

ESTTA Tracking number: **ESTTA613007**

Filing date: **06/30/2014**

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	Brooks Sports, Inc.		
Entity	Corporation	Citizenship	WA
Address	4300 Roosevelt Way NE SEATTLE, WA 98101 UNITED STATES		

Attorney information	William C. Rava Perkins Coie LLP 1201 Third Avenue 49th Floor Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com, wrava@perkinscoie.com, ajagarcia@perkinscoie.com		
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Registration Subject to Cancellation

Registration No	2750817	Registration date	08/12/2003
Registrant	ANTA (CHINA) CO., LTD. FUJIAN PROVINCE JINJIANG CITY, CHINA		

Goods/Services Subject to Cancellation

Class 025. First Use: 1999/06/00 First Use In Commerce: 2002/04/00 All goods and services in the class are cancelled, namely: SHOES; CLOTHING, NAMELY, SHIRTS, SHORTS, PANTS, JACKETS, DRESSES, COLLARS, BATHING SUITS, BATHING TRUNKS; CHILDREN'S GARMENTS, NAMELY, DRESSES, BONNETS; LAYETTES; WATERPROOF CLOTHING, NAMELY, RAINCOATS; FOOTBALL SHOES; AND RUNNING SHOES

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - Exs A and B.pdf(1099116 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 Overnight Courier on this date.

Signature	/Patchen M. Haggerty/
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Name	William C. Rava
Date	06/30/2014

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

BROOKS SPORTS, INC.,

Petitioner,

v.

ANTA (CHINA) CO. LTD.,

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

Mark: ANTA & LOGO

Registration No.: 2,750,817

Brooks Sports, Inc. (“Petitioner”) believes that it will be damaged by the continued registration by Anta (China) Co. Ltd. (“Registrant”) of the mark  (the “Registered Mark”) in International Class 25, and covering those goods (“Registered Goods”) listed in Registration No. 2,750,817 (“Registration”), and hereby petitions to cancel the Registration. As grounds for its petition, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is a Washington corporation, having a place of business in Seattle, Washington.
2. On information and belief, Registrant is a company of China, having a place of business in Jinjiang City, China.

II. THE REGISTERED MARKS AND REGISTRATIONS

3. Registration No. 2,750,817 issued on August 12, 2003, from Application No. 76/076,957 filed by Anta (Fujian) Shoes Industry Co. Ltd. on June 26, 2000.

4. According to the Trademark Assignment Abstract of Title for Registration No. 2,750,817, Anta (Fujian) Shoes Industry Co. Ltd. executed a document on December 29, 2006, which assigned the entire interest in Registration No. 2,750,817 to Anta (China) Co., Ltd.

5. According to the Trademark Assignment Abstract of Title for Registration No. 2,750,817, the document assigning Registration No. 2,750,817 to Anta (China) Co. Ltd. was recorded on January 3, 2007.

6. On August 13, 2008, Registrant filed an Affidavit of Use in support of a Combined Declaration of Use and Incontestability under Sections 8 & 15 for Registration No. 2,750,817 (“8 & 15 Affidavit”).

7. In the 8 & 15 Affidavit, Registrant attested that it had “...continuously used the mark in commerce on or in connection with the goods and/or services [in the Registration] for five (5) consecutive years ...”

8. In the 8 & 15 Affidavit, Registrant also attested that it was “using the mark in commerce on or in connection with the goods and/or services identified” in the Registration.

9. As evidence of use in support of the 8 & 15 Affidavit, Registrant submitted **Exhibit A.**

10. On February 7, 2013, Registrant filed a Combined Declaration of Use and Application for Renewal of Registration of Mark under Sections 8 & 9 for Registration No. 2,750,817 (“8 & 9 Declaration”).

11. In the 8 & 9 Declaration, Registrant attested that “...the mark is in use in commerce on or in connection with the goods/services identified” in the Registration.

12. As evidence of use in support of the 8 & 9 Declaration, Registrant submitted **Exhibit B.**

III. CLAIMS

A. ABANDONMENT

13. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

14. On information and belief, Registrant has ceased using the Registered Mark, in commerce, in connection with Registered Goods, with no intent to resume use of the Registered Mark.

