

ESTTA Tracking number: **ESTTA465779**

Filing date: **04/05/2012**

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	Urban Decay Cosmetics LLC		
Entity	limited liability company	Citizenship	Delaware
Address	833 West 16th Street Newport Beach, CA 92663 UNITED STATES		

Attorney information	Susan M. Natland KNOBBE MARTENS OLSON & BEAR LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com Phone:9497600404		
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**Registration Subject to Cancellation**

Registration No	3407414	Registration date	04/01/2008
Registrant	The Gillette Company One Gillette Park Boston, MA 02127 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 003. First Use: 2007/02/12 First Use In Commerce: 2007/02/12 All goods and services in the class are cancelled, namely: Antiperspirant and deodorant for personal use, and body spray
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation URBDEC.327N.pdf ( 4 pages )(79997 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	/susan m. natland/
Name	Susan M. Natland
Date	04/05/2012



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

Urban Decay Cosmetics LLC,

Petitioner,

v.

The Gillette Company,

Respondent.

) Cancellation No: \_\_\_\_\_

) I hereby certify that this correspondence and all marked attachments  
) are being electronically filed with the Trademark Trial and Appeal  
) Board through their web site located at <http://esta.uspto.gov> on:

) \_\_\_\_\_  
) April 5, 2012  
) (Date)

) 

) \_\_\_\_\_  
) Susan M. Natland

**PETITION FOR CANCELLATION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to 15 U.S.C. §§ 1064, 1068, 37 C.F.R. § 2.111(b) and TBMP § 309.03(d),  
Petitioner, Urban Decay Cosmetics LLC (“Urban Decay”), a Delaware limited liability company,  
located and doing business at 833 West 16th Street, Newport Beach, California 92663 believes it  
is or will be damaged by Registration No. 3,407,414 for the mark ALL NIGHTER, currently  
owned by The Gillette Company, a Delaware corporation having a place of business at One  
Gillette Park, Boston, MA 02127 (hereinafter referred to as “Respondent”), and hereby petitions  
to cancel said registration. Trademark Registration No. 3,407,414 (“Respondent’s Registration”)  
is described as follows:

Mark: ALL NIGHTER  
Goods: Antiperspirant and deodorant for personal use, and body spray  
Class: 3  
Filed: July 6, 2005  
Alleged First Use: February 12, 2007

Registered: April 1, 2008

As grounds for cancellation, it is alleged that:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 85/428,152 filed on September 21, 2011 for the mark ALL NIGHTER in connection with “Make-up preparations” (“Petitioner’s Application”) in International Class 3.

2. Petitioner has been, and continues to be, damaged in that Trademark Registration No. 3,407,414 has been cited against Petitioner’s Application as a basis for refusal of registration under Trademark Act Section 2(d), 15 U.S.C. § 1052(d).

3. Upon information and belief, Respondent has abandoned the ALL NIGHTER mark shown in Respondent’s Registration pursuant to Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3).

4. Upon information and belief, Respondent discontinued use of the ALL NIGHTER mark as shown in Respondent’s Registration in connection with “antiperspirant and deodorant for personal use, and body spray” many years ago.

5. In view of Respondent’s non-use or abandonment of the ALL NIGHTER mark shown in U.S. Registration No. 3,407,414, Respondent is not entitled to continued registration of the mark pursuant to Section 14(3) of the Trademark Act, 15 U.S.C. § 1064(3). Accordingly, Petitioner maintains that Respondent’s Registration should be cancelled.

6. As Petitioner’s attempt to register the mark as shown in Petitioner’s Application will be impaired by the continued registration of said abandoned mark of Respondent, and as Petitioner believes that Respondent has abandoned the mark shown in U.S. Registration No. 3,407,414, said registration should be canceled.

Petitioner reserves the right to amend this Petition to allege other claims in the event discovery of other information indicates they are appropriate.

WHEREFORE, Petitioner prays that U.S. Registration No. 3,407,414 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP



Dated: April 5, 2012

By: \_\_\_\_\_

Susan M. Natland  
2040 Main Street, 14th Floor  
Irvine, CA 92614  
949-760-0404  
[efiling@kmob.com](mailto:efiling@kmob.com)  
Attorneys for Petitioner,  
Urban Decay Cosmetics LLC

**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **PETITION FOR CANCELLATION** upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid on April 5, 2012 addressed as follows:

Steven W. Caldwell  
THE PROCTER & GAMBLE COMPANY  
S8-228  
299 E. 6th Street  
Cincinnati OH 45202



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Sarah Beno Couvillion

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