PTO-2188 - Petition for Cancellation

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Electronic System for Trademark Trials and Appeal

View ESTTA technical requirements, new features and other important user guidelines

If you are using Internet Explorer, please ensure that the Compatibility View (Tools>Compatibility View settings) is disabled or not enabled.

Browse ESTTA forms and learn when and how to use them

File Size Limits: The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB.

Please choose one of the following options to start filing a form for

- Request for Extension of Time to File an Opposition
  File a request for extension of time to file a notice of opposition, relinquish an extension, or other actions related to extensions of time to oppose.
  Enter the application serial number to which the filing applies: [ ] Start
  Fees are required for certain requests for extension that can be filed using this form.

- File a New Proceeding
  Use these options to file a new opposition, cancellation or appeal from a final refusal to register. Choose your filing and enter the serial number of the application to be opposed, the registration number of the registration to be cancelled, or the serial number of the application to be appealed.
  Type of filing: Petition for Cancellation [ ] Start

  There is a filing fee associated with these forms.

- File Documents in a Board Proceeding
  Use these options to file documents (motions, briefs, etc.) in an already existing opposition, cancellation, concurrent use, or appeal proceeding. Choose a filing option and enter the opposition number (91xxxxxx), cancellation number (92xxxxxx), concurrent use number (94xxxxxx), or application serial number to which your filing applies.
  Type of filing: [ ] Start

  Most filings do not require a fee.

Start screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: - Registration

ESTTA v.
PTO-2188 (Exp.)
OMB No. 0651-0040 (Exp.)

Registration

Please verify that the information appearing below correctly identifies the registration to which this action applies.

Registrant	
Registration Number	
Registration Date	
Mark	
International Classes	

☐ Check here if you are aware of a name, address or email address that differs from what is shown

This is the correct registration | Cancel | Save Session

Verify registration screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Registration - Additional Registrant Info

ESTTA v.
PTO-2188 (Exp.)
OMB No. 0651-0040 (Exp.)

Additional Registrant Information Provided by Petitioner

Enter the additional name, address and email address for the owner of the registration.

Name	
Title	
Business	
Street address	
(continued)	
City	
State	
Zip/Postal Code	
Country	UNITED STATES Switch to non US address
Email Address	Note: The TTAB will respond to this request via email. Later communications may be in paper form. Multiple email addresses may be provided separated by comma and space
Telephone Number	

☐ Check here to enter additional owner name, address, or email on a new screen

Next Back Cancel Save Session

Alternative additional information screen (must check box on previous screen)

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Registration - Grounds

ESTTA v.
PTO-2188 (Exp.)
OMB No. 0651-0040 (Exp.)

Grounds for Cancellation

Please check as many grounds for cancellation as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

The grounds for cancellation are as follows:

☐	Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
☐	The mark is merely descriptive	Trademark Act Sections 14(1) and 2(e)(1)
☐	The mark is or has become generic	Trademark Act Section 14(3), or Section 23 if on Supplemental Register
☐	The mark is deceptively misdescriptive	Trademark Act Sections 14(1) and 2(e)(1)
☐	The mark is primarily geographically descriptive	Trademark Act Sections 14(1) and 2(e)(2)
☐	The mark is primarily geographically deceptively misdescriptive	Trademark Act Sections 14(1) and 2(e)(3)
☐	The mark is primarily merely a surname	Trademark Act Sections 14(1) and 2(e)(4)
☐	The mark comprises matter that, as a whole, is functional	Trademark Act Sections 14(1) and 2(e)(5), or Section 23 if on Supplemental Register
☐	No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
☐	Abandonment	Trademark Act Section 14(3)
☐	Failure to function as a mark	Trademark Act Sections 14(1) and 1,2 and 45
☐	The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 14(1) and 1,2 and 45; and Section 2(f)
☐	Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
☐	Dilution by tarnishment	Trademark Act Sections 14(1) and 43(c)
☐	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, or bring them into contempt, or disrepute	Trademark Act Sections 14(3) and 2(a)
☐	Deceptiveness	Trademark Act Sections 14(3) and 2(a)
☐	Immoral or scandalous matter	Trademark Act Sections 14(3) and 2(a)
☐	Disparaging	Trademark Act Sections 14(3) and 2(a)
☐	Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods	Trademark Act Sections 14(3) and 2(a)
☐	The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used	Trademark Act Section 14(3)
☐	Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof	Trademark Act Sections 14(3) and 2(b)
☐	Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act Sections 14(1) and 2(c)
☐	Continued registration barred by claim or issue preclusion	Mayer/Berkshire Corp. v. Berkshire Fashions Inc., 424 F.3d 1229, 76 USPQ2d 1310 (Fed. Cir. 2005)
☐	Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
☐	Violates the provisions of Trademark Act § 4	Trademark Act Section 4 (collective and certification marks) and Sections 14(3) and (5)
☐	Misuse of registration symbol	Copelands' Enterprises Inc. v. CNV Inc., 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991)
☐	Title of single creative work	Trademark Act Sections 1,2 and 45, Mattel Inc. v. Brainy Baby Co.,101 USPQ2d 1140 (TTAB 2011)
☐	Other (please concisely indicate grounds and statutory or common-law basis for cancellation)	

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Grounds screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Registration - Grounds

ESTTA v.
PTO-2188 (Exp.)
OMB No. 0651-0040 (Exp.)

Grounds for Cancellation

Please check as many grounds for cancellation as are applicable.

The grounds for cancellation are as follows:

☐	Abandonment	Trademark Act Section 14(3)
☐	The mark is or has become generic	Trademark Act Section 14(3), or Section 23 if on Supplemental Register
☐	False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute	Trademark Act Sections 14(3) and 2(a)
☐	Deceptiveness	Trademark Act Sections 14(3) and 2(a)
☐	Immoral or scandalous matter	Trademark Act Sections 14(3) and 2(a)
☐	Disparaging	Trademark Act Sections 14(3) and 2(a)
☐	Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods	Trademark Act Sections 14(3) and 2(a)
☐	The mark comprises matter that, as a whole, is functional	Trademark Act Sections 14(3) and 2(e)(5), or Section 23 if on Supplemental Register
☐	The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used	Trademark Act Section 14(3)
☐	Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof	Trademark Act Sections 14(3) and 2(b)
☐	Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act Sections 14(3) and 2(c)
☐	Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
☐	Violates the provisions of Trademark Act § 4	Trademark Act Section 4 (collective and certification marks) and Sections 14(3) and (5)

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Alternative grounds screen (determined by registration date)

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Registration - Grounds - Goods/Services

ESTTA v.
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OMB No. 0651-0040 (Exp.)

Goods and Services

Registration No. has class of goods or services. Please indicate below which goods/services are subject to the petition for cancellation.

○ **All of the goods in this class**	IC Goods and Services:
○ **Some of the goods in this class (delete goods or services that do not apply)**	
○ **None of the goods in this class**	First use: First use in commerce:

Next | Back | Cancel | Reset | Save Session

02/25/2020 07:57 AM EST

Goods and services screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: - Petitioner

ESTTA v.
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Petitioner Information

Enter petitioner information

☐ Check here if opposer/petitioner is represented by an attorney
Only attorneys qualified under Patent and Trademark Rule 11.14 may represent others before the Trademark Trial and Appeal Board.

○ **Company**

Name *

Type * ○ Corporation ○ Partnership ○ Other

Name and citizenship of the general partners (List the first 10 only) *

Entity type *

Incorporated or registered in * state: or country:

○ **Individual**

Prefix | First Name * | Middle Initial | Last Name * | Suffix

Country of Citizenship * Other:
If the country is not on the list, please, specify the country name

Address

Street *
(continued)
City *
State *
Switch to non US address
Country *
Postal code *

Next | Cancel | Save Session

Petitioner information screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: - Add/Modify

ESTTA v.
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OMB No. 0651-0040 (Exp.)

