

ESTTA Tracking number: **ESTTA1126159**

Filing date: **04/09/2021**

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	Blacks in Technology International		
Entity	Corporation	Citizenship	Texas
Address	12915 FALL MANOR DR DALLAS, TX 75243 UNITED STATES		
Attorney information	WENDY B. MILLS WB MILLS, PLLC 14275 MIDWAY ROAD SUITE 130 ADDISON, TX 75001 UNITED STATES Primary Email: wbm@wbmillslaw.com 214-969-5995		
Docket Number			

Registration Subject to Cancellation

Registration No.	4758593	Registration date	06/23/2015
Registrant	Greenlee, Greg LEGAL 645 HARRISON STREET SUITE 200 SAN FRANCISCO, CA 94107 UNITED STATES		

Additional Registrant Information

Additional registrant information provided by the petitioner	GREG GREENLEE D/B/A BLACKS IN TECHNOLOGY 4132 FOXPOINT RIDGE CLEVES, OH 45002 UNITED STATES No email provided. No phone number provided.
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Goods/Services Subject to Cancellation

Class 042. First Use: 2008/01/01 First Use In Commerce: 2008/01/01 All goods and services in the class are subject to cancellation, namely: Computer services, namely, creating an on-line community for registered users to interact with other blacks in technology; Computer services, namely, hosting on-line web facilities for others for organizing and conducting online meetings, gatherings, and interactive discussions; Creating an on-line community for blacks in technology; Creating an on-line community for blacks in technology for the purpose of increasing the number of blacks in technology; Hosting an on-line community web site featuring african americans in-

volved in technology

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
The mark is or has become generic	Trademark Act Section 14(3), or Section 23 if on Supplemental Register

Related Proceedings	30-day Extension to File Opposition to application Serial No. 90182389; ESTTA TRACKING NO. ESTTA1125820
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Attachments	Petition to Cancel - fnl.pdf(93370 bytes)
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Signature	/Wendy B. Mills/
Name	Wendy B. Mills
Date	04/09/2021

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

BLACKS IN TECHNOLOGY INTERNATIONAL,
a Texas Non-Profit Corporation

Petitioner,

v.

GREG GREENLEE D/B/A BLACKS IN
TECHNOLOGY

Registrant.

Proceeding No. _____

Mark: BLACKS IN
TECHNOLOGY

Serial No. 86266469

Registration No. 4,758,593

PETITION TO CANCEL

Petitioner Blacks in Technology International (“Petitioner”) believes that it is being damaged by U.S. Trademark Registration No. 4,758,593 (the “Registration”) and hereby petitions to cancel same. In support of this Petition, Petitioner alleges as follows:

1. On information and belief, Registrant Greg Greenlee d/b/a Blacks in Technology (“Registrant”) is an individual sole proprietor with a place of business at 4132 Foxpoint Ridge, Cleves, OH 45002.
2. Petitioner is a Texas Non-Profit Corporation, having its business address at 12915 Fall Manor Dr., Dallas, Texas 75243.
3. Petitioner uses the phrase, “Blacks in Technology” to describe black people who work in technology professions in connection with the services it provides.
4. The phrase, “Blacks in Technology” is merely descriptive and generic, as it merely describes a quality or characteristic of a specific subset of American society, specifically, black people who work in the technology profession. The United States Patent and

Trademark Office (“USPTO”) issued an Office Action refusing to register the Mark, Blacks in Technology (the “Mark”) in pertinent part, because it was *merely descriptive* citing the following: “A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose, or use of an applicant’s goods and/or services. TMEP §1209.01(b); *see, e.g., DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012) (quoting *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004)); *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005) (citing *Estate of P.D. Beckwith, Inc. v. Comm’r of Patents*, 252 U.S. 538, 543 (1920)).”

5. The subject Mark of the Registration obtained registration pursuant to Section 2(f) of the Lanham Act. However, it never actually acquired a secondary meaning and is merely descriptive and generic and as such, is invalid.

6. Also, the Mark was on information and belief used by a third party with respect to substantially the same goods/services described in the Registration prior to Registrant’s first date of use in commerce, as demonstrated in Application Serial No. 76429352, filed on July 11, 2002, twelve (12) years before the subject registration was filed, and six years (6) before this Registration claimed first use in January 1, 2008.

7. Alternatively, if the Board finds this Mark is not generic or merely descriptive, which Petitioner denies, the Registration is invalid, because Registrant has on information and belief, abandoned its trademark rights, if any, by engaging in naked licensing when it failed to exercise quality control over the Mark for several years; knowingly allowing others to use the mark, even without requiring identification of the Mark as being a Registered Mark.

8. Moreover, on information and belief, Registrant by and through a related entity, Blacks in Technology, LLC, operates a website at <https://www.blacksintechology.net/>.

9. Further, Petitioner believes that Registrant's maintenance of the Registration will result in financial and other injury and damage to petitioner in its business because Registrant will have a false claim of rights to the Mark. Further, Petitioner's continued and legal use of the phrase "Blacks in Technology" will be impaired by the continued registration by Registrant.

10. On or about September 29, 2020, Petitioner initiated an action against Registrant alleging unrelated civil claims against Registrant, which is captioned as U.S. District Court for the Northern District of Texas, Civil Case No. 3:20-cv-03008 ("Lawsuit"). Thereafter, on or about March 5, 2021, Registrant filed counterclaims against Petitioner in the Lawsuit alleging *inter alia* infringement of the Registration.

11. To the best of Petitioner's knowledge, the name and address of the current Registrant of the Registration is as follows: Greg Greenlee, 4132 Foxpoint Ridge, Cleves, OH 45002.

WHEREFORE, Petitioner requests that the Board cancel U.S. Trademark Registration No. 4,758,593.

Respectfully submitted,

/s/ Wendy B. Mills

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ATTORNEY FOR PETITIONER

CERTIFICATE OF ELECTRONIC FILING

The undersigned counsel for Petitioner hereby certifies that on April 9, 2021, a copy of the foregoing PETITION TO CANCEL is being electronically filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board at <http://estta.uspto.gov/>.

/s/ Wendy B. Mills
Wendy B. Mills