(b). During prosecution, the Respondent amended the application to assert Section 44(e) of the Lanham Act as the filing basis based upon Registrant's foreign registration for the DELEGATOR24 mark in the Russian Federation.

- 17. Respondent's Attorney of Record for the Respondent Application is Alexander Lazouski ("Lazouski"), of Lazouski IP LLC, located at 14726 Bowfin Ter., Suite 1, Lakewood Ranch, FL 34202 with emails of al@lzlawoffice.com and info@lzlawoffice.com.
- 18. The Respondent Registration does not have an appointed domestic representative.
- 19. On information and belief, the Respondent does not maintain any place of business or other physical address in the United States.
- 20. On information and belief, the Respondent has never provided any goods or services to consumers in the United States or otherwise in interstate commerce.
- 21. The price list for Respondent's services posted on Respondent's website is denoted in Russian Federation rubles. *See* Screen Capture dated 3/10/23 from Respondent's website athttps://delegator24.ru/ which has been translated from Russian into English, attached as Exhibit F.
- 22. Petitioner's DELEGATOR trademarks have priority over Respondent's mark because Petitioner's first-use dates for the DELEGATOR trademarks predate the filing date

of Respondent's application for Registration No. 5,999,519 or any other date on which the Respondent may rely for purposes of priority.

- 23. Respondent's Mark is confusingly similar to Petitioner's DELEGATOR trademark in sight, sound and commercial impression.
- 24. Many of the Respondent's Services covered by Respondent's Trademark Registration No. 5,999,519 are identical to Petitioner's Pending App Services.
- 25. Respondent's Registration No. 5,999,519 is unrestricted as to consumers and trade channels. As such, it is presumed that Respondent's Services identified in the challenged registration are sold to all ordinary consumers of services, including consumers of Petitioner's Pending App Services, and travel in all ordinary trade channels, including the trade channels through which Petitioner provides its services under its DELEGATOR trademarks.
- 26. In the Respondent Application filed on February 9, 2018, Respondent's Attorney of Record, Alexander Lazouski, on Respondent's behalf, represented to the USPTO that Respondent had a *bona fide* intention to use the DELEGATOR24 mark in commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, in connection with the relevant services (the "Representation").
- 27. On information and belief, Respondent did not have a *bona fide* intent to use Respondent's Mark in commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, on February 9, 2018 the date of the filing of the intent to use-based application that matured into the Respondent Registration of the Respondent's Mark.
- 28. On information and belief, the Representation continues to be false as of the filing of this Petition for Cancellation.

- 29. On information and belief, because Respondent did not have a *bona fide* intent to use Respondent's Mark in commerce as of the filing date, and as evidence obtained through discovery in this proceeding will likely further show, Respondent and Lazouski knew the Representation was false at the time it was made.
- 30. As evidenced by Respondent's petition to amend the filing basis of Respondent's Application to §44(e) subsequent to the issuance of a Notice of Allowance when the application was based upon §1(b), the only reasonable inference is that Lazouski made the Representation on Respondent's behalf to mislead the USPTO and to cause the USPTO to issue the Respondent Registration.
- 31. The false Representation was material because, but for the false Representation, the USPTO would not have issued the Notice of Allowance for the Respondent's Application. However, in reliance on the false Representation, the USPTO issued the Notice of Allowance February 12, 2019.
- 32. Respondent's website at https://delegator24.ru/ is hosted in the Russian Federation by the Coordination Center for TLD .RU which accredits domain name registration services to end-users in the Russian Federation.
- 33. Respondent's website at https://delegator24.ru/ is displayed entirely in Russian except for the Respondent's Mark. A copy of a screen capture of Respondent's website at https://delegator24.ru/ which was captured on March 8, 2023, is attached as Exhibit G.
- 34. As of March 7, 2023, the URL www.delegator24.com is available for sale by Go Daddy. *See* Exhibit H attached hereto.
- 35. On information and belief, Respondent's business is directed to and conducted entirely within the Russian Federation.

- 36. Upon information and belief, since the issuance of the Respondent Registration on March 3, 2020, the Respondent has not used Respondent's Mark for some or all of the goods listed in the Respondent Registration in commerce which may lawfully be regulated by Congress for a period exceeding three years and is therefore subject to cancellation for nonuse pursuant to the Lanham Act, § 14(6), 15 U.S.C. 1064(6).
- 37. Upon information and belief, Respondent does not include Respondent's Mark on or within any consumer-facing advertising materials used or distributed in commerce which may lawfully be regulated by Congress and has not done so for a period exceeding three years.
- 38. Upon information and belief, Respondent has never used Respondent's Mark in connection with the registered services in commerce which may lawfully be regulated by Congress, including for a period exceeding three years since the Respondent Application was issued.
- 39. Respondent, upon information and belief, has made no trademark use of Respondent's Mark in commerce which may lawfully be regulated by Congress, including for a period exceeding three years since the Respondent Application was issued, in connection with the some or all of the services contained in the Respondent Registration.

GROUNDS FOR CANCELLATION

COUNT 1 – LIKELIHOOD OF CONFUSION

- 40. Petitioner incorporates each and every allegation in the preceding paragraphs of this Petition for Cancellation as though fully set forth herein.
- 41. Respondent's registration should be cancelled because it consists of or comprises a mark which so resembles Petitioner's previously used and registered DELEGATOR

trademark as to be likely, when used in connection with Respondent's services, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d), and to cause damage to Petitioner thereby.

COUNT 2 - ABANDONMENT

- 42. Petitioner incorporates each and every allegation in the preceding paragraphs of this Petition for Cancellation as though fully set forth herein.
- 43. Based upon reasonable search and investigation, Petitioner has been unable to find evidence of Respondent's *bona fide* use of Respondent's Marks in U.S. commerce for any of the services identified in the Registrations.
- 44. Upon information and belief, Respondent has not used or discontinued use of Respondent's Mark in interstate commerce in connection with all of the services identified in the Registration for a period exceeding three years.
- 45. Upon information and belief, Respondent intends not to resume use of Respondent's Mark in the Registration in interstate commerce in connection with these services within the United States.
- 46. Accordingly, Respondent has abandoned Respondent's Mark in connection with these services and Registration No. 5,999,519 is subject to cancellation pursuant to 15 U.S.C. § 1064(3).
- 47. Continued registration of Respondent's Mark, namely, DELEGATOR24, by Respondent would create statutory rights in favor of Respondent, and thereby restrict, interfere with and damage Petitioner in the unhampered conduct of its business and protection of its legitimate interests.

48. By reason of the foregoing, Petitioner has been and will continue to be

damaged by continued registration of Respondent's Mark by Respondent.

49. Petitioner has been and will continue to be harmed by the continued

registration of the Respondent Registration because it is preventing Petitioner from obtaining a

registration for its DELEGATOR mark. Respondent could rely on the Respondent Registration

to assert its alleged rights against Petitioner.

50. The cancellation fee in the amount of \$600.00 per class is filed herewith.

WHEREFORE, Petitioner respectfully prays that its cancellation be sustained and

that Respondent's Registration No. 5,999,519 be cancelled.

