

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

JDS DISTRIBUTION LLC,

Petitioner,

vs.

REJUVENA CORPORATION,

Respondent.

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

10-14-2002

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #22

**PETITION FOR CANCELLATION**

In the matter of Registration Nos. 2,098,004, registration date September 16, 1997  
and 2,164,668, registration date June 9, 1998

JDS DISTRIBUTION LLC, a Limited Liability Company organized under the laws of the State of Texas, and having a principal place of business in Forth Worth, Texas ("Petitioner"), believes and alleges that it is being damaged by service marks REJUVENA SKIN THERAPY SPAS, Registration No. 2,098,004, and R REJUVENA SKIN THERAPY, Registration No. 2,164,668, and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Upon information and belief, Respondent Rejuvena Corporation, a corporation organized under the laws of the State of Texas, ("Respondent") is the owner of Registrations 2,098,004 and 2,164,668.

2. Petitioner filed an intent to use application on February 28, 2002 with a bona fide intent to use the trademark, trade designation, and service mark REJUVENA, in connection with the distribution and retail sale of skin care, hair care and other cosmoceutical products. ("Petitioner's Services").

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3. Upon information and belief, Respondent is no longer in business, and therefore no longer uses the mark, which is the subject matter of the registrations sought to be cancelled.

4. Petitioners have made a good faith effort to contact the Respondent by U.S. mail and by telephone to no avail.

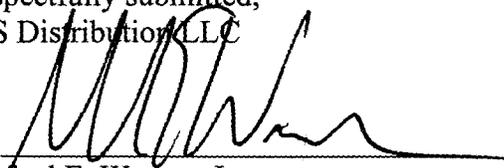
5. Upon information and belief, Petitioners contacted Respondent's attorney of record, Carl Butzer of Jackson & Walker, L.L.P., who also was unable to contact the Respondent.

6. Petitioner respectfully submits that the State of Texas, Office of Comptroller of Public Accounts, Certificate of Account Status, dated October 1, 2002, reports the Respondent as "not in good standing as it has not satisfied all state tax requirements." (See Exhibit A)

7. As a consequence of the aforementioned facts, Respondent's Registration Nos. 2,098,004 and 2,164,668 is to Petitioner's damage.

WHEREFORE, Petitioner requests that this cancellation petition be granted, and that the above-identified registration of Respondent, Registration Nos. 2,098,004 and 2,164,668, be cancelled.

Respectfully submitted,  
JDS Distribution LLC

By:   
Sanford E. Warren, Jr.  
Garderc Wynne Sewell LLP  
3000 Thanksgiving Tower  
1601 Elm Street  
Dallas, Texas 75201  
Tel: (214) 999-4339  
Fax: (214) 999-3339

ATTORNEY FOR PETITIONER



**TEXAS COMPTROLLER OF PUBLIC ACCOUNTS**  
AUSTIN, TEXAS 78774-0100

October 1, 2002

**CERTIFICATE OF ACCOUNT STATUS**

This is in response to your inquiry about the status of:

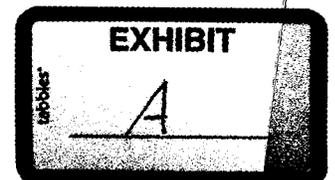
REJUVENA CORPORATION

This corporation is not in good standing as it has not satisfied all state tax requirements.

If you need any additional information or assistance, please contact the Texas State Comptroller's field office in your area or call 1-800-252-1381, toll-free, nationwide. The Austin number is 512-463-4600. If you are calling from a Telecommunication Device for the Deaf (TDD), the toll-free number is 1-800-248-4099, or in Austin, 512/463-4621.

Taxpayer number: 17526092931  
File number: 0136586500

Form 05-342 (Rev. 5-99/10)



**GARDERE**

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TTAB

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October 9, 2002

10-14-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**BOX: TTAB / FEE**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

TRADEMARK  
02 OCT 29 PM 9:30

Re: In re Application of: JDS Distribution LLC  
Mark: REJUVENA  
Serial No.: 76/377,392  
Our File: 125275-3000

Dear Sir:

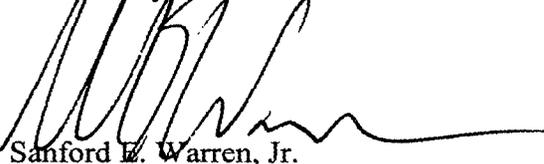
Enclosed for filing with the Patent and Trademark Office, please find the following:

1. Petition for Cancellation with Exhibit A (triplicate, 3 pp. each);
2. Check in the amount of \$600 for Petition for Cancellation as set forth in 37 C.F.R. § 2.6(16) and in accordance with 37 C.F.R. §2.112;
3. Postcard; and
4. Certificate of Mailing by Express Mail.

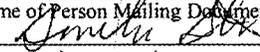
It is believed that no additional fee is due. If this is incorrect, the Commissioner is hereby authorized to charge any fees that may be required by this paper to Deposit Account 07-0153.

Respectfully submitted,

Gardere Wynne Sewell LLP

  
Sanford E. Warren, Jr.

Enclosures

<b>Express Mail # EL 902516131</b>	
I hereby certify that this document is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on <u>10/14/02</u>	
<u>SANDRA STUART</u>	
Name of Person Mailing Document	
<u></u>	
(Signature)	<u>10/14/02</u> (Date of Deposit)

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