

ESTTA Tracking number: **ESTTA642696**Filing date: **12/04/2014**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	d-rights, Inc.		
Entity	Corporation	Citizenship	Japan
Address	6F Niikura Bldg. 2-2 Kanda-tsukasa-machi Chiyoda-ku, Tokyo, 101-0048 JAPAN		

Attorney information	Jason S. Nardiello Hiscock & Barclay, LLP 1270 Avenue of the Americas Suite 600 New York, NY 10020 UNITED STATES ip@hblaw.com, jnardiello@hblaw.com, ecominolli@hblaw.com Phone:212-784-5800
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Registration Subject to Cancellation

Registration No	4523412	Registration date	04/29/2014
Registrant	DestinAsian Media Pte Ltd 133 New Bridge Rd,#16-01 Chinatown Point Singapore, 059413 SINGAPORE		

Goods/Services Subject to Cancellation

Class 016. First Use: 2007/05/01 First Use In Commerce: 2010/06/10

All goods and services in the class are cancelled, namely: Magazines in the field of men's fashion and lifestyle news; atlases; books in the field of men's fashion and lifestyle news; calendars; catalogues in the field of men's fashion and lifestyle news; graphic prints; graphic representations; graphic art reproductions; maps; newspaper; pamphlets in the field of men's fashion and lifestyle news; printed periodicals in the field of men's fashion and lifestyle news; postcards; posters; Printed matter, namely, newspapers, photographs, magazines, books, newsletters, printed periodicals, informational cards and brochures in the field of men's fashion and lifestyle news; printed publication in the field of men's fashion and lifestyle news

Class 041. First Use: 2007/05/01 First Use In Commerce: 2010/06/10

All goods and services in the class are cancelled, namely: Information services relating to recreation; Information services relating to entertainment; Providing information about education opportunities, exercise training, entertainment, sporting events and organization of cultural activities all online via global computer network; Publishing of printed matter, namely, books, reviews and magazines; Publishing of multimedia materials online, namely, books, magazines, journals, software, games, music and electronic publications; Publishing of electronic publications; Publication of periodicals; Publishing of newsletters in the field of men's fashion and lifestyle news

Grounds for Cancellation

Other	Partial Cancellation and/or Modification; 15
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	U.S.C. 1068
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Attachments	d-rights Petition for Cancellation with exhibits.pdf(4357415 bytes)
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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	/Jason S. Nardiello/
Name	Jason S. Nardiello
Date	12/04/2014

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

In the Matter of Reg. No. 4,523,412 and Serial No. 86/003,743

d-rights, Inc.

Petitioner,

v.

**DestinAsian Media Pte Ltd,
Registrant.**

Cancellation No. _____

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

PETITION FOR PARTIAL CANCELLATION AND/OR MODIFICATION

d-rights, Inc., (hereinafter “Petitioner”), a foreign corporation organized and existing under the laws of Japan, believes that it is or will be damaged by the continued registration of the mark “DAMAN” (stylized) shown in Registration No. 4,523,412, in International Class 16 for “Magazines in the field of men's fashion and lifestyle news; atlases; books in the field of men's fashion and lifestyle news; calendars; catalogues in the field of men's fashion and lifestyle news; graphic prints; graphic representations; graphic art reproductions; maps; newspaper; pamphlets in the field of men's fashion and lifestyle news; printed periodicals in the field of men's fashion and lifestyle news; postcards; posters; Printed matter, namely, newspapers, photographs, magazines, books, newsletters, printed periodicals, informational cards and brochures in the field of men's fashion and lifestyle news; printed publication in the field of men's fashion and lifestyle news” (“Registrant’s Goods”)

and in International Class 41 for “Information services relating to recreation; Information services relating to entertainment; Providing information about education opportunities, exercise training, entertainment, sporting events and organization of cultural activities all online via global computer network; Publishing of printed matter, namely, books, reviews and magazines; Publishing of multimedia materials online, namely, books, magazines, journals, software, games, music and electronic publications; Publishing of electronic publications; Publication of periodicals; Publishing of newsletters in the field of men's fashion and lifestyle news” (“Registrant’s Services”). Petitioner hereby respectfully petitions the Board to partially cancel and/or otherwise restrict or modify the Registrant’s ‘412 registration pursuant to 15 U.S.C. § 1068.

Petitioner and Petitioner’s Mark

1. Petitioner is a foreign corporation duly organized and existing under the laws of the country of Japan. Petitioner’s address is 6F Niikura Bldg, 2-2 Kanda-tsukasa-machi, Chiyoda-ku, Tokyo 101-0048 Japan.

2. Petitioner is a wholly-owned subsidiary of Mitsubishi Corporation, one of the world’s largest general trading companies, providing entertainment content for a variety of media.

3. Petitioner has adopted and is the owner of the B-DAMAN mark and U.S. trademark application (Serial No. 86/003,743), originally filed in connection with “Entertainment services, namely an ongoing series of movies and television programs featuring animation programs for children; providing online non-downloadable comic books; interactive computer games offered via the Internet” in Class 41. This application was filed on July 8, 2013. Attached as “Exhibit 1” is a true copy of the USPTO TSDR page printed on December 4, 2014, showing the current status of the ‘743 Application, of which Petitioner is owner.

4. Petitioner is also the owner of U.S. Registration No. 3,166,820 for “Toys, namely, toy action figure dolls; toy robots and accessories therefor; construction toys; toy construction sets; electric action toys; electronic games; handheld units for playing electronic games; puzzles; playsets for use with toy action figures; board games; card games; dice games; activity games and sets” in Class 28, registered on October 31, 2006. Attached as “Exhibit 2” is a true copy of the USPTO TSDR page printed on December 4, 2014, showing the current status of the ‘820 Registration, which is in full force and effect.

5. Petitioner is also the owner of U.S. Registration No. 3,197,282 for “cartridges, cassettes, cards and discs containing pre-recorded computer video game programs” in Class 9, registered on January 9, 2007. Attached as “Exhibit 3” is a true copy of the USPTO TSDR page printed on December 4, 2014, showing the current status of the ‘282 Registration, which is in full force and effect.

6. On October 24, 2013, a Priority Action was issued on Petitioner’s ‘743 trademark application for “B-DAMAN,” which warned that Petitioner’s mark may be refused registration under Section 2(d) of the Trademark Act because of an alleged likelihood of confusion between the Petitioner’s ‘743 application and Registrant’s then pending application for “DAMAN” (stylized) covering the following Registrant’s Goods and Registrant’s Services recited above (Application Ser. No. 85/977,770).

7. On April 24, 2014, Petitioner, as Applicant in the ‘743 trademark application, filed a preliminary Response to the October 24, 2013 Priority Action wherein Petitioner presented arguments in support of registration by addressing the issue of the alleged potential conflict between Petitioner’s mark and the prior-filed “DAMAN” (stylized) application.

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