

EXHIBIT A

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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	Disney Enterprises, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	500 SOUTH BUENA VISTA STREET BURBANK, CA 91521 UNITED STATES		

Attorney information	LINDA K. MCLEOD KELLY IP, LLP 1300 19TH STREET, NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES Primary Email: linda.mcleod@kelly-ip.com Secondary Email(s): justin.chay@kelly-ip.com, lit-docketing@kelly-ip.com No phone number provided.
Docket Number	

Registration Subject to Cancellation

Registration No.	3630867	Registration date	06/02/2009
Registrant	SEAJACK, LLC. SUITE D 18001 COWAN IRVINE, CA 92614 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2004/05/27 First Use In Commerce: 2004/06/02 All goods and services in the class are subject to cancellation, namely: Footwear

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition to Cancel ENCANTO.pdf(766898 bytes)
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Signature	/Linda McLeod/
Name	LINDA K. MCLEOD
Date	01/15/2021

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

<p>DISNEY ENTERPRISES, INC.,</p> <p style="text-align: right;">Petitioner,</p> <p style="text-align: center;">v.</p> <p>SEAJACK, LLC.</p> <p style="text-align: right;">Respondent.</p>	<p>Cancellation No. _____</p> <p>Mark: ENCANTO</p> <p>Reg. No.: 3630867</p> <p>Issued: June 2, 2009</p>
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PETITION FOR CANCELLATION

Disney Enterprises, Inc. (“Petitioner” or “Disney”), a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521, believes that it is being damaged, and will be damaged, by the registration of Seajack, LLC’s (“Respondent”) ENCANTO mark shown in Registration No. 3630867 and hereby petitions to cancel the same. As grounds for cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Petitioner and Its Business

1. Petitioner, Disney Enterprises, Inc., is a Delaware corporation, having a principal place of business at 500 South Buena Vista Street, Burbank, California 91521.
2. Petitioner, through its related companies and licensees, is one of the world’s leading producers and providers of media networks, entertainment, amusement parks and resorts, interactive media, and consumer products, including but not limited to

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footwear, clothing, printed materials, linens, cups and mugs, bags, jewelry, toys, dolls, and personal care products.

3. Petitioner owns Application Serial No. 90015849 for the mark DISNEY ENCANTO and Application Serial No. 90016810 for the mark shown below (collectively, the “Applications” for “Petitioner’s ENCANTO Marks”), both filed on June 23, 2020 under Section 1(b) for “Clothing, footwear and headwear” in Class 25.



4. On July 29, 2020, the U.S. Patent and Trademark Office (“PTO”) issued Office Actions refusing registration of the Applications for Petitioner’s ENCANTO Marks under Section 2(d), 15 U.S.C. Section 1052(d), based on an asserted likelihood of confusion with Registration No. 3630867 for the mark ENCANTO.

Respondent and Its ENCANTO Registration

5. Respondent Seajack, LLC. is a California corporation with a listed address of Suite D, 18001 Cowan, Irvine, California 92614.

6. On October 24, 2008, Respondent’s predecessor-in-interest, Palos Verdes Footwear, Inc. (“Palos Verdes”), filed Application Serial No. 77600460 for registration of Respondent’s ENCANTO Mark (“Respondent’s ENCANTO Mark”) on the Principal Register under Section 1(a), 15 U.S.C. § 1051(a), alleging a date of first use in commerce of June 2, 2004.

7. Respondent is the listed owner of U.S. Registration No. 3630867, issued on June 2, 2009, for the mark ENCANTO (“Respondent’s ENCANTO Mark”) for “Footwear” in Class 25 (“Respondent’s Goods”).

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8. On June 3, 2019, Respondent filed a specimen of use (“Renewal Specimen”) in support of its Application for Renewal of Registration of a Mark under Sections 8 & 9 consisting of the image shown below, which Respondent described as “product packaging and product bearing the mark”:

