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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 has filed a petition to cancel the registration indicated below.

Petitioner information

Name	SHOPOLOGY INC.		
Entity	Corporation	Citizenship	DELAWARE
Address	54 CHURCHILL AVE PALO ALTO, CA 94306 UNITED STATES		

Attorney information	RAJ ABHYANKER LEGALFORCE RAPC WORLDWIDE, P.C. 446 E SOUTHERN AVE TEMPE, AZ 85282 UNITED STATES Primary email: raj@trademarkia.com Secondary email(s): raj@legalforcelaw.com, litigation@trademarkia.com 650-965-8731		
Docket no.	2034333		

Registration subject to cancellation

Registration no.	4745959	Registration date	06/02/2015
Register	Principal		
Registrant	Shopology, LLC 7296 HOLLINGTON PLACE FAIRFAX STATION, VA 22039 UNITED STATES		

Goods/services subject to cancellation

Class 045. First Use: Jan 1, 2004 First Use In Commerce: Jan 1, 2004 All goods and services in the class are subject to cancellation, namely: E-commerce based personal shopping service for women

Grounds for cancellation

Mark never used in commerce	Trademark Act Section 14(6)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Attachments	Petition for Cancellation for SHOPOLOGY.pdf(607649 bytes)
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Signature	/Raj Abhyanker/
Name	Raj Abhyanker
Date	07/14/2023

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

SHOPOLOGY INC.

Petitioner,

v.

Shopology, LLC,

Registrant.

Cancellation No.: _____

Registration No: 4,745,959

Mark: SHOPOLOGY

Registered: Jun. 02, 2015

PETITION FOR CANCELLATION

Pursuant to 15 U.S.C. §§ 1064, 37 C.F.R. § 2.111, and TBMP § 309.03, SHOPOLOGY INC., a corporation in California, United States, having an address of 54 Churchill Ave Palo Alto, California, United States 94306 (“Petitioner”), believes that it is and will be damaged by Registration No. 4,745,959 for the mark SHOPOLOGY (“Registrant’s Mark”), currently owned by Shopology, LLC, a limited liability company of Virginia United States, having an address of 7296 Hollington Place Fairfax Station, Virginia United States 22039 (“Registrant”). Petitioner hereby petitions to cancel the Registrant’s Mark. As grounds thereof, Petitioner alleges on knowledge as to its own acts and otherwise on information and belief as follows:

FACTUAL BACKGROUND

1. On Aug. 23, 2013, Registrant filed an application for the standard character mark SHOPOLOGY in connection with “E-commerce based personal shopping service for women” in International Class 045, which was assigned U.S. Trademark Application Serial No. 86046117.
2. On Jun. 02, 2015, Registrant’s Mark was registered to Registrant with the Registration No. 4,745,959 (“Registrant’s Registration”).
3. Registrant alleges in Registrant’s Registration that the first date of use in

commerce of Registrant's Mark was Mar. 15, 2004.

4. On May 4, 2023, Petitioner filed an intent-to-use application for the standard character mark SHOPOLOGY in connection with "Mobile application utilizing artificial intelligence to provide recommendations to users for the potential purchase of items" in International Class 009, which was assigned U.S. Trademark Application Serial No. 97921369 ("Petitioner's Mark").

5. Because the Registrant's alleged use of the SHOPOLOGY mark is similar to the Petitioner's use of the same mark identified in the Petitioner's Application, it is anticipated that the USPTO will issue an office action refusing registration of the Petitioner's Mark on the basis of a likelihood of confusion with Registrant's Registration, thereby interfering with the Petitioner Application and causing harm to Petitioner.

6. Petitioner therefore has a real interest in seeking cancellation of the Registrant's Registration and statutory standing to bring this action.

COUNT ONE - FRAUD AND IMPROPER/NON-USE IN COMMERCE

7. Petitioner repeats, realleges, and incorporates by reference, as though set forth in full, paragraphs 1 through 6 above.

8. According to the public records of the USPTO, the Registrant's own website (<https://shopology.com/>) and social media, the Registrant has not used the Registrant's Mark in U.S. commerce in the manner mentioned in the description with the USPTO.

9. Upon information and belief:

- a. On Dec. 1, 2021, in Registrant's application, Registrant, knowingly made a false and fraudulent statement in Registrant's application wherein it falsely claimed that the specimen submitted, is used in the manner as mentioned in the Registrant's

Registration as used in commerce.

- b. Specifically, nowhere does the specimen show (nor does the active website today) that the use in commerce relates to an “E-commerce based personal shopping service for women.” Upon information and belief, there has been no electronic commerce conducted by the Registrant, and no “personal shopping service” offered for anyone, including women. Registrant’s mark appears to only be used in connection with a directory website, offering nothing directly for sale online.
- c. Registrant knowingly falsely claimed that the specimen submitted with its application was that of Registrant is proper when in fact Registrant knew that the Registrant is not using the Registrant Mark in connection with an “e-commerce website based on personal shopping service for women. Moreover, there is no evidence that any of the directory listings are targeting consumers within interstate commerce. On the “Happening Cities” page of the Registrant’s website <https://shopology.club/>, there are three cities purportedly included in the directory site: **(1)** “Austin” in Texas, **(2)** “Chicago” in Illinois, and **(3)** “Miami” in Florida.
- d. However, when a user clicks to view the listings on each page, only listings of two boutiques in Austin Texas are displayed :

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