Dated: April 19, 2023

Atlanta, GA

Respectfully submitted,

MILLER & MARTIN PLLC

/s/ Charles W. Forlidas

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Phone: (404) 962-6400

Attorneys for Petitioner

Delegator, LLC

13 21668391v3

EXHIBIT A

US REGISTRATION NO. 3,777,583 [CORRECTED]

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

Reg. No. 3,777,583

United States Patent and Trademark Office Corrected

Registered Apr. 20, 2010 OG Date July 13, 2010

SERVICE MARK PRINCIPAL REGISTER

DELEGATOR

DELEGATOR, INC. (DELAWARE COR-PORATION) 426 MARKET STREET CHATTANOOGA, TN 37402 THE MARK CONSISTS OF STAN-DARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: PERSONAL CONCIERGE SERVICES FOR OTHERS COMPRISING MAKING REQUESTED PERSONAL AR-

RANGEMENTS AND RESERVATIONS, RUNNING ERRANDS AND PROVIDING CUSTOMER SPECIFIC INFORMATION TO MEET INDIVIDUAL NEEDS, ALL RENDERED IN BUSINESS ESTABLISHMENTS, OFFICE BUILDINGS, HOTELS, RESIDENTIAL COMPLEXES AND HOMES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 3-19-2003; IN COMMERCE 3-19-2003.

SER. NO. 77-819,406, FILED 9-3-2009.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on July 13, 2010.

EXHIBIT B

STATUS AND TITLE OF U.S. REGISTRATION NO. 3,777,583

For assistance with TSDR, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS DOCUMENTS MAINTENANCE Back to Search Print

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Mark: DELEGATOR

DELEGATOR

US Serial Number: 77819406 Application Filing Date: Sep. 03, 2009

US Registration Number: 3777583 Registration Date: Apr. 20, 2010

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Offic

 $\textbf{Status:} \ \ \text{Registered. The registration date is used to determine when post-registration maintenance documents are } \zeta$

Status Date: Jul. 06, 2022

Publication Date: Feb. 02, 2010

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: DELEGATOR, LLC

Owner Address: 701 CHERRY STREET

SUITE 300

CHATTANOOGA, TENNESSEE UNITED STATES 37402

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

EXHIBIT C

US REGISTRATION NO. 3,777,591 [CORRECTED]

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

Reg. No. 3,777,591 Registered Apr. 20, 2010

United States Patent and Trademark Office Corrected

OG Date July 13, 2010

SERVICE MARK PRINCIPAL REGISTER

DELEGATOR GET IT DONE.

DELEGATOR, INC. (DELAWARE COR-PORATION) 426 MARKET STREET CHATTANOOGA, TN 37402 THE MARK CONSISTS OF STAN-DARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR: PERSONAL CONCIERGE SERVICES FOR OTHERS COMPRISING MAKING REQUESTED PERSONAL AR-

RANGEMENTS AND RESERVATIONS, RUNNING ERRANDS AND PROVIDING CUSTOMER SPECIFIC INFORMATION TO MEET INDIVIDUAL NEEDS, ALL RENDERED IN BUSINESS ESTABLISHMENTS, OFFICE BUILDINGS, HOTELS, RESIDENTIAL COMPLEXES AND HOMES, IN CLASS 45 (U.S. CLS. 100 AND 101).

FURTILISE 10-7-2006: IN COMMERCE

FIRST USE 10-7-2006; IN COMMERCE 10-7-2006.

SER. NO. 77-819,476, FILED 9-3-2009.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on July 13, 2010.

EXHIBIT D

STATUS AND TITLE OF U.S. REGISTRATION NO. 3,777,591

For assistance with TSDR, email <u>teas@uspto.gov</u> and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS DOCUMENTS MAINTENANCE Back to Search Print

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Mark: DELEGATOR GET IT DONE.

DELEGATOR GET IT DONE.

US Serial Number: 77819476 Application Filing Date: Sep. 03, 2009

US Registration Number: 3777591 Registration Date: Apr. 20, 2010

Filed as TEAS Plus: Yes Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Offic

 $\textbf{Status:} \ \ \text{Registered.} \ \text{The registration date is used to determine when post-registration maintenance documents are } \zeta$

Status Date: Jul. 06, 2022

Publication Date: Feb. 02, 2010

Mark Information

Goods and Services

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: DELEGATOR, LLC

Owner Address: 701 CHERRY STREET

SUITE 300

CHATTANOOGA, TENNESSEE UNITED STATES 37402

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where TENNESSEE

Organized:

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

EXHIBIT E

PETITIONER'S US TRADEMARK APPLICATION SERIAL NO. 90/887,817

Trademark/Service Mark Application, Principal Register

Serial Number: 90887817 Filing Date: 08/17/2021

The table below presents the data as entered.

Input Field	Entered	
SERIAL NUMBER	90887817	
MARK INFORMATION		
*MARK	DELEGATOR	
STANDARD CHARACTERS	YES	
USPTO-GENERATED IMAGE	YES	
LITERAL ELEMENT	DELEGATOR	
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.	
REGISTER	Principal	
APPLICANT INFORMATION		
*OWNER OF MARK	Delegator, LLC	
*MAILING ADDRESS	701 Cherry Street, Suite 300	
*CITY	Chattanooga	
*STATE (Required for U.S. applicants)	Tennessee	
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States	
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	37402	
*EMAIL ADDRESS	XXXX	
LEGAL ENTITY INFORMATION		
ТҮРЕ	limited liability company	
STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Tennessee	
GOODS AND/OR SERVICES AND BASIS INFORMATIO)N	
INTERNATIONAL CLASS 035		
*IDENTIFICATION	Digital advertising services; Web site optimization; Website traffic optimization; Search engine optimization for sales promotion; Marketing services in the field of web site traffic optimization; Marketing services in the field of conversion rate optimization (CRO); Consulting services in the field of search engine optimization for sales promotion; Advertising agency services; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and	

	other forms of passive, sharable or viral communications channels; Technical consulting in the field of marketing
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/2009
FIRST USE IN COMMERCE DATE	At least as early as 12/31/2009
SPECIMEN FILE NAME(S)	\\\TICRS\EXPORT18\IMAGEOUT 18\\908\878\\90887817\xm11\APP0003.JPG
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	\\TICRS\EXPORT18\IMAGEOUT 18\908\878\90887817\xml1 \ APP0009.JPG
SPECIMEN DESCRIPTION	a series of 7 dated screen captures from Applicant's delegator.com website Services page displaying the mark in connection with advertising the services
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
INTERNATIONAL CLASS	042
*IDENTIFICATION	Technical consulting services in the field of computer system due diligence services for others in the field of stability, scalability, and performance; Technical consulting services in the field of computer system and software due diligence services for others in the field of mergers, acquisitions and financing
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/2010
FIRST USE IN COMMERCE DATE	At least as early as 12/31/2010
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT 18\908\878\90887817\xml1 \ APP0010.JPG
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	\\TICRS\EXPORT18\IMAGEOUT

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	18\908\878\90887817\xml1 \ APP0015.JPG
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	\\\TICRS\EXPORT18\IMAGEOUT 18\\908\878\\90887817\xm11\APP0017.JPG
SPECIMEN DESCRIPTION	a series of dated screen captures from Applicant's delegator.com website analytics-audits page displaying the mark in connection with advertising the services
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ATTORNEY INFORMATION	
NAME	Charles W. Forlidas
ATTORNEY DOCKET NUMBER	22489-0002
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	Miller & Martin PLLC
INTERNAL ADDRESS	Attn: Trademark Paralegal
STREET	1200 Volunteer Bldg., 832 Georgia Avenue
CITY	Chattanooga
STATE	Tennessee
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	37402
PHONE	404-962-6100
FAX	404-962-6300
EMAIL ADDRESS	trademarknotices@millermartin.com
OTHER APPOINTED ATTORNEY	Stephen E. Kabakoff, Douglas T. Johnson, Stephen J. Stark
CORRESPONDENCE INFORMATION	
NAME	Charles W. Forlidas
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	trademarknotices@millermartin.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	charles.forlidas@millermartin.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Standard
NUMBER OF CLASSES	2
APPLICATION FOR REGISTRATION PER CLASS	350
*TOTAL FEES DUE	700
*TOTAL FEES PAID	700
SIGNATURE INFORMATION	
SIGNATURE	/Charles W. Forlidas/

SIGNATORY'S NAME	Charles W. Forlidas
SIGNATORY'S POSITION	Attorney of Record, Georgia Bar Member
SIGNATORY'S PHONE NUMBER	404-962-6444
DATE SIGNED	08/17/2021
SIGNATURE METHOD	Sent to third party for signature

Trademark/Service Mark Application, Principal Register

Serial Number: 90887817 Filing Date: 08/17/2021

To the Commissioner for Trademarks:

MARK: DELEGATOR (Standard Characters, see mark)

The literal element of the mark consists of DELEGATOR. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Delegator, LLC, a limited liability company legally organized under the laws of Tennessee, having an address of

701 Cherry Street, Suite 300 Chattanooga, Tennessee 37402 United States XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 035: Digital advertising services; Web site optimization; Website traffic optimization; Search engine optimization for sales promotion; Marketing services in the field of web site traffic optimization; Marketing services in the field of conversion rate optimization (CRO); Consulting services in the field of search engine optimization for sales promotion; Advertising agency services; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Technical consulting in the field of marketing

In International Class 035, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 12/31/2009, and first used in commerce at least as early as 12/31/2009, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) a series of 7 dated screen captures from Applicant's delegator.com website Services page displaying the mark in connection with advertising the services.

Specimen File1

Specimen File2

Specimen File3

Specimen File4

Specimen File

Specimen File5

Specimen File6

Specimen File7

Webpage URL: None Provided

Webpage Date of Access: None Provided

International Class 042: Technical consulting services in the field of computer system due diligence services for others in the field of stability, scalability, and performance; Technical consulting services in the field of computer system and software due diligence services for others in the field of mergers, acquisitions and financing

In International Class 042, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 12/31/2010, and first used in commerce at least as early as 12/31/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) a series of dated screen captures from Applicant's delegator.com website analytics-audits page displaying the mark in connection with advertising the services.

Specimen File1

Specimen File2

Specimen File3

Specimen File4

Specimen File5

Specimen File6 Specimen File7 Specimen File8

Webpage URL: None Provided

Webpage Date of Access: None Provided

The owner's/holder's proposed attorney information: Charles W. Forlidas. Other appointed attorneys are Stephen E. Kabakoff, Douglas T. Johnson, Stephen J. Stark. Charles W. Forlidas of Miller & Martin PLLC, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, and the attorney(s) is located at

Attn: Trademark Paralegal 1200 Volunteer Bldg., 832 Georgia Avenue Chattanooga, Tennessee 37402 United States 404-962-6100(phone)

404-962-6300(fax)

trademarknotices@millermartin.com

The docket/reference number is 22489-0002.

Charles W. Forlidas submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Charles W. Forlidas

PRIMARY EMAIL FOR CORRESPONDENCE: trademarknotices@millermartin.com SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): charles.forlidas@millermartin.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$700 has been submitted with the application, representing payment for 2 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration

resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Charles W. Forlidas/ Date: 08/17/2021

Signatory's Name: Charles W. Forlidas

Signatory's Position: Attorney of Record, Georgia Bar Member

Signatory's Phone Number: 404-962-6444

Signature method: Sent to third party for signature

Payment Sale Number: 90887817 Payment Accounting Date: 08/17/2021

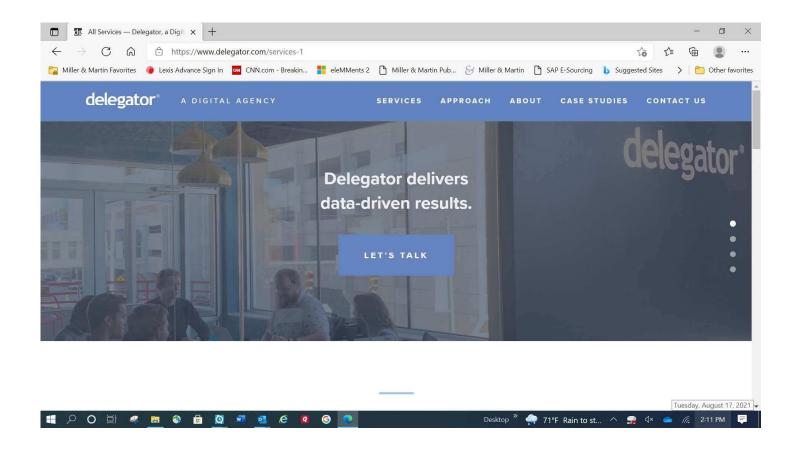
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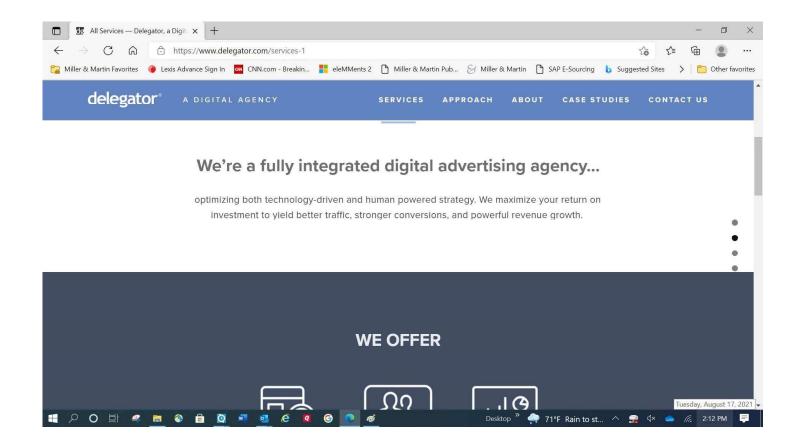
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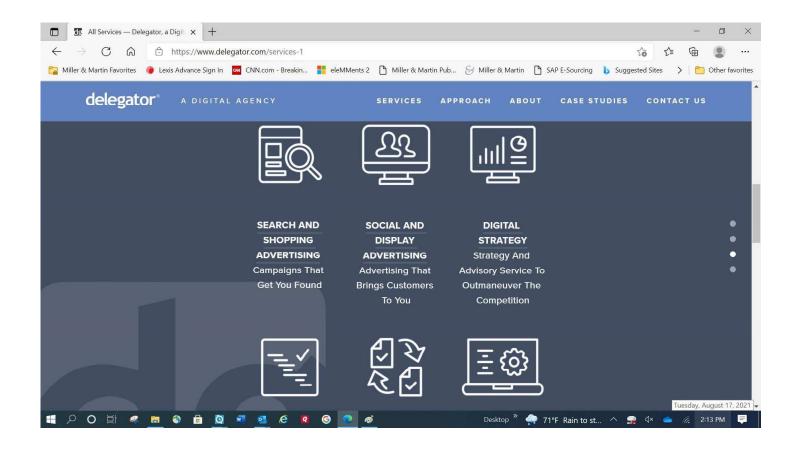
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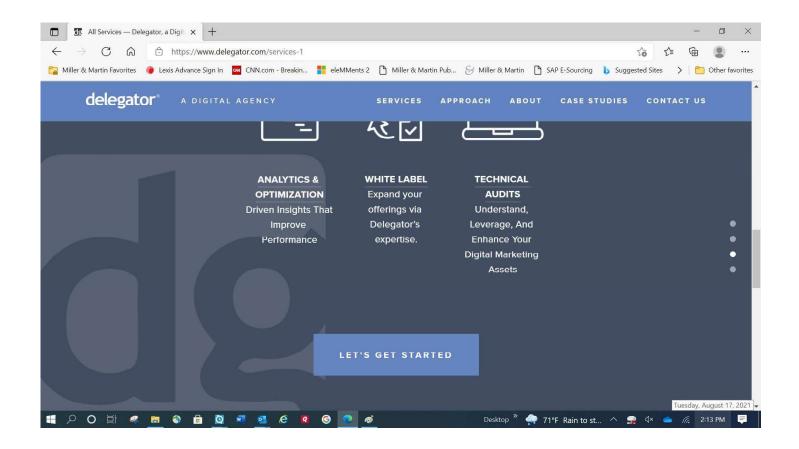
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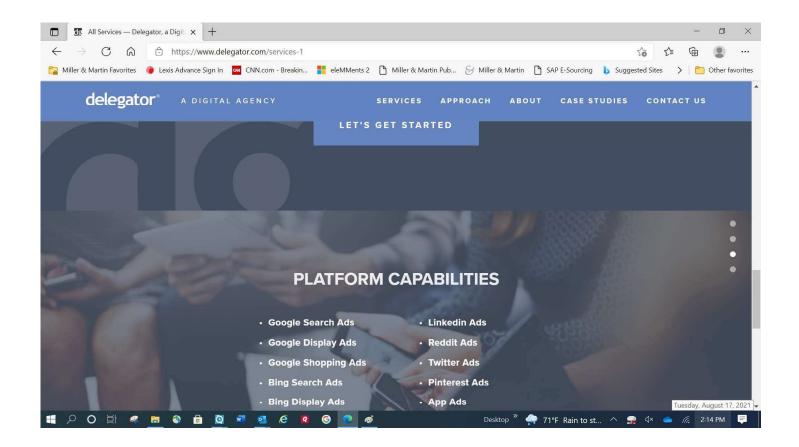
DELEGATOR