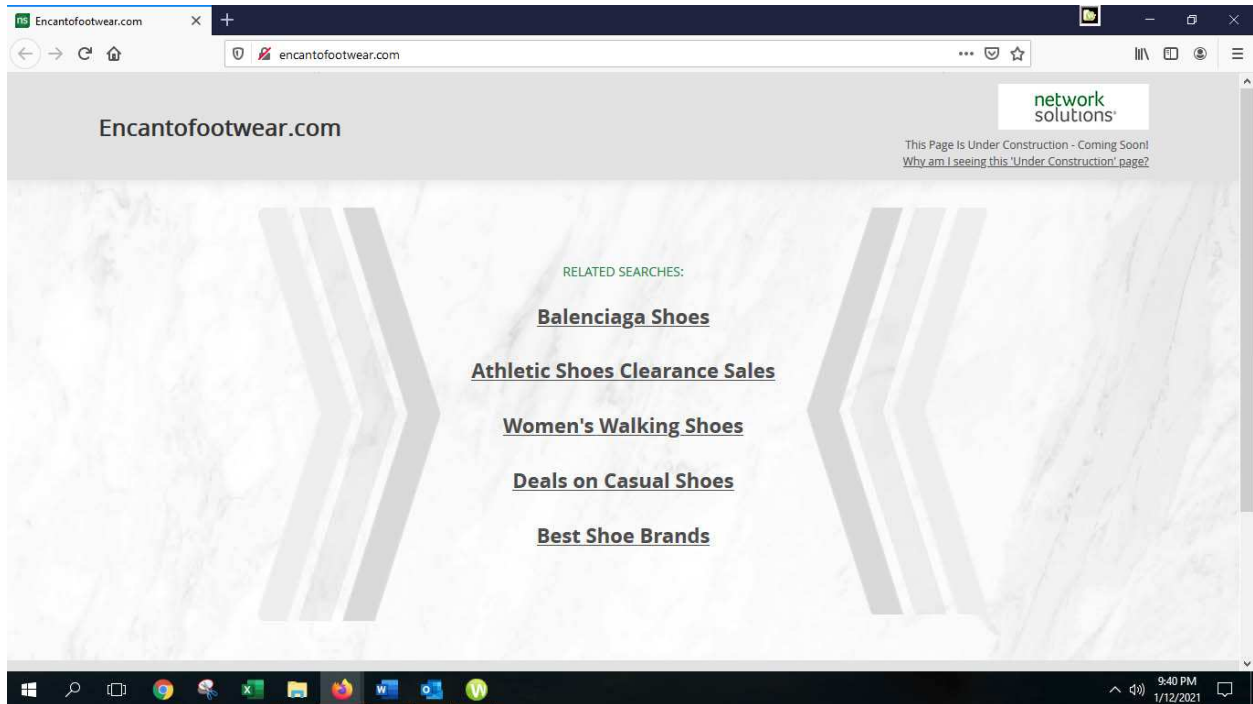


9. On July 11, 2019, the PTO issued a Notice of Acceptance Under Section 8 and Notice of Registration Renewal Under Section 9.

10. Respondent’s predecessor in interest, Palos Verdes, owns a domain name at ENCANTOFOOTWEAR.COM.

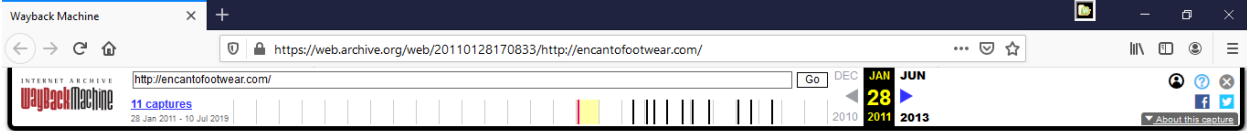
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11. The domain name at ENCANTOFOOTWEAR.COM presently resolves to a website at <http://encantofootwear.com/> with a default landing page of the registrar Network Solutions, as shown below:

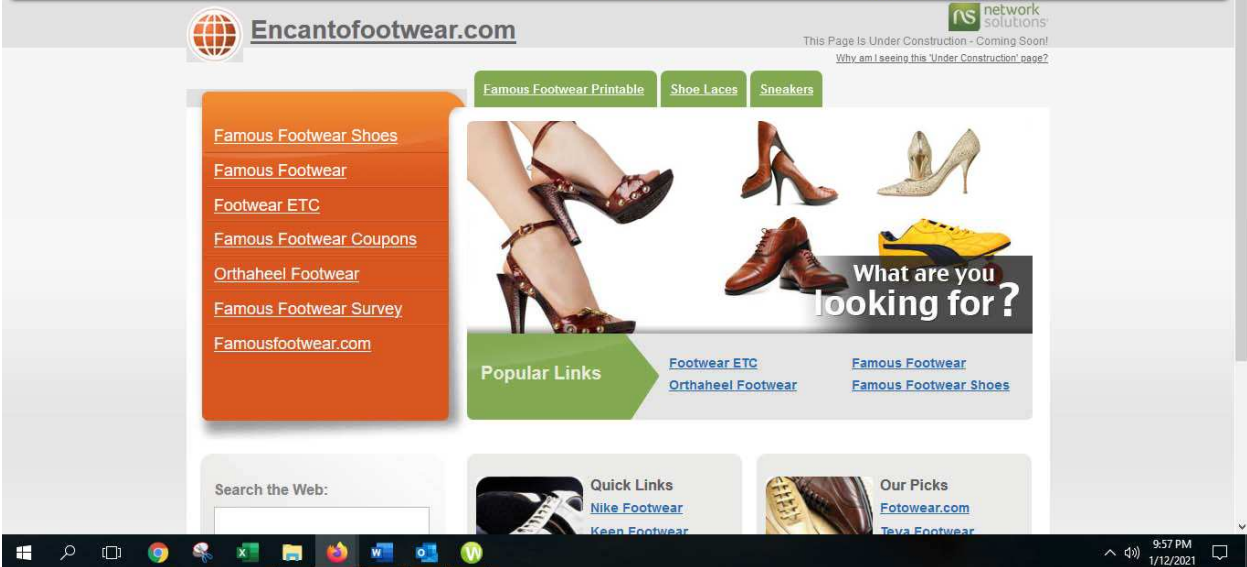


12. Archive.org saved 11 screen captures of the website at <http://encantofootwear.com/> from January 28, 2011 to July 10, 2019. 10 of the screen captures show an error page, and one screen capture from January 6, 2014 shows a default landing page of the registrar Network Solutions. Representative examples of the screen captures are shown below and printouts are attached as Exhibit A:

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Abandonment Under Section 45, 15 U.S.C. § 1127

13. Petitioner repeats and realleges each and every allegation set forth in the above paragraphs.

14. Upon information and belief, Respondent's Renewal Specimen shows digitally created/altered images that do not evidence use in commerce of Respondent's ENCANTO Mark for Respondent's Goods in the ordinary course of trade.

15. From at least January 28, 2011 to the present day, the website at <http://encantofootwear.com/> resolved to error pages or inactive registrar landing pages that do not show Respondent's Goods or Respondent's ENCANTO Mark in use in commerce.

16. Upon information and belief, Respondent has abandoned Respondent's ENCANTO Mark based on non-use in commerce in the ordinary course of trade for at least three consecutive years in connection with Respondent's Goods and with an intent not to resume use of the mark for such goods.

17. To the extent that Respondent has made any use of Respondent's ENCANTO Mark in commerce for Respondent's Goods (which Petitioner contests), such use in commerce has been token, de minimis, and/or not used in the ordinary course of trade as required under Section 45 of the Lanham Act, 15 U.S.C. § 1127.

18. Accordingly, U.S. Registration No. 3630867 for Respondent's ENCANTO Mark should be cancelled in its entirety based on abandonment of the mark under Section 45 of the Lanham Act, 15 U.S.C. § 1127.

WHEREFORE, Petitioner believes that it is being and will continue to be damaged by the registration of Respondent's ENCANTO Mark shown in U.S.

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Registration No. 3630867, and requests that the Petition for Cancellation be sustained, and that the registration be cancelled in its entirety.

Respectfully Submitted,

Dated: January 15, 2021

By: /Linda K. McLeod/
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Facsimile: (202) 354-5232

Attorney for Petitioner
Disney Enterprises, Inc.



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[11 captures](#)
28 Jan 2011 - 10 Jul 2019

▼ About this capture

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http://encantofootwear.com/

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2011 2014 2015



About this capture

11 captures

28 Jan 2011 - 10 Jul 2019



Encantofootwear.com



This Page Is Under Construction - Coming Soon!

Why am I seeing this 'Under Construction' page?

Famous Footwear Printable

Shoe Laces

Sneakers

[Famous Footwear Shoes](#)

[Famous Footwear](#)

[Footwear ETC](#)

[Famous Footwear Coupons](#)

[Orthaheel Footwear](#)

[Famous Footwear Survey](#)

[Famousfootwear.com](#)



What are you looking for?

Popular Links

[Footwear ETC](#)
[Orthaheel Footwear](#)

[Famous Footwear](#)
[Famous Footwear Shoes](#)

Search the Web:

Search



Quick Links
[Nike Footwear](#)
[Keen Footwear](#)
[Champs Com Footwear](#)



Our Picks
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[Teva Footwear](#)
[Famous Footwear Locations](#)

Popular Categories: [Orthaheel Footwear](#) [Famous Footwear Coupons](#) [Famous Footwear Survey](#) [Famous Footwear Printable Coupons](#)

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