

ESTTA Tracking number: **ESTTA140355**

Filing date: **05/14/2007**

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	JKA, Inc. d/b/a Diversified Distribution		
Entity	Corporation	Citizenship	Rhode Island
Address	128 Singleton Street Woonsocket, RI 02086 UNITED STATES		

Attorney information	John L. Welch Lowrie, Lando & Anastasi, LLP One Main Street, Eleventh Floor Cambridge, MA 02142 UNITED STATES jwelch@ll-a.com Phone:617-395-7000		
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**Registration Subject to Cancellation**

Registration No	1709085	Registration date	08/18/1992
Registrant	OUTSOURCING SERVICES GROUP LLC 50 TICE BOULEVARD WOODCLIFF LAKE, NJ 07677 UNITED STATES		
Goods/Services Subject to Cancellation	Class 003. First Use: 1991/10/06 , First Use In Commerce: 1991/10/06 Goods/Services: cosmetics, namely face toner, face moisturizer cream, and eye make-up remover; skin lotions, sun tan lotions, facial cream, facial masks, hair shampoo, hair conditioner, hair styling gel, body gel, hand soap, personal deodorants, toothpaste and mouth wash		
Grounds for Cancellation	Abandonment Trademark Act section 14		

Attachments	1709085 Petition for Cancellation.pdf ( 4 pages )(97645 bytes )
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Signature	/johnlwelch/
Name	John L. Welch
Date	05/14/2007

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JKA, Inc. d/b/a Diversified	)		
Distribution,	)		
	)		
	)		
	)	Petitioner,	
	)		Cancellation No.
v.	)		
	)		
Outsourcing Services Group LLC,	)		Registration No.
	)		1,709,085
	)	Respondent.	
_____		)	

PETITION FOR CANCELLATION

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

JKA, Inc. d/b/a Diversified Distribution, a Rhode Island corporation having a business address of 128 Singleton Street, Woonsocket, Rhode Island 02806 ("Petitioner"), believes that it will be damaged by Registration No. 1,709,085 for the mark BODY ELEMENTS and hereby petitions to cancel said registration.

The grounds for this petition are as follows:

1. According to the assignment records of the U.S. Patent and Trademark Office, Respondent Outdoor Services Group LLC is

the owner by assignment of U.S. Registration No. 1,709,085 for the mark BODY ELEMENTS for "cosmetics, namely face toner, face moisturizer cream, and eye make-up remover; skin lotions, sun tan lotions, facial cream, facial masks, hair shampoo, hair conditioner, hair styling gel, body gel, hand soap, personal deodorants, toothpaste and mouth wash" in International Class 3. That registration issued on August 18, 1992.

2. Petitioner is the owner of, *inter alia*, U.S. Trademark Application Serial No. 77/083355 for the mark BODY ELEMENTS for "Bath pillows; Bathroom and shaving mirrors; Mirrors; Pillows" in International Class 20. In an Official Action dated March 27, 2007, the PTO Examining Attorney refused registration of Petitioner's mark on the ground of alleged confusingly similarity with the mark of U.S. Registration No. 1,709,085. Without conceding the correctness of that refusal to register, Petitioner will request suspension of its application (as well as other applications) in view of the filing of this petition for cancellation.

3. On information and belief, Respondent has abandoned said registered mark BODY ELEMENTS for "cosmetics, namely face toner, face moisturizer cream, and eye make-up remover; skin lotions, sun tan lotions, facial cream, facial masks, hair

shampoo, hair conditioner, hair styling gel, body gel, hand soap, personal deodorants, toothpaste and mouth wash" by discontinuing use of said mark with regard to said goods with no intent to resume use.

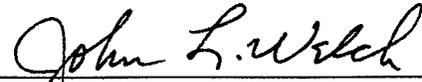
4. On information and belief, said registration and mark were assigned to Respondent *in gross*, without the transfer of any goodwill associated with the mark, thereby rendering the mark and registration abandoned.

5. Petitioner is likely to be damaged by continuance of said registration covering said goods, and Petitioner's use of its mark and its right to registration thereof will be impaired by the continued registration of said mark of Respondent for said goods.

\* \* \* \* \*

WHEREFORE, Petitioner prays that Registration No. 1,709,085 be cancelled and that this Petition for Cancellation be sustained.

JKA, Inc. d/b/a Diversified  
Distribution

A handwritten signature in black ink that reads "John L. Welch". The signature is written in a cursive style with a large initial "J".

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