

# EXHIBIT 7

ESTTA Tracking number: **ESTTA508629**

Filing date: **12/03/2012**

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	Hanginout, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2712 Jefferson Street Carlsbad, CA 92008 UNITED STATES		

Attorney information	Andrew D. Skale Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. 3580 Carmel Mountain Road Suite 300 San Diego, CA 92130 UNITED STATES adskale@mintz.com, jddib@mintz.com Phone:858-314-1506		
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**Registration Subject to Cancellation**

Registration No	3857338	Registration date	10/05/2010
Registrant	HANGOUT INDUSTRIES, INC. 110 CHAUNCY STREET FIRST FLOOR BOSTON, MA 02110 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 038. First Use: 2009/12/28 First Use In Commerce: 2009/12/28 All goods and services in the class are cancelled, namely: Communication services in the nature of text messaging, instant messaging, providing online facilities for simulated real-time social interaction and electronic mail services used in an online virtual environment transmitted by means of telecommunications networks, wireless communication networks and the Internet; providing online chat rooms, providing online facilities for simulated real-time social interaction and electronic bulletin boards for registered users for transmission of messages, participation in a virtual community, social networking, media sharing, and transmission of media and digital content in the field of general interest; providing on-line chat rooms, list servers, and on-line forums for transmission of messages among computer users concerning user-defined content; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer databases; electronic transmission of instant messages and data; audio and video broadcasting services over the Internet or telecommunications networks and wireless communication networks, namely, showing and displaying information, digital content, audio and video clips</p>
<p>Class 042. First Use: 2009/12/28 First Use In Commerce: 2009/12/28 All goods and services in the class are cancelled, namely: Computer services, namely, creating an online community for registered users to participate in online gatherings, games, real-time social interaction and interactive discussion and share media, digital content and user-defined customized content; computer services, namely, hosting online web facilities for others for organizing and conducting online gatherings, games, real-time social interaction and interactive discussions; computer services in the nature of customized web pages featuring user-defined customized content;</p>

application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other telecommunications networks and wireless communication networks in the field of general interest; providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, video sharing, and transmission of photographic images; providing a website that allows computer users the ability to upload, post, tag and electronically transmit information, digital content, audio and video clips over the Internet or telecommunications networks and wireless communication networks

## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.pdf ( 6 pages )(142067 bytes )
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## 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	/Andrew D. Skale/
Name	Andrew D. Skale
Date	12/03/2012

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

In the matter of Registration No. 3,857,338 for HANGOUT  
Registration Date: October 5, 2010

_____		)
HANGINOUT INC.,		)
	Petitioner,	)
		)
	v.	)
		)
HANGOUT INDUSTRIES, INC.,		)
	Registrant.	)
_____		)

Cancellation No.: \_\_\_\_\_

Trademark Assistance Center  
Madison East, Concourse Level Room C 55  
600 Dulany Street  
Alexandria, VA 22314

**PETITION FOR CANCELLATION**

Hanginout, Inc. ("Petitioner"), a Delaware corporation with an address at 2712 Jefferson Street, Carlsbad, CALIFORNIA 92008, believes that it is and will be damaged by continued registration of the mark HANGOUT ("Petitioned Mark"), U.S. Registration No. 3,857,338. The Petitioned Mark is registered for "communication services in the nature of text messaging, instant messaging, providing online facilities for simulated real-time social interaction and electronic mail services used in an online virtual environment transmitted by means of telecommunications networks, wireless communication networks and the Internet; providing online chat rooms, providing online facilities for simulated real-time social interaction and electronic bulletin boards for registered users for transmission of messages, participation in a virtual community, social networking, media sharing, and transmission of media and digital