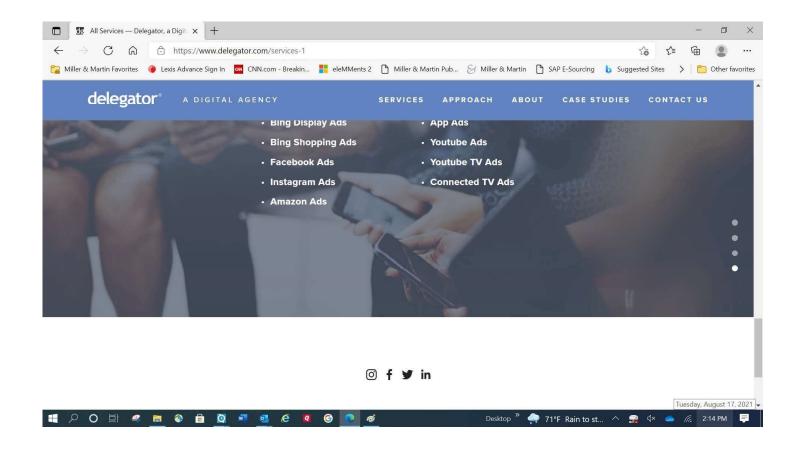


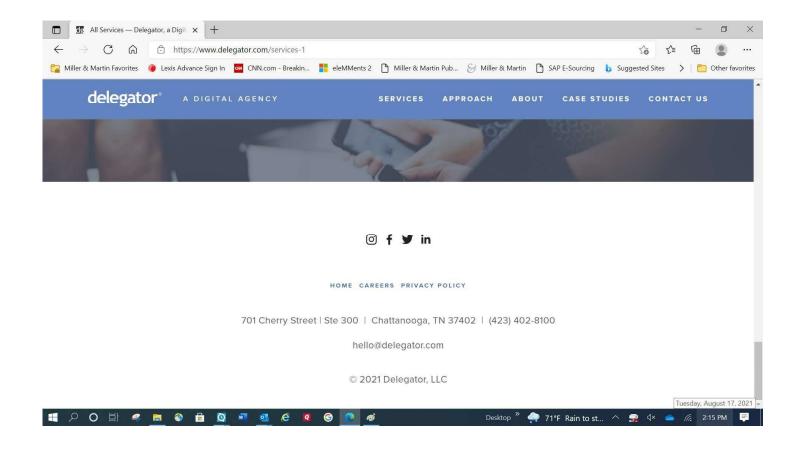


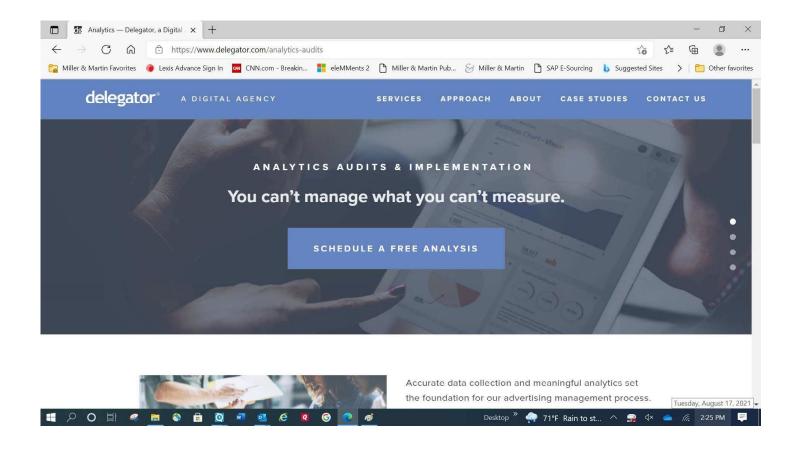


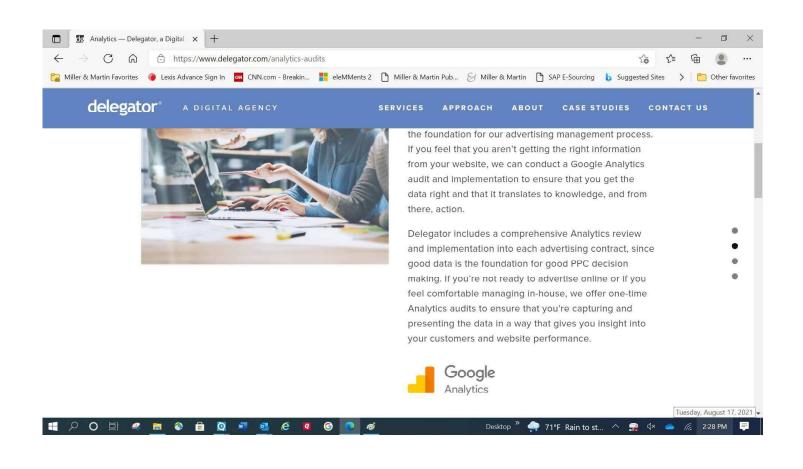


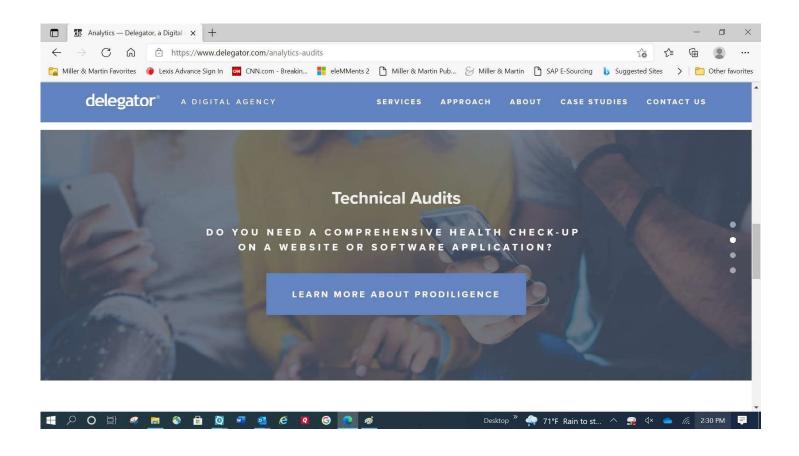


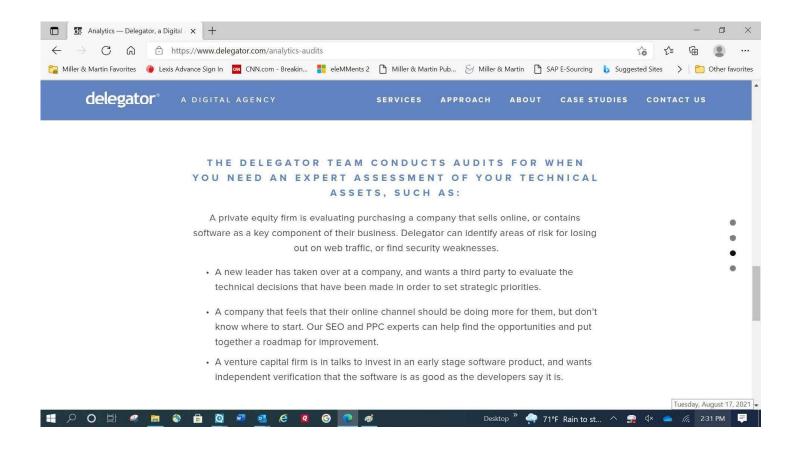


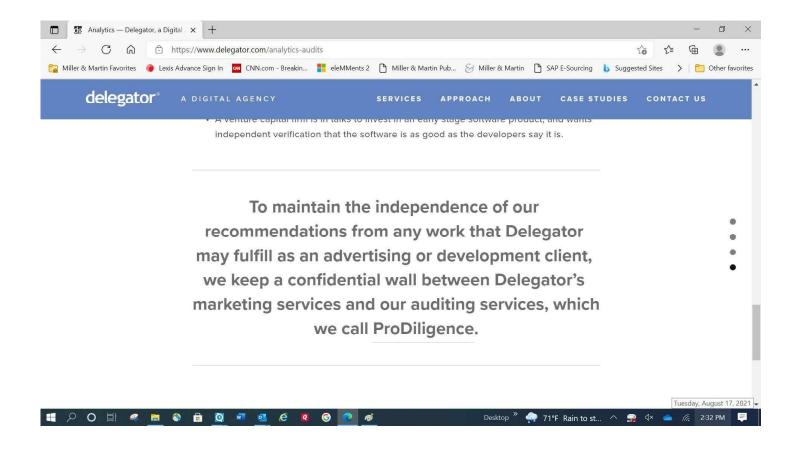


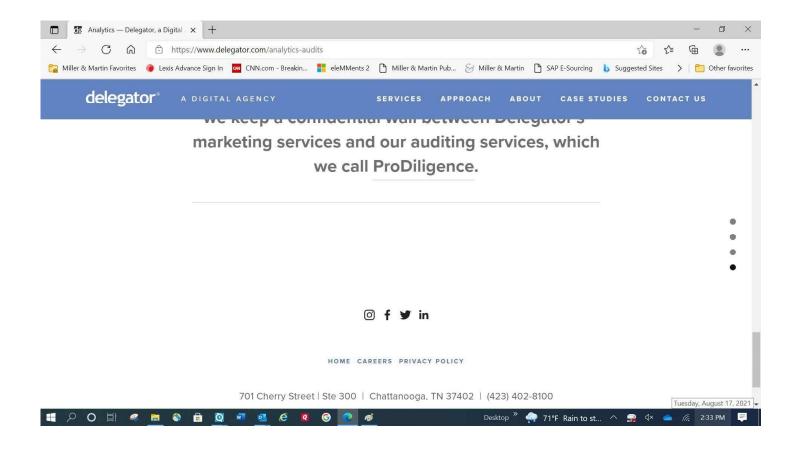


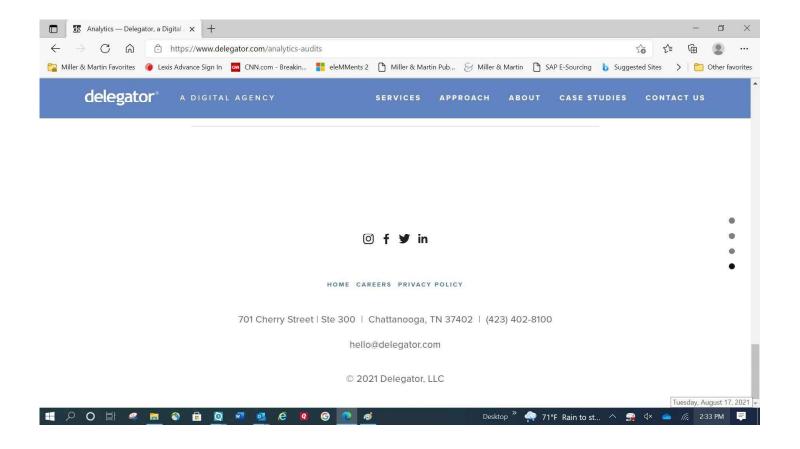




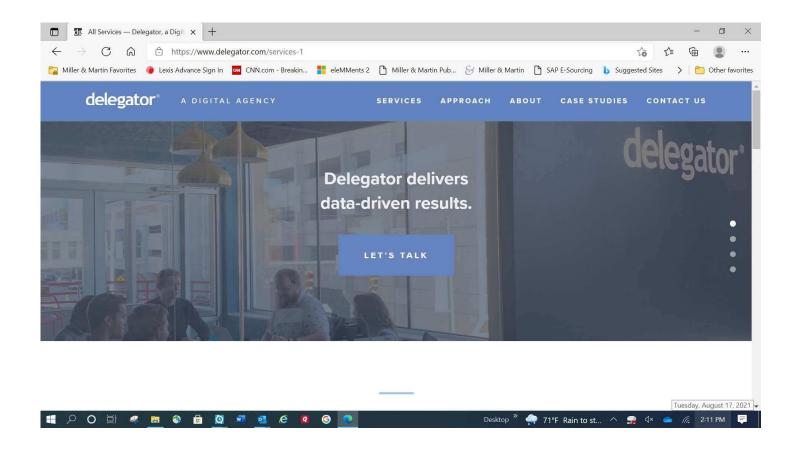


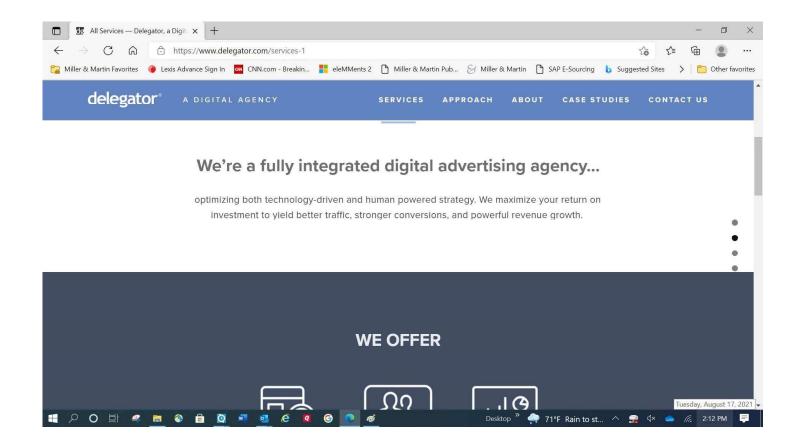


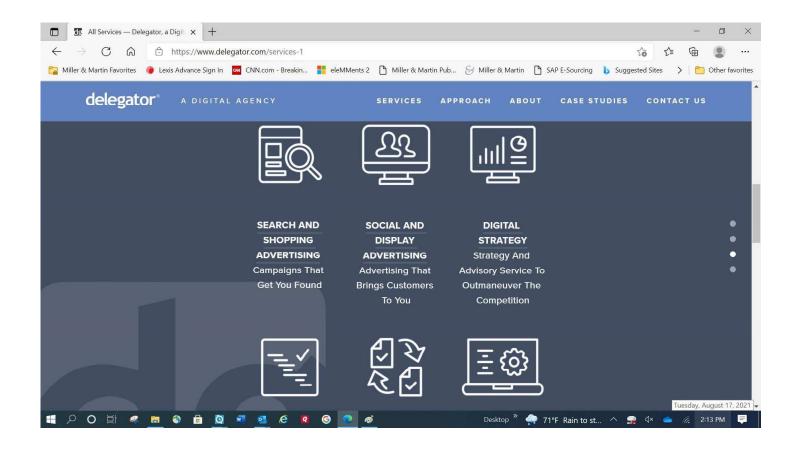


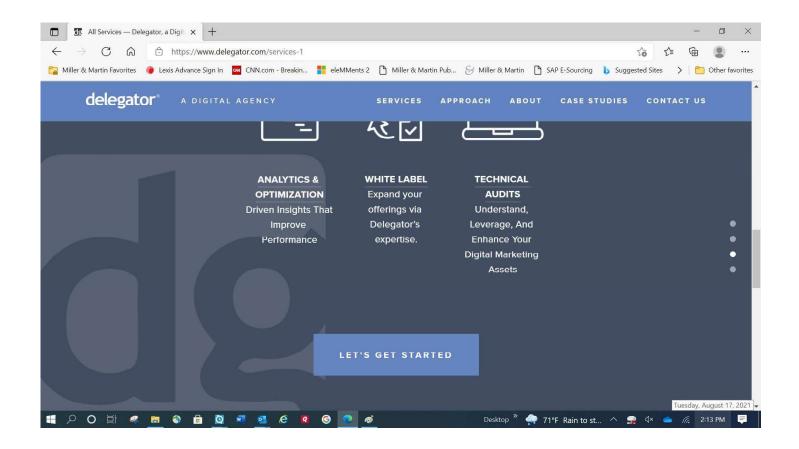


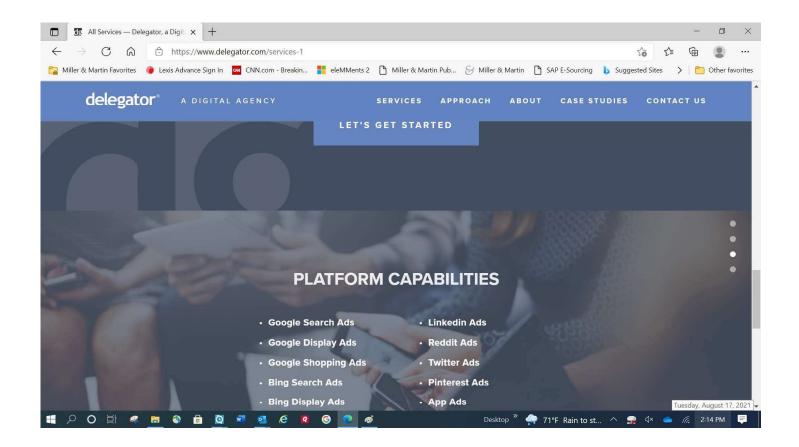
DELEGATOR

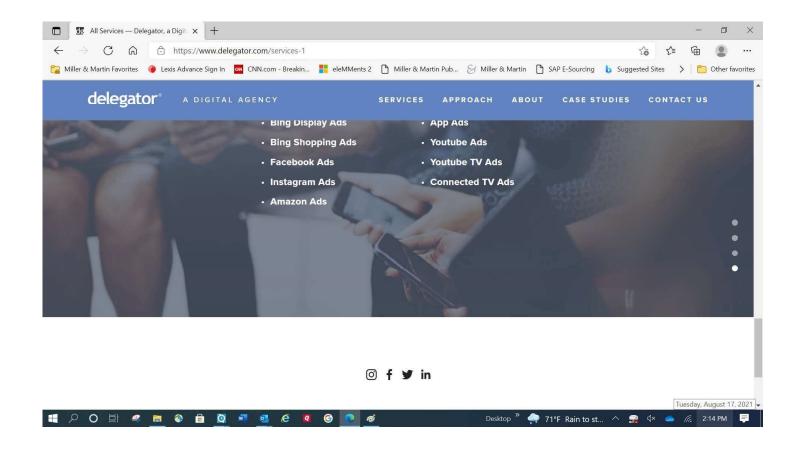


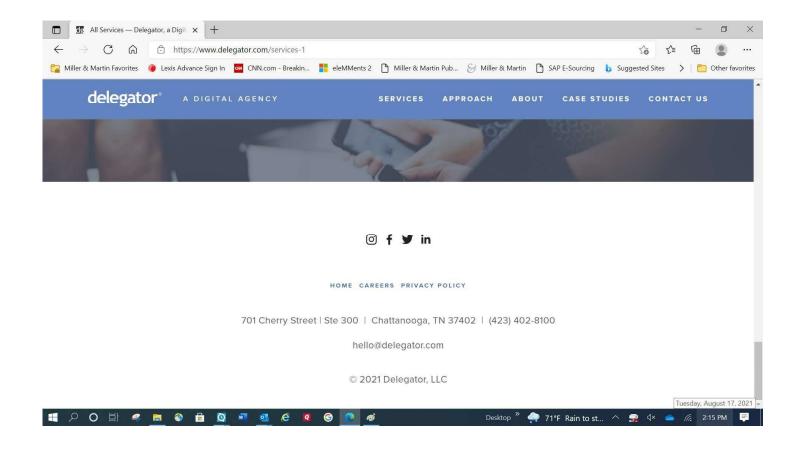


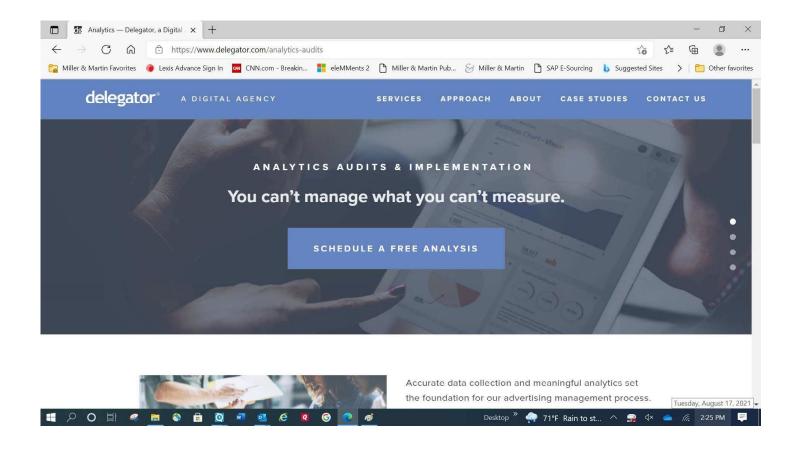


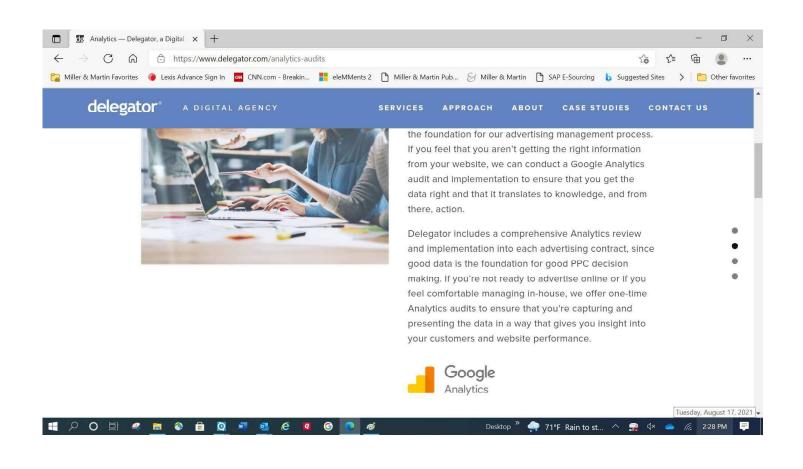


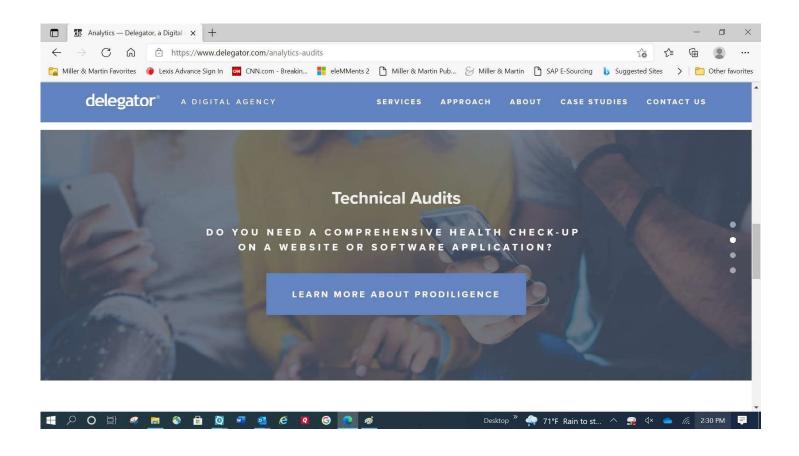


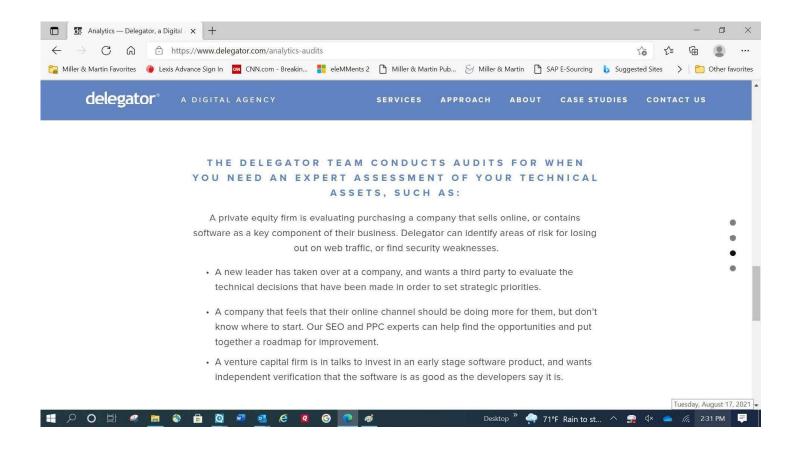


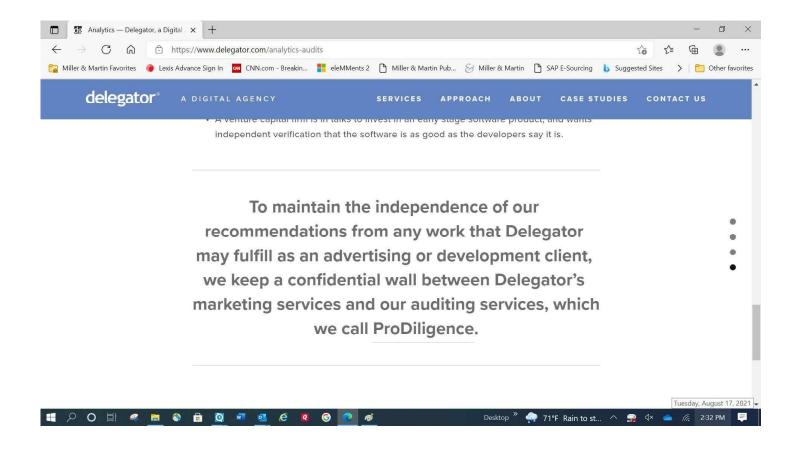


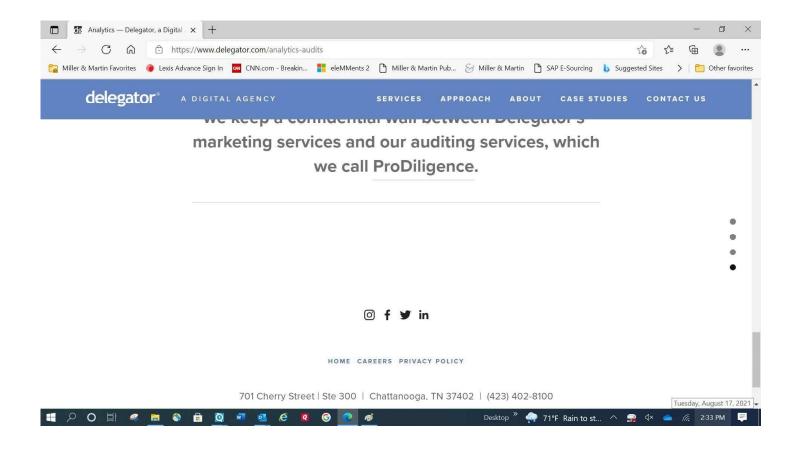












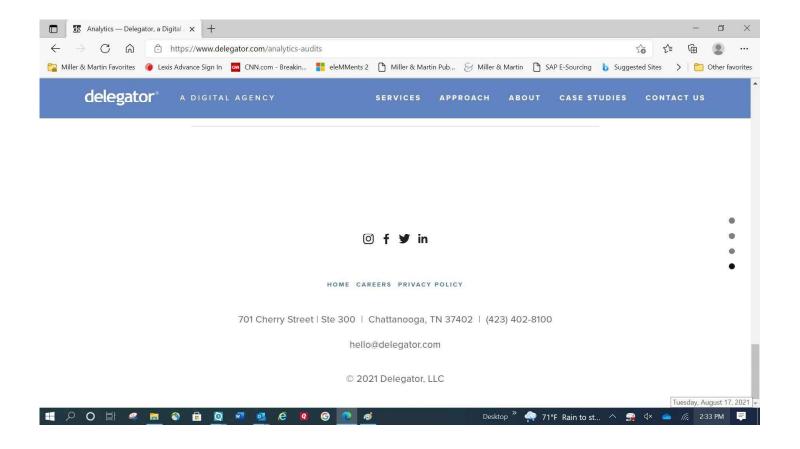
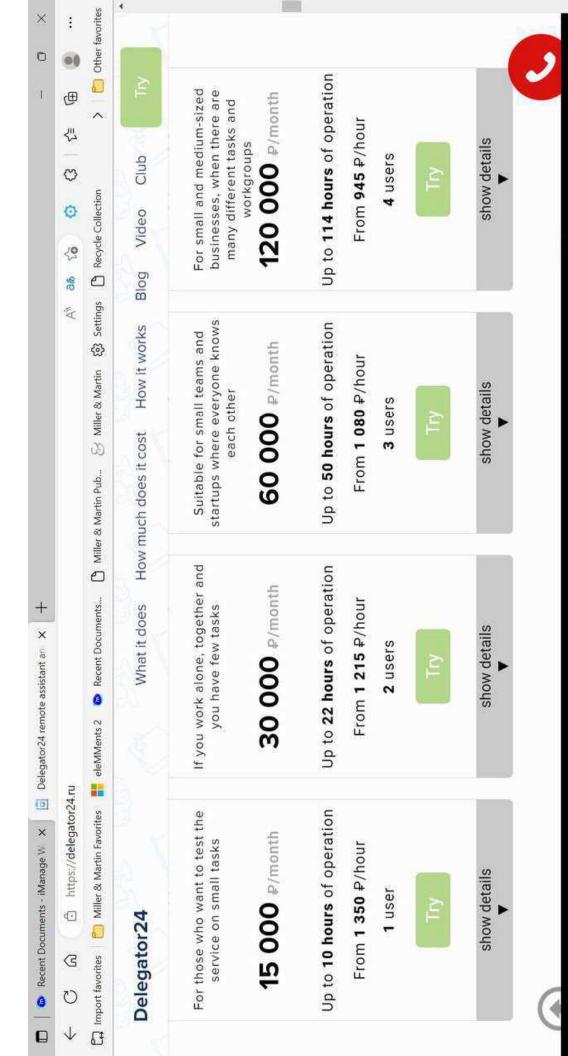


EXHIBIT F

TRANSLATED PRICE LIST FROM DELEGATOR24.RU WEBSITE

21668391v3 19



