

ESTTA Tracking number: **ESTTA574453**

Filing date: **12/04/2013**

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

Proceeding	92057938
Party	Plaintiff SENSA, Inc.
Correspondence Address	TIMOTHY M MACIVOR SENSA INC 1401 BAY ROAD SUITE 310 MIAMI BEACH, FL 33139-3781 UNITED STATES sensation@gmail.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Timothy M. MacIvor
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Date	12/04/2013
Attachments	sensa3613479cancelamend2.pdf(1015978 bytes)

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

In the matter of Trademark Registration No. 3613479

For the mark SENSA

Date Registered April 28th, 2009

SENSA, Inc.

Petitioner,

V.

SENSA Products, LLC

Registrant.

Motion to Amend Petition to Cancellation

SENSA, Inc. (Florida)
1401 Bay road, Suite 310
Miami Beach, Florida 33139-3781

Owner of Registration

SENSA Products, LLC (Delaware)
Suite 4100
2300 Rosecrans Avenue
El Segundo, California 90245

The above-identified SENSA, Inc. (Petitioner), a Florida corporation having its principal place of business at 1401 Bay Road, Suite 310, Miami Beach, Florida 33139-3781, believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Priority of rights and likelihood of confusion, the similarity of the marks in the same distribution of sales and advertising, nature of goods, the conditions under which and buyers to whom sales are made. Petitioner is a very small manufacturer (in cooperation with a third party laboratory and packager) and seller of personal lubricant products.

Petitioner owns a United States registration for the word mark SENSEA Registration No. 2027431 in International Class 3 for personal lubricant, in use in commerce since July 15, 1996, therefore has priority of rights.

Petitioner SENSEA-branded personal lubricant products sold in select Walgreens® stores, in family planning section, close to diet products where Registrants products can be found, the similarity of the marks in the same distribution of sales and advertising, a likelihood of confusion to consumers.

Petitioner products also sold with independent convenience stores and Adult Entertainment Stores.

Natural Industry progression for personal lubricants is edible flavored lubricants, international class 5. Sexual enhancement supplements, a dietary food supplement, international class 5. Petitioner has bona fide intent for future uses of the SENSEA-brand in manufacture and sales of these products. Registrant, SENSEA mark its similarity of the marks in the same distribution of sales and advertising, nature of goods, the conditions under which and buyers to whom sales are made, a likelihood of confusion to consumers.

2. Dilution of the Petitioners Word Mark "SENSEA" is therefore a result caused by the Registrants "SENSEA" marks. Registrants SENSEA mark has become increasingly well-known and/or famous diluting Petitioners SENSEA-brand personal lubricant mark.

3. The Respondent is not the owner of the registered Petitioners Word Mark "SENSEA". Personal lubricants are registered in International class 5; Petitioners bona fide intent to expand SENSEA-brand into sexual enhancement supplements also covers that area and other possible international classes. Registrants SENSEA mark registration also reads *sold to end consumers* third party stores is not direct to end consumers.

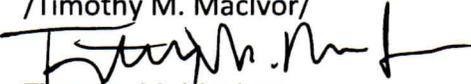
By 

Timothy M. MacIvor
SENSEA, Inc. President

Date December 4, 2013

I hereby certify that a true and complete copy of the foregoing Motion to Amend Petition to Cancellation has been served on SENSEA Products LLC., Suite 4100, 2300 Rosecrans Avenue, El Segundo, California 90245, by mailing December 4, 2013, via First Class Mail, postage prepaid.

/Timothy M. MacIvor/



Timothy M. MacIvor
SENSEA, Inc. President