Add/Modify Information

Please choose one of the following actions:

- Add another registration number to the request

  Enter the registration number of the mark: [ ] Add Property

- Add another petitioner to the request

  Click this button to enter information about additional petitioner: Add Petitioner

- Change information in the request

Petitioned registration

Registration Information	Registration #: Mark: Registrant: Email:	Remove
Goods/Services Subject to Cancellation:		Edit
Grounds for Cancellation		Edit

Petitioner

	Edit

- Continue
  If you do not need to change the above information, click "Next" below to proceed with correspondence information

Next Cancel Save Session

Add or modify screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related

ESTTA v
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Related Proceedings

If the parties are involved in proceedings involving the same or similar marks, identify those proceedings below

Related Proceedings	

Next | Back | Cancel | Save Session

Related proceedings screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence

ESTTA v.
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OMB No. 0651-0040 (Exp.)

Petitioner's Correspondence Information

Enter the address at which you would like to receive correspondence regarding this filing.

Name *	
Title	
Business	
Street address *	
(continued)	
City *	
State *	
Zip/Postal Code *	
Country *	Switch to non US address
Email Address *	Note: The TTAB will respond to this request via email. Later communications may be in paper form. Multiple email addresses may be provided separated by comma and space
Telephone Number	

Next Back Cancel Save Session

Correspondence screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence

ESTTA v
PTO-2188 (Exp.)
OMB No. 0651-0040 (Exp.)

Attorney Correspondence Information

Complete the correspondence information

Name *	
Firm	
Street address *	
(continued)	
City *	
State *	
Zip/Postal Code *	
Country *	UNITED STATES
Email Address *	Note: The TTAB will respond to this request via email. Later communications may be in paper form. Multiple email addresses may be provided separated by comma and space
Telephone Number	

Next Back Cancel Save Session

Alternative correspondence screen (Attorney)

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence - Pleading

ESTTA v.
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Pleading

You must attach a short and plain statement of the grounds setting forth, in numbered paragraphs, averments that include the reason(s) why the petitioner believes it is or will be damaged by the registration sought to be cancelled (i.e., petitioner's standing), as well as the ground(s) for cancellation. [See TBMP § 309.03(a)(2)].

To attach your file(s):

1. Pre-filing checklist.
2. Please make sure that the file name does not contain any special characters such as (!@#$%^&*()\{\}|).
3. The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB. Tips for attaching a large file.
4. Choose the "Browse" button below and select a file in an accepted format (TIFF, PDF, or TXT) from your computer. (To attach a document saved in TIFF format, the document must first be saved using this extension: .tiff)
5. The name of the file you want to attach should appear in the text box below. Click the "Attach File" button.
6. When you have attached all desired files, click "Next Screen" at the bottom of the page to proceed.

Browse Attach File

Back Cancel Save Session

Attachment screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence - Pleading - Sign

ESTTA v.
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Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (/) symbols.

Sign the request by completing the following fields

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			
Entity		**Citizenship**	
Address			

Correspondence information	

Registration Subject to Cancellation

Registration No.		**Registration date**	
Registrant			

Goods/Services Subject to Cancellation

Grounds for Cancellation

Attachments	

Signature: *	
Name: *	
Date:	

Next Back Cancel Save Session

Signature screen

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Electronic System for Trademark Trials and Appeals

Petition for Cancellation
Navigation: Add/Modify - Related - Correspondence - Pleading - Sign - Validate

ESTTA v.
PTO-2188 (Exp.
OMB No. 0651-0040 (Exp.

Validate

Review the information below and click on the "to proceed with payment" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).
DO NOT USE THE BACK BUTTON ON YOUR BROWSER.

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			
Entity		**Citizenship**	
Address			

Correspondence information	

Registration Subject to Cancellation

Registration No.		**Registration date**	
Registrant			

Goods/Services Subject to Cancellation

Grounds for Cancellation

Attachments	

Signature	
Name	
Date	

Fee calculated according to USPTO fee table		
Fee code	7401	
Amount	400.00	
Description	Petition for Cancellation, per class, Electronically Filed	
Property #	**# of Classes**	
Total		400.00

Go to Payment screen | Back | Cancel | Save Session

Validate and go to payment system to complete filing