Friday, March 10, 2023

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We use cookies to best present our website. If you continue to use the site, we will assume that you are satisfied with this.

EXHIBIT G

SCREEN CAPTURE OF RESPONDENT'S DELEGATOR24.RU WEBSITE

21668391v3 20

Delegator24

Что делает Сколько стоит Как работает Блог



Сервис бизнес-ассистентов и аутсорсинга для деловых людей

Больше не нужно искать, кому делегировать задачи. Удаленные ассистенты помогут больше успевать и чаще отдыхать. Вы ставите задачи, мы их решаем.

Делегируйте прямо сейчас! Подробнее



120 специалистов работают на Вас



Решим оперативные задачи

Составим график встреч, отсортируем письма, оплатим счета, расшифруем записи переговоров, переведём текст на английский.



Поможем наладить маркетинг

Сделаем лендинг, напишем рассылку, ответим в соцсетях, поможем настроить аналитику и CRM для отслеживания продаж.



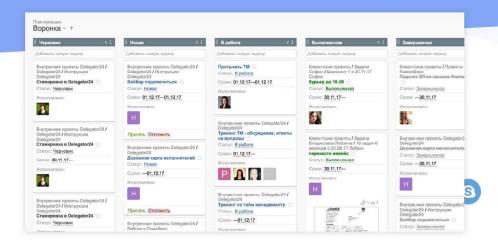
Разберёмся в законах и налогах

Дадим советы по бухгалтерии и финансовому учёту, подскажем, как оформить договор, поможем разобраться в законодательстве.

Специалисты решают задачи удалённо, а работают у нас в штате. Вы ставите задачи, а мы отвечаем за сроки и качество по договору.

Делегируете задачи ассистенту Согласуете сроки и результат Задачи решают 120 специалистов

У нас есть удобный интерфейс, чтобы ставить и контролировать задачи. Можем общаться в почте, мессенджере или по телефону, если так удобнее.





Ваше время дороже

тебольших задачах

15 000 ₽/мес

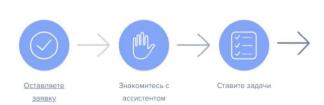
До 10 часов работы
От 1 350 ₽/час

немного задач

30 000 ₽/мес

До 22 часов работы
От 1 215 ₽/час





Ваш идеальный сотрудник

16+

специалистов разного профиля 43%

Экономия на налогах и социальных выплатах **40** yacon

свободного времени в месяц
— минимум

Один штатный сотрудник может заниматься только одной задачей. Наша команда решает несколько вопросов параллельно.



Ваш ассистент всегда на связи. Можно поставить задачу в полночь или ранним утром в субботу.



Экономит ваши деньги

Не нужно платить зарплатные налоги, покупать стол и компьютер для удалённого ассистента.



Умеет гораздо больше

В нашей команде работает 120 пециалистов с разным опытом. Вместе они решат любую задачу.

МЕРОПРИЯТИЯ



