

ESTTA Tracking number: **ESTTA650367**

Filing date: **01/15/2015**

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	Plnzaan Co., Ltd.		
Entity	limited liability company	Citizenship	Taiwan
Address	1F,-1, NO. 32, LINE 16, Andong St. Taipei, TAIWAN		

Attorney information	Raphael A. Gutierrez Jackson Intellectual Property Group, PLLC 11355 W. Olympic Blvd. Suite 106 Los Angeles, CA 90064 UNITED STATES tm@jacksonipg.com, tmdocketing@gmail.com		
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Registration Subject to Cancellation

Registration No	4542400	Registration date	06/03/2014
Registrant	QU NIPU 6223 IVAR AVE TEMPLE CITY, CA 91780 UNITED STATES		

Goods/Services Subject to Cancellation

Class 018. First Use: 2010/02/11 First Use In Commerce: 2010/02/11 All goods and services in the class are cancelled, namely: Handbags; purses and wallets; backpacks; school bags; messenger bags; clutch purses; coin purses; evening handbags; shoulder bags; briefcases; tote bags; traveling bags; luggage and umbrellas
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Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	Petition to Cancel.pdf(101167 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	/Raphael A. Gutierrez/
Name	Raphael A. Gutierrez

Date	01/15/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

<i>In re Registration No. 4,542,400 for the mark JUMP FROM PAPER</i>	
Pinzaan Co., Ltd.	Cancellation No. _____
Petitioner,	
v.	<u>Petition to Cancel</u>
Qu Nipu	
Respondent.	

Pinzaan Co., Ltd. is a limited liability company organized under the laws of Taiwan with a principal place of business located at 1F, 1, No. 32, Lane 16, Andong St. Jhongshan District, Tapei City, Taiwan (hereinafter, “Petitioner”).

Petitioner believes it is being damaged by the registration of the mark shown above, registered to Qu Nipu (“Registrant”), an individual having an address in Temple City, California.

As grounds for cancellation, it is alleged that:

1. Registrant is the current listed owner of record for the registration for the mark JUMP FROM PAPER (hereinafter, the “Cited Mark”), Registration Number 4,542,400 for “Handbags; purses and wallets; backpacks; school bags; messenger bags; clutch purses; coin purses; evening handbags; shoulder bags; briefcases; tote bags; traveling bags; luggage and umbrellas” in International Class 18.

2. The application for the Cited Mark was filed on August 6, 2013. In the application, the Registrant executed a declaration stating, under penalty of perjury, that the Cited Mark had been in use since at least as early as February 11, 2010. The Cited Mark was then registered on June 3, 2014.

3. The Patent and Trademark Office (“PTO”) database lists Qu Nipu as the owner and the attorney of record for the Cited Mark.

4. Petitioner is the owner of three trademark applications, for the mark JUