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Filing date: **09/17/2024**

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	Rated Rookie LLC		
Entity	limited liability company	Incorporated or registered in	Delaware
Address	251 LITTLE FALLS DRIVE WILMINGTON, DE 19808 UNITED STATES		

Attorney information	MATTHEW A. HOMYK BLANK ROME LLP ONE LOGAN SQUARE PHILADELPHIA, PA 19103 UNITED STATES Primary email: mhomyk@blankrome.com Secondary email(s): docketing@blankrome.com, blake.fink@blankrome.com 215-569-5360		
Docket no.	168364-00105		

#### Registration subject to cancellation

Registration no.	5298899	Registration date	10/03/2017
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	Peter Lehmann Wines Pty Limited OFF PARA RD TANUNDA SA 5352 TANUNDA SA, 5352 AUSTRALIA		

#### Goods/services subject to cancellation

Class 033. First Use: None First Use In Commerce: None  
All goods and services in the class are subject to cancellation, namely: Wine

#### Grounds for cancellation

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

Attachments	U.S. Trademark Reg. No. 5298899 for MY WORD IS MY BOND Petition to Cancel.pdf(124894 bytes )
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Signature	/Matthew Homyk/
Name	Matthew A. Homyk
Date	09/17/2024

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

Rated Rookie LLC,  
a Delaware limited liability company,

Petitioner,

v.

Peter Lehmann Wines Pty Limited.,  
an Australian proprietary limited company,

Registrant.

In re Registration No.: 5298899

Mark: MY WORD IS MY BOND

Hon. Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Attn.: Trademark Trial and Appeal Board

**PETITION FOR CANCELLATION**

Petitioner Rated Rookie LLC, a Delaware limited liability company (“Petitioner”), believes that it is being and will continue to be damaged by the continued registration of U.S. Trademark Registration No. 5298899 for the mark MY WORD IS MY BOND, and hereby petitions to cancel the same pursuant to Section 14 of the Lanham Act of July 5, 1946, as amended, 15 U.S.C. § 1064.

Upon information and belief, the current record owner of U.S. Trademark Registration No. 5298899 is Peter Lehmann Wines Pty Limited (“Registrant”), an Australia proprietary limited company with an address of Off Para Rd., Tanunda SA 5352, Australia.

As grounds for its Petition, Petitioner alleges:

1. Petitioner is the applicant of U.S. Trademark Application No. 98074111 for MY WORD IS AS GOOD AS MY BOND filed with the United States Patent and Trademark Office

("USPTO") on July 6, 2023, and U.S. Trademark Registration No. 5298899 was cited as an obstacle to registration of U.S. Trademark Application Nos. 98074111 in an Office Action under Section 2(d) of the Lanham Act.

## COUNT I

### **Registrant Committed Fraud During the Prosecution of U.S. Trademark Registration No. 5298899**

2. Petitioner repeats, realleges, and incorporates by reference the allegation contained in Paragraph 1 above as if fully set forth herein.
3. Upon information and belief, Registrant does not presently use the MY WORD IS MY BOND mark in U.S. commerce in connection with all of the goods for which the MY WORD IS MY BOND mark is registered.
4. Upon information and belief, contrary to Registrant's declaration, Registrant has no *bona fide* intention to use the MY WORD IS MY BOND mark in U.S. commerce in connection with the goods for which the MY WORD IS MY BOND mark is registered.
5. Upon information and belief, contrary to Registrant's declaration, Registrant was not using the MY WORD IS MY BOND mark in U.S. commerce in connection with the applied-for goods when Registrant filed its Section 71 Declaration for the MY WORD IS MY BOND mark.
6. Upon information and belief, Registrant falsely represented to the USPTO that it was using the MY WORD IS MY BOND mark in U.S. commerce in connection with the applied-for goods when Registrant filed its Section 71 Declaration for the MY WORD IS MY BOND mark.
7. Upon information and belief, at the time of filing its Section 71 Declaration for the MY WORD IS MY BOND mark, Registrant had knowledge that its representation that it was

using the MY WORD IS MY BOND mark in U.S. commerce in connection with the applied-for goods was false.

8. Upon information and belief, at the time of filing its Section 71 Declaration for the MY WORD IS MY BOND mark, Registrant intended to induce the USPTO into conferring registration upon Registrant for the MY WORD IS MY BOND mark.

9. Specifically, upon information and belief, the specimen submitted by Registrant in its Section 71 Declaration is a screenshot of a website that is no longer active. In fact, according to the Wayback Machine, the website was not active prior to 2023 and its last activity was in June 2024.

10. Upon information and belief, at the time of filing its Section 71 Declaration for the MY WORD IS MY BOND mark, Registrant submitted a screenshot of a fake website created for use as a specimen in the Section 71 Declaration, despite the MY WORD IS MY BOND mark not being used in U.S. commerce in connection with the applied-for goods.

11. Upon information and belief, at the time of filing its Section 71 Declaration for the MY WORD IS MY BOND mark, Registrant had knowledge that the specimen submitted in the Section 71 Declaration was fraudulent.

12. Upon information and belief, at the time of filing its Section 71 Declaration for the MY WORD IS MY BOND mark, Registrant intended to induce the USPTO into maintaining the registration for the MY WORD IS MY BOND mark by using a fraudulent specimen.

13. Based upon the foregoing, and upon information and belief, Registrant knowingly committed fraud on the USPTO by making false, material representations in its Section 71 Declaration for the MY WORD IS MY BOND mark that Registrant knew were false with intent to deceive the USPTO.

14. Based on the foregoing, and upon information and belief, the MY WORD IS MY BOND registration, resulting from the USPTO's reliance on Registrant's false representations, was obtained fraudulently, rendering the MY WORD IS MY BOND invalid and subject to cancellation.

15. Fraud cannot be cured by the deletion of goods from registrations.

16. Based upon the foregoing, the MY WORD IS MY BOND registration should be cancelled for having been procured by fraud under Section 14(3) of the Lanham Act.

## COUNT II

### Abandonment

17. Petitioner repeats, realleges, and incorporates by reference the allegations contained in Paragraphs 1 through 16 above as if fully set forth herein.

18. Upon information and belief, despite the MY WORD IS MY BOND registration having registered nearly seven (7) years ago, Registrant has never used, does not presently use, and has no *bona fide* intention to use the MY WORD IS MY BOND mark in U.S. commerce in connection with the goods for which the MY WORD IS MY BOND mark is registered.

19. Upon information and belief, despite the MY WORD IS MY BOND registration having registered nearly seven (7) years ago, Registrant has never used, does not presently use, and has no *bona fide* intention to use the MY WORD IS MY BOND mark in U.S. commerce in connection with, *inter alia*, the following goods for which the MY WORD IS MY BOND mark is registered: "wine" [Class 33].

20. Upon information and belief, given that nearly seven (7) years have elapsed since the MY WORD IS MY BOND mark registered, Registrant has no *bona fide* intention to use the

MY WORD IS MY BOND mark in U.S. commerce in connection with, *inter alia*, the foregoing goods.

21. Consequently, the MY WORD IS MY BOND mark has been abandoned and is therefore subject to cancellation for such goods.

22. U.S. Trademark Registration No. 5298899 for the MY WORD IS MY BOND mark should therefore be cancelled.

23. The continued existence of the MY WORD IS MY BOND mark has prevented and continues to prevent Petitioner from obtaining registration in connection with the Petitioner Application. Petitioner therefore has a real interest and a direct and personal stake in the outcome of this cancellation proceeding. Registrant's continued registration of the MY WORD IS MY BOND mark continues to harm Petitioner, preventing Petitioner from enjoying its rightful trademark rights.

\* \* \*

For the reasons set forth in the foregoing paragraphs, Petitioner believes that it is being damaged and will continue to be damaged by the continued registration of U.S. Trademark Registration No. 5298899. U.S. Trademark Registration No. 5298899 should therefore be cancelled.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained and that U.S. Trademark Registration No. 5298899 be cancelled.

Respectfully submitted,

RATED ROOKIE LLC



Date: September 17, 2024

By: \_\_\_\_\_

Matthew A. Homyk  
Its Attorneys

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on September 17, 2024.

/Matthew A. Homyk/  
Matthew A. Homyk