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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 requests to cancel indicated registration.

Petitioner Information

Name	Pytotherm Sim USA, Inc.		
Entity	Corporation	Citizenship	Florida
Address	3100 West 84 Street Unit 2 Miami, FL 33018 UNITED STATES		

Attorney information	Jesus Sanchelima, Esq. Sanchelima & Associates, P. A. 235 SW Le Jeune Road Miami, FL 33134 UNITED STATES legal@sanchelima.com Phone:legal@sanchelima.com		
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Registration Subject to Cancellation

Registration No	2951750	Registration date	05/17/2005
Registrant	OFFICE OF THE PRESIDING BISHOP OF THE TEMPLE OF HEALTH AND ECSTASY AFTER THE ORDER OF MELCHIZEDEK, THE P.O. Box 16442 Beverly Hills, CA 90209 UNITED STATES		
Goods/Services Subject to Cancellation	Class 005. First Use: 1993/01/01 , First Use In Commerce: 1993/01/01 Goods/Services: dietary supplements, namely herbal formulations		

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Signature	/JS/
Name	Jesus Sanchelima, Esq.
Date	02/06/2007

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

In the Matter of Registration No. 2,951,750
Registration date: May 17, 2005
For the Mark: Design of the letter “e”

Pytotherm Sim USA, Inc.
Petitioner,

v.

Cancellation No.

Office of the Presiding Bishop of the Temple of
Health and Ecstasy After the Order of Melchizedek
Registrant.

_____)

PETITION FOR CANCELLATION

Pytotherm Sim USA, Inc. (Petitioner) a corporation of Florida, having its principal place of business at 3100 West 84th Street, Unit 2, Miami, Florida 33018, believes that it is, and will be, damaged by the above- identified registration of the mark and hereby petitions to cancel the same.

As grounds for cancellation, it alleges that:

1. Petitioner has superior rights to the mark based on its prior continuous use in commerce of the mark the design of the letter “e” for “dietary supplements.”
2. Petitioner, has used the mark the design of the letter “e” in commerce and has prior use over Registrant.
3. Upon information and belief, Registrant is the owner of Registration No. 2,951,750 for “dietary supplements, namely herbal formulations” in international class 5, and allegedly first used the same on January 1, 1993, long after petitioner’s first use of its trademark for the design of the letter “e” for dietary supplements.
4. Registrant's above-identified mark so resembles Petitioner's mark as to be likely, when used in connection with Registrant's goods cited in its registration, to cause

confusion, or to cause mistake, or to deceive, as to the source or sponsorship of the goods in question.

5. For the aforesaid reasons, Petitioner is being damaged by the registration of the mark identified above.

WHEREFORE, Petitioner prays that said Registration No. 2,951,750 be cancelled.

Attorneys for Petitioner:

/s/ Jesus Sanchelima

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