15. On information and belief, Registrant has discontinued use of the Registered Mark, in commerce, for a period of at least three consecutive years.

16. On information and belief, Petitioner believes that Registrant does not have business operations in the United States, supporting the conclusion that use of the Registered Mark was discontinued, or never commenced, in commerce for such a period following the registration date for the Registered Mark.

17. The continued registration of the Registered Mark would prevent Petitioner from exercising exclusive control over the goodwill and reputation associated with Petitioner's marks.

18. As Registrant abandoned the Registered Mark in connection with the Registered Goods, and does not have an intent to resume use of the Registered Mark in connection with the Registered Goods, pursuant to Section 14 of the Trademark Act, 15 U.S.C. § 1064, the Registration should be cancelled.

B. REGISTERED MARK NOT IN USE

19. Petitioner realleges and incorporates by reference the preceding allegations of its Petition for Cancellation.

20. On information and belief, as of the filing date of the 8 & 15 Affidavit, Registrant was not using the Registered Mark, in commerce, in connection with Registered Goods.

21. On information and belief, prior to filing the 8 & 15 Affidavit, Registrant was not continuously using the Registered Mark, in commerce, in connection with the Registered Goods for a period of five (5) years prior to filing the 8 & 15 Affidavit.

22. On information and belief, as of the filing date of the 8 & 9 Declaration, Registrant was not using the Registered Mark, in commerce, in connection with Registered Goods.

23. On information and belief, Registrant has never used the Registered Mark, in commerce, in connection with the Registered Goods.

24. As Registrant was not using the Registered Mark, in commerce, in connection with the Registered Goods as of the date of filing the 8 & 15 Affidavit, the Registration should be cancelled.

25. As Registrant was not using the Registered Mark, in commerce, in connection with the Registered Goods as of the date of filing the 8 & 9 Declaration, the Registration should be cancelled.

26. As Registrant has never used the Registered Mark, in commerce, in connection with the Registered Goods, the Registration should be cancelled.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner requests that Registration No. 2,750,817 be canceled.

VI. FEES

The \$300.00 fee for this Petition for Cancellation has been electronically submitted with this filing.

Petitioner hereby appoints the law firm of Perkins Coie LLP, and each of William C. Rava Alexander J.A. Garcia, Patchen M. Haggerty, Caroline Camp, David L. Cromwell, Alexander J.A. Garcia, Lynne E. Graybeal, John P. Halski, Julianne A. Henley, Jason S. Howell, Jennifer L. Jolley, Winfield B. Martin, Reagan T. Roth, Heidi L. Sachs, Grace Han Stanton, and James L. Vana, each of whom is admitted to practice law in the State of Washington and/or another state of the United States, with full power of substitution and revocation, to represent Petitioner in connection with the Cancellation.

DATED: June 30, 2014

CERTIFICATE OF SERVICE
I hereby certify that this PETITION FOR CANCELLATION is being deposited with the United Parcel Service on July 1, 2014, in an envelope addressed to:
ANTA (CHINA) CO. LTD. Chidian Town Dongshan Industrial Zone JinJiang City CHINA
Signature: 
Printed Name: <u>Patchen M. Haggerty</u>

Respectfully submitted,

PERKINS COIE LLP

By: 

William C. Rava
Alexander J.A. Garcia
Attorneys for Opposer
1201 Third Avenue, 49th Floor
Seattle, Washington 98101

Phone: (206) 359-8000

Exhibit A

A	B	C	D	E	F	G	H	I	J
K	L	M	N	O	P	Q	R	S	T
U	V	W	X	Y	Z	AA	AB	AC	AD

 ANTA
 SIB
 ANA
 SIB
 SIB
 SIB



Exhibit B



Des: X-Game Shoes

Art. No: W1949032

Q.C.No:

89

2010/05/20 15:31



Des Football Shoes
Art. No W102232
Q.C.No.
21

ANTA

ANTA

2010/05/20 16:02



ANTA
XL
http://www.anta.com

ANTA
Des: Men's Ss Polo
Trademark: ANTA
Art No WSA5013110-3
Color Brilliant Blue
Size XL
Component:
Material 100%Poly
6903711578452
Retail Price:

2010/05/20 16:16



2010/05/20 16:17