

ESTTA Tracking number: **ESTTA373169**

Filing date: **10/13/2010**

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	D.N.C. Cosmetics Ltd		
Entity	Corporation	Citizenship	Israel
Address	Moshe Sharet street 31/19 Holon, 58492 ISRAEL		

Attorney information	Maria Eliseeva Houston Eliseeva LLP 420 Bedford St, Suite 155 Lexington, MA 02420 UNITED STATES maria.eliseeva@ghme.com Phone:1-781-863-9991
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Registration Subject to Cancellation

Registration No	2520857	Registration date	12/18/2001
Registrant	Koch, Mark 223 West 29th Street New York, NY 10001 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 1999/03/13 First Use In Commerce: 2000/09/27 All goods and services in the class are cancelled, namely: natural body care products, namely, hand lotion, body lotion, shampoo
Class 005. First Use: 1999/03/13 First Use In Commerce: 2000/09/27 All goods and services in the class are cancelled, namely: vitamin, herbal, and nutritional supplements
Class 035. First Use: 1999/03/13 First Use In Commerce: 2000/09/27 All goods and services in the class are cancelled, namely: retail store services featuring vitamin, herbal and nutritional supplements and body care products, and computerized on line retail store services in the field of vitamin, herbal and nutritional supplements and body care products

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	242.0006TM1 Cancellation petition.pdf (4 pages)(22660 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	/mme/
Name	Maria Eliseeva
Date	10/13/2010

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

D.N.C. Cosmetics Ltd)	
Petitioner)	
)	
v.)	Registration No. 2520857
)	
)	
Mark Koch)	
Respondent)	

PETITION FOR CANCELLATION

1. Petitioner D.N.C. Cosmetics Ltd (“Petitioner”) is an Israeli limited liability company whose address is Moshe Sharet street 31/19 IL-58492 Holon ISRAEL.
2. Respondent Mark Koch (“Respondent”), in Registration No. 2520857, states that he is an individual having an address at 223 West 29th Street, New York, NY 10001, United States.
3. Petitioner owns U.S. Application Serial Number 79/080399 for the mark DOCTOR NATURE in connection with “preparations for bleaching and other substances for washing; cleaning preparations, polishing, abrasives for degreasing; soap; perfumery products; mint essence, essential oil; cosmetic preparations; hair lotions; dentifrices” and “sales promotion for others (except for the goods in class 5)”.
4. The Trademark Office refused registration of Petitioner’s mark DOCTOR NATURE on the principal register based on the alleged likelihood of confusion with mark DR NATURE in U.S. Registration No. 2520857 filed in the name of Respondent, under Trademark Act Section 2(d), 15. USC §1052(d).
5. Upon information and belief, the goods and services recited in U.S. Registration No. 2520857 are “natural body care products, namely, hand lotion, body lotion, shampoo”, “vitamin, herbal, and nutritional supplements”, “retail store services featuring vitamin, herbal and nutritional supplements and body care products, and computerized on line

retail store services in the field of vitamin, herbal and nutritional supplements and body care products”.

6. Upon information and belief, Respondent did not use the DR NATURE mark in commerce on or in connection with goods and services indentified in P. 5 of this Petition in 2009.
7. Upon information and belief, Respondent has not used the DR NATURE mark in commerce on or in connection with goods and services indentified in P. 5 of this Petition in 2010.
8. Upon information and belief, Respondent is not using the DR NATURE mark in commerce on or in connection with goods and services indentified in P. 5 of this Petition.
9. Refusal of the Trademark Office to register Petitioner’s mark DOCTOR NATURE on the principal register based on the alleged likelihood of confusion with mark DR NATURE in U.S. Registration No. 2520857 would be obviated by cancellation of the referenced Registration.
10. Petitioner is being damaged by the alleged likelihood of confusion refusal to register its mark DOCTOR NATURE over mark DR NATURE in U.S. Registration No. 2520857.
11. Petitioner is likely to be further damaged by continued registration of the mark DR NATURE in U.S. Registration No. 2520857, in that the existence of the referenced Registration for the goods and services as currently set forth in that Registration could place a cloud over Petitioner’s unfettered right to use its DR NATURE mark in connection with “preparations for bleaching and other substances for washing; cleaning preparations, polishing, abrasives for degreasing; soap; perfumery products; mint essence, essential oil; cosmetic preparations; hair lotions; dentifrices” and “sales promotion for others (except for the goods in class 5)”.

12. WHEREFORE, Petitioner D.N.C. Cosmetics Ltd prays that the claims in the present Petition for Cancellation be granted, and that the DR NATURE U.S. Registration No. be cancelled.

Respectfully submitted,

D.N.C. Cosmetics Ltd

By: /Maria Eliseeva/

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October 13, 2010

CERTIFICATE OF SERVICE

I certify that this PETITION FOR CANCELLATION was served by first class mail, US postage prepaid on Respondent Mark Koch at 223 West 29th Street, New York, NY 10001 on October 13, 2010.

/Maria Eliseeva/
Maria M. Eliseeva