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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 requests to cancel indicated registration.

Petitioner Information

Name	Wayne Wright, LLP		
Entity	Partnership	Citizenship	Texas
Composed Of:	A. Wayne Wright, A. Wyatt Wright		
Address	5707 Interstate 10 West San Antonio, TX 78201 UNITED STATES		

Attorney information	Charles W. Hanor Charles W. Hanor, P.C. 750 Rittiman Road San Antonio, TX 78209 UNITED STATES trademarks@hanor.com Phone:210-829-2002
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Registration Subject to Cancellation

Registration No	3943943	Registration date	04/12/2011
Registrant	Ruggero Provenghi PLLC 7400 Viscount, Suite 205 El Paso, TX 79925 UNITED STATES		

Goods/Services Subject to Cancellation


Class 045. First Use: 2007/05/01 First Use In Commerce: 2007/05/01 All goods and services in the class are cancelled, namely: Legal services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85716080	Application Date	08/29/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT!		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 1996/09/13 First Use In Commerce: 1996/09/13 Legal services
Attachments	85716080#TMSN.jpeg (1 page)(bytes) 20130129 Petition to Cancel.pdf (5 pages)(93410 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/charles w hanor/
Name	Charles W. Hanor
Date	01/29/2013

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

Wayne Wright, LLP	§	
Petitioner	§	In the matter of Registration No. 3,943,943
	§	
	§	Mark: YOU DESERVE REPECT AND
	§	JUSTICE SO WE DEMAND IT!
v.	§	
	§	Registered: April, 12, 2011
Ruggero Provenghi, PLLC	§	
Respondent	§	

PETITION TO CANCEL

1. The Petitioner is Wayne Wright, LLP, a Texas limited partnership whose address is 5707 Interstate Ten West, San Antonio, Texas 78201
2. The name and address of the current owner of the Registration No. 3,943,943 sought to be cancelled is Ruggero Provenghi, PLLC, a Texas professional limited liability company, whose address is 7400 Viscount, Suite 205, El Paso, Texas 79925.
3. The attorney of record for Mr. Provenghi is Jeanne C. Collins of Kemp Smith, LLP, 221 North Kansas, Suite 1700, El Paso, Texas 79901.
4. The above-identified Petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel same.
5. Since at least as early as September 13, 1996, Petitioner, Wayne Wright, LLP has continuously used and advertised the mark YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! in connection with the advertising and offering of its legal services.

6. Petitioner has done business and has represented clients throughout the state of Texas, including El Paso, Texas, using its mark YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! since long prior to 2007.

7. Petitioner's use of its YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! mark has been valid and continuous since at least as early as August 29, 1996.

8. Petitioner has extensively advertised its mark YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! on its website and on cable broadcast television since 1997 and has advertised it throughout the state of Texas and throughout the United States since 1997.

9. Petitioner's mark YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! is a famous mark.

10. Petitioner and Respondent are both personal injury attorneys who represent their clients on a contingent fee basis.

11. Petitioner's attorneys and Respondent's attorneys both include board certified personal injury attorneys with the State Bar of Texas.

12. Petitioner has offices in San Antonio, Austin, Corpus Christi, Houston, and El Paso, Texas.

13. Petitioner and Respondent both operate interactive websites that solicit the same clients and legal services.

14. Provenghi filed its application to register YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT on August 10, 2010 after it was notified by Petitioner on July 20, 2010 that it was infringing Petitioner's mark, YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT!

15. Ruggero Provenghi, PLLC received a registration for YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT on April 12, 2011 in class 45, for legal services.

16. The claimed first-use date of the mark in commerce for YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT was May 1, 2007.

17. Respondent's first use was well after Petitioner's first-use of YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT!

18. Respondent knew about Petitioner and its prior use of its mark YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT!, and with such knowledge filed an application to register its YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT mark.

19. Respondent has a website, www.elpasotexasinjurylawyer.com, which shows use of Respondent's YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT mark for legal services.

20. Petitioner has a website, www.waynewright.com, which shows use of Petitioner's YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! mark for legal services. Petitioner filed a trademark application for the YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! mark on August 29, 2012 and was given Application number 85/716,080 in International Class 45 for legal services.

21. The Respondent's YOU DESERVE RESPECT & JUSTICE SO I FIGHT FOR IT registration is currently blocking the allowance and registration of Petitioner's YOU DESERVE RESPECT AND JUSTICE SO WE DEMAND IT! mark based on the determination by the United States Patent & Trademark Office that the marks are likely to cause confusion in the market place and mislead purchasers into mistaking the goods as coming from a common source.

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