

ESTTA Tracking number: **ESTTA577199**

Filing date: **12/17/2013**

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	Mike Farr		
Entity	Individual	Citizenship	UNITED STATES
Address	4634 Paradise Drive Tiburon, CA 94920 UNITED STATES		

Attorney information	Mathew J. Temmerman Temmerman Law Office One Market Street, Spear Tower 36th Floor San Francisco, CA 94105 UNITED STATES mathew@temmermanlaw.com Phone:(415) 293-8436
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### Registrations Subject to Cancellation

Registration No	841768	Registration date	01/02/1968
Registrant	FAULDING HEALTHCARE (IP) HOLDINGS, INC. Underdale, 115 Sheriff Street South Australia 5041, AUX GERMANY		

### Goods/Services Subject to Cancellation

Class 003. First Use: 1953/12/04 First Use In Commerce: 1953/12/04  
All goods and services in the class are cancelled, namely: SUNTAN LOTIONS

### Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	845518	Registration date	03/05/1968
Registrant	FAULDING HEALTHCARE (IP) HOLDINGS, INC. 1485 Elm Hill Pike Nashville, TN 37120 GERMANY		

### Goods/Services Subject to Cancellation

Class U039 (International Class 024, 025). First Use: 1967/04/10 First Use In Commerce: 1967/04/10  
All goods and services in the class are cancelled, namely: BEACH TOWELS AND FOOTWEAR

### Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	2236642	Registration date	04/06/1999

Registrant	FAULDING HEALTHCARE (IP) HOLDINGS,INC. 1845 ELM HILL PIKE NASHVILLE, TN 37210 GERMANY
------------	------------------------------------------------------------------------------------------------

## Goods/Services Subject to Cancellation

<p>Class 003. First Use: 1953/12/04 First Use In Commerce: 1953/12/04  All goods and services in the class are cancelled, namely: Suntan lotion; suntan oil; suntan cream; sunblock lotion; sunblock cream; self-tanning sunblock lotions, namely, non-medicated skin lotions which impart a tanned appearance to the skin without the necessity of exposure of the skin to sunlight or ultra-violet light and accelerators enhance a tan acquired from exposure to sunlight or ultra-violet light and shield the skin from the harmful effects of sunlight or ultra-violet light, and also to function as skin moisturizers; self-tanning lotions, namely, skin lotions which impart a tanned appearance to the skin without the necessity of exposure of the skin to sunlight or ultra-violet light; lotion for use as a relief from, and preventative for, chapping, skin irritations and diaper rash; after sun lotions, namely, skin lotions to moisturize and restore the skin and reduce the harmful effects of sunlight or ultra-violet light; and lip balms</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	131217 Petition for Cancellation 351.09.pdf(88743 bytes )
-------------	-----------------------------------------------------------

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Mathew J. Temmerman/
Name	Mathew J. Temmerman
Date	12/17/2013

Certificate of Electronic Transmission  
I hereby certify that this paper or fee is being  
electronically filed with the United States Patent  
and Trademark Office on the date indicated below.  
Date: 12/11/2013

17

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

Mike Farr,	)	Cancellation No. _____
	)	
Petitioner	)	Registration Nos.: 841768, 845518, 2236642
	)	
v.	)	Subject Mark: SEA & SKI
	)	
Faulding Healthcare (IP) Holdings, Inc.,	)	Attorney Ref. No.: 351.09
	)	
Registrant	)	
	)	

**PETITION FOR CANCELLATION**

Petitioner, Mike Farr, an individual and United States citizen with principal address of 4634 Paradise Drive, Tiburon, California 94920, believes that he will be damaged by registrations 841768 (SEA & SKI), 845518 (SEA & SKI), and 2236642 (SEA & SKI) and hereby petitions to cancel the same under the provisions of 15 U.S.C. §1064(3). As grounds for cancellation, Petitioner asserts that:

1. Petitioner has a bona fide intention to use or use through Petitioner's related company or licensee the mark in commerce SEA & SKI in connection with suntan lotions; moisturizers; and lip balm.
2. Petitioner is the owner of trademark application 86/131942 for the mark SEA & SKI in connection with the wares suntan lotions; moisturizers; and lip balm.
3. Upon information and belief, Faulding HealthCare (IP) Holdings, Inc. is a Delaware corporation with a mailing address of Underdale, 115 Sherriff Street, South Australia 5041, AUSTRALIA ("Registrant").

4. Upon information and belief, Registrant is the owner of U.S. Registration Nos. 841768 (SEA & SKI), 845518 (SEA & SKI), and 2236642 (SEA & SKI).

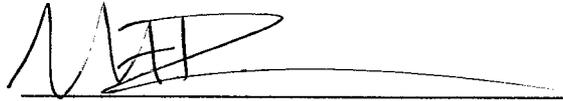
**First Basis for Cancellation - Abandonment**

5. Registrant claims that it began offering goods under the Registration No. 841768 on or before December 4, 1953.
6. Upon information and belief, Registrant is not currently offering any goods for sale under the Registration No. 841768.
7. Registrant claims that it began offering goods under the Registration No. 845518 on or before April 10, 1967.
8. Upon information and belief, Registrant is not currently offering any goods for sale under the Registration No. 845518.
9. Registrant claims that it began offering goods under the Registration No. 2236642 on or before December 4, 1953.
10. Upon information and belief, Registrant is not currently offering any goods for sale under the Registration No. 2236642.
11. Under information and belief, Registrant intends not to resume bona fide use of the SEA & SKI name in the ordinary course of trade.
12. Registrant has abandoned the "SEA & SKI" mark.

**WHEREFORE**, Petitioner prays that Registrations 841768, 845518, and 2236642 be cancelled pursuant to 15 U.S.C. §1064(3) because the SEA & SKI trademark has been wholly abandoned by Registrant.

Respectfully Submitted,

**TEMMERMAN LAW OFFICE**



**MATHEW J. TEMMERMAN**

Dated: December 17, 2013

TEMMERMAN LAW OFFICE  
One Market Street, Spear Tower  
36<sup>th</sup> Floor  
San Francisco, California 94105  
(415) 293-8436

**CERTIFICATE OF SERVICE**

Pursuant to C.F.R. § 2.111, I hereby certify that a true and correct copy of the foregoing Petition for Cancellation has been served on Registrant, by mailing said copy via overnight courier, postage prepaid, to each address of record for Registrations 841768, 845518, and 2236642:

FAULDING HEALTHCARE (IP) HOLDINGS, INC.  
Underdale, 115 Sheriff Street  
South Australia 5041  
AUSTRALIA

FAULDING HEALTHCARE (IP) HOLDINGS, INC.  
1485 Elm Hill Pike  
Nashville, Tennessee 37120  
UNITED STATES