content in the field of general interest; providing on-line chat rooms, list servers, and on-line forums for transmission of messages among computer users concerning user-defined content; providing on-line chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; providing access to computer databases; electronic transmission of instant messages and data; audio and video broadcasting services over the Internet or telecommunications networks and wireless communication networks, namely, showing and displaying information, digital content, audio and video clips” (Class 38) and “computer services, namely, creating an online community for registered users to participate in online gatherings, games, real-time social interaction and interactive discussion and share media, digital content and user-defined customized content; computer services, namely, hosting online web facilities for others for organizing and conducting online gatherings, games, real-time social interaction and interactive discussions; computer services in the nature of customized web pages featuring user-defined customized content; application service provider (ASP) featuring software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing electronic media or information over the Internet or other telecommunications networks and wireless communication networks in the field of general interest; providing temporary use of non-downloadable software applications for classifieds, virtual community, social networking, photo sharing, video sharing, and transmission of photographic images; providing a website that allows computer users the ability to upload, post, tag and electronically transmit information, digital content, audio and video clips over the Internet or telecommunications networks and wireless communication networks.” (Class 42). Petitioner hereby petitions for cancellation of the above-referenced Registration pursuant to 15 U.S.C. §§ 1052, 1064 and 37 C.F.R. § 2.112. In support of this Petition, Petitioner alleges as follows:

## FACTUAL BACKGROUND

1. Petitioner is the owner of U.S. trademark Applications Serial Nos. 85/674801 and 85/674799 for the marks HANGINOUT and HANGINOUT (& Design) for “computer application software for mobile devices in the field of telecommunications and social networking services.” (Class 9) and “telecommunications services, namely, providing online and telecommunication facilities for real-time and on-demand interaction between and among users of computers, mobile and handheld computers, and wired and wireless communication devices; audio, text and video broadcasting services over the Internet or other communications networks, namely, electronically transmitting audio clips, text and video clips; enabling individuals to send and receive messages via email, instant messaging or a website on the Internet in the field of general interest; providing online forums for communication on topics of general interest; providing an online community forum for users to share information, photos, audio and video content to engage in social networking.”(Class 38) (“Pending Applications”).

2. HANGOUT INDUSTRIES, INC. (“Registrant”) is the current owner of record of U.S. Registration No. 3,857,338 in the U.S. Patent and Trademark Office (“Registration”). Registrant’s address of record is 110 Chauncy Street, First Floor, Boston MA 02110.

3. The Trademark Office cited the Petitioned Mark against Petitioner’s Pending Applications alleging likely confusion between the marks under Section 2(d) of the Trademark Act.

4. On information and belief, Registrant is not using the Petitioned Mark to provide the services noted in its Registration.

**COUNT ONE:**  
**ABANDONMENT**

5. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-4 above as if fully set forth herein.

6. As grounds for cancellation of Registration No. 3,857,338, Petitioner alleges, on information and belief, that Registrant has abandoned the Petitioned Mark HANGOUT. On information and belief, Registrant is not currently using the Petitioned Mark in commerce within the scope of the challenged Registration. On information and belief, Registrant has abandoned the Petitioned Mark by discontinuing use of the mark with no intent to resume use.

7. Petitioner believes that it is and will be damaged by continued registration of the Petitioned Mark since it impairs Petitioner's ability to hold itself out as the owner of its HANGINOUT and HANGINOUT (& Design) marks and denies Petitioner the opportunity to obtain a registration for its HANGINOUT and HANGINOUT (& Design) marks.

WHEREFORE, Petitioner believes that it is and will be damaged by continued registration of the mark HANGOUT, Registration No. 3,857,338, and, therefore, requests cancellation of the Registration on the ground that Registrant has abandoned the mark with no intent to resume use.

Respectfully submitted,

By: 

Andrew D. Skale  
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Ste 300  
San Diego, CA. 92130  
Tel: 858-314-1506  
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Dated: December 3, 2012

ATTORNEYS FOR PETITIONER  
HANGINOUT INC.



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served by U.S. mail, first class, postage prepaid, on this 3<sup>rd</sup> day of December, 2012 on the Registrant at the address listed in the current U.S. Trademark Office Records as follows:

HEATHER E. BALMAT  
CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
ATTN: TRADEMARK ADMINISTRATOR  
BOSTON, MASSACHUSETTS 02110

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/Shannon Thrash/  
/Shannon Thrash/