

Suggested Format for Petition to Cancel

This is a suggested format for preparing a Petition to Cancel a trademark registration. This document is not meant to be used as a form to be filled in and returned to the Board. Rather, it is a suggested format, which shows how the petition should be set up. Petitioners may follow this format in preparing their own petition but need not copy those portions of the suggested format which are not relevant.

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

In the matter of trademark Registration No.....
For the mark.....
Date registered.....

(Name of petitioner)
v.
(Name of registrant)

PETITION TO CANCEL

State petitioner's name, address, and entity information as follows:⁽¹⁾

(Name of individual as petitioner, and business trade name, if any;
Business address)

OR (Name of partnership as petitioner; Names of partners;
Business address of partnership)

OR (Name of corporation as petitioner; State or country of incorporation;
Business address of corporation)

To the best of petitioner's knowledge, the name and address of the current owner of the registration are _____ *(provide if known)*

The above-identified petitioner believes that it/he/she will be damaged by the above-identified registration, and hereby petitions to cancel the same.⁽²⁾

The grounds for cancellation are as follows:
[Please set forth, in separately numbered paragraphs, the allegations of petitioner's standing and grounds for cancellation]⁽³⁾

By _____ Signature⁽⁴⁾ Date _____
(Identification of person signing)⁽⁵⁾

FOOTNOTES

- ⁽¹⁾ If petitioner is an individual, state the petitioner's name, business trade name, if any, and business address. If petitioner is a partnership, state the name of the partnership, the names of the partners, and the business address of the partnership. If petitioner is a corporation, state the name of the corporation, the state (or country, if petitioner is a foreign corporation) of incorporation, and the business address of the corporation. If petitioner is an association or other similar type of juristic entity, state the information required for a corporation, changing the term "corporation" throughout to an appropriate designation.
- ⁽²⁾ The required fee must be submitted for each party joined as petitioner for each class sought to be cancelled, and if cancellation is sought for fewer than the total number of classes in the registration, the classes sought to be cancelled should be specified.
- ⁽³⁾ Set forth a short and plain statement here showing why the petitioner believes it/he/she would be damaged by the registration, and state the grounds for cancellation. Each numbered paragraph should be limited, as far as practicable, to a statement of a single set of circumstances. See Rules 8(a) and 10(b) of the Federal Rules of Civil Procedure.
- ⁽⁴⁾ The petition need not be verified, and may be signed by the petitioner or by the petitioner's attorney or other authorized representative. If a petitioner signing for itself is a partnership, the signature must be made by a partner; if a petitioner signing for itself is a corporation or similar juristic entity, the signature must be made by an officer of the corporation or other juristic entity who has authority to sign for the entity and whose title is given.
- ⁽⁵⁾ State the capacity in which the signing individual signs, e.g., attorney for petitioner, petitioner (if petitioner is an individual), partner of petitioner (if petitioner is a partnership), officer of petitioner identified by title (if petitioner is a corporation), etc.

REPRESENTATION INFORMATION

If the petitioner is not domiciled in the United States, and is not represented by an attorney or other authorized representative located in the United States, a domestic representative must be designated.

If the petitioner wishes to furnish a power of attorney, it may do so, but an attorney at law is not required to furnish a power.