Наши эксперты





Рустем Мухамадиев

Анвлитик бизнес-процессов Подробнее

Написать эксперту

Стратегический маркетинг



Ксения Хизова

Специалист по стратегическому маркетингу

Подробнее

Написать эксперту

Бухгалтерия



Татьяна Никанорова

Основатель и собственник

Подробнее

Написать эксперту



Роман Швецов

Основатель сервиса Delegator24



Анастасия Абрамович

Генеральный директор Более 5 лет успешного опыта в продажах Glance, BAON



Екатерина Михайлова

Руководитель команды ассистен Delegator24

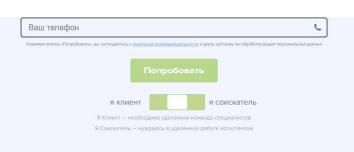


Выберем лучшего

Под вашу отрасль и специфику задач

Начните делегировать прямо сейчас!

Ваше имя



Я поставлю сервису 8 баллов по 10 бальной шкале, даже 8 ближе к 9,10 не поставлю только потому, ито нужно всегда расти. Я очень доволен ассистентами, которые со мной тработают. Стордичный с сервисом уже потит год, Могу сказать, ито засномяти времени колоссальная. Простой пример- в экономлю на подборе ассистента 30 дней. В компании подбор нужного человека экономительного тработ детелетор 24 ние его накодят за 7 минут. Если он мне не подходит-его меняот - тоже за 7 минут. Это только одно из премущиств проботы. Делегиоруйте и экономите время.



Меня очень сильно в последний момент подвел гостевой редактор и я вспомнила про сервис Делегатор.24 г.де одну задачу может выполнить сразу 10 человек. Я очень благодарны, ведь специалисты комгли выполнить очень комкую, серьезную, требующую многолетней подготовки работу гостевого редактор и пригласили звездных гостей на съемку, все организовали. Не было на изрина накладки. Спасибо огромное всем специалистам. Сервису можно поручить самые сложные бизнес задачи.



340+

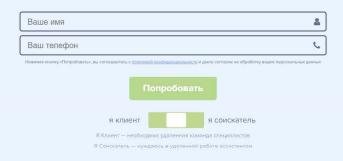
2360

740

занятых людей освободили время с нашей помощью

задач выполнили наши ассистенты только в этом году примерно столько человекочасов сэкономили

Начните делегировать прямо сейчас!







Звонок по России бесплатный

8-800-100-18-23

Время работы: 9.00 — 21.00 пн-пт

Москва, Пресненская наб. д.б, стр.2 ММДЦ «Москва-Сити», башня «Империя»



ОГРН: 1182651009760 ООО «Делегатор24»

Политика конфиденциальности Zen Yandex



EXHIBIT H

SCREEN CAPTURE OF GO DADDY WEBSITE SHOWING DELEGATOR24.COM FOR SALE

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