

ESTTA Tracking number: **ESTTA574213**

Filing date: **12/03/2013**

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	State of Michigan		
Entity	State	Citizenship	Michigan
Address	State Operations Division 525 W. Ottawa - Second Floor Lansing, MI 48933-1067 UNITED STATES		

Attorney information	James L. Scott Warner Norcross & Judd LLP 111 Lyon Street NW 900 Fifth Third Center Grand Rapids, MI 49503 UNITED STATES trademarks@wnj.com, GallagherJ3@michigan.gov, BrickeyD@michigan.gov, RestucciaE@michigan.gov, JacksonJ5@michigan.gov Phone:6167522000
----------------------	---

Registrations Subject to Cancellation

Registration No	3992159	Registration date	07/12/2011
Registrant	Broneah, Inc. 125 E. Front St Traverse City, MI 49684 MI		

Goods/Services Subject to Cancellation

Class 035. First Use: 2007/11/21 First Use In Commerce: 2007/11/21 All goods and services in the class are cancelled, namely: Retail store services featuring clothing, sporting goods, and novelty items
--

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
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 section 2(b)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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

Priority and likelihood of confusion	Trademark Act section 2(d)		
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)		
Other	Registration violates the provisions of the federal Manual on Uniform Traffic Control Devices. http://mutcd.fhwa.dot.gov/kno_2009.htm See 23 USC 109(d), 23 USC 402(c); 23 CFR 655.603(b)(3).		
Registration No	3348635	Registration date	12/04/2007
Registrant	Broneah, Inc. 125 E. Front St Traverse City, MI 49684 MI		

Goods/Services Subject to Cancellation


Class 025. First Use: 2004/01/01 First Use In Commerce: 2004/01/01 All goods and services in the class are cancelled, namely: Apparel specifically hats, t-shirts, long sleeve shirts, sweat shirts, pants, shorts, underwear, tank tops

Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
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 section 2(b)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	transportation and tourism

Attachments	M22 sign.jpg Petition to Cancel M22.pdf(110050 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	/JS/
Name	James L. Scott
Date	12/03/2013

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



State of Michigan)	
)	
Petitioner,)	Reg. Nos.: 3992159
)	3348635
)	
v.)	
)	
M22, LLC,)	Cancellation No. _____
)	
)	
Registrant.)	
_____)	

CONSOLIDATED PETITION TO CANCEL

Petitioner State of Michigan, by and through its attorneys, Attorney General Bill Schuette, Assistant Attorney General James D. Gallagher, and Special Assistant Attorney General James L. Scott, brings this action to cancel Registration Nos. 3.992,159 and 3348635 owned by Registrant M22, LLC.

Petitioner believes that it has been and will continue to be damaged by the registration of the sign shown in United States Trademark Registrations Nos. 3348635 , registered on December 4, 2007 (the “**M22 Online Registration**”), and 3992159, registered on July 12, 2011 (the “**M-22 Registration**”). Accordingly, Petitioner hereby petitions to cancel the M-22 Registration and the M22 Online Registration on the following grounds:

1. The State of Michigan’s highway route marker sign for Michigan

Highway M-22 –  – is identical to the sign  in the M-22 Registration and the M-22 Online Registration (each the “**M-22 Sign**”).

2. Petitioner has used the M-22 Sign continuously in interstate commerce for nearly a century. Petitioner organized its highway system by number in 1919, using the design of a white diamond containing a black letter “M” at the top with the assigned highway number below.¹

3. Petitioner’s M-22 highway, designated by the M-22 Sign, is one of the most scenic in Michigan. For over 93 years, generations of travelers have experienced the road and the area immediately surrounding it. The M-22 highway is an integral part of the Grand Traverse Bay area and Northern Michigan region, which is home to some of the most popular destinations for recreation, leisure, and relaxation that Petitioner has to offer.

4. Petitioner is damaged by Registrant’s registration of the M-22 Sign and unlawful claims to exclusive rights to use the M-22 Sign.

5. Petitioner’s M-22 Sign is not subject to trademark protection.

6. Trademark Manual of Examining Procedure (TMEP) §1205.01

provides:

¹For additional in-depth historical analysis, see Michigan Highways: The Great Routes of the Great Lakes State <<http://www.michiganhighways.org>> (accessed May 8, 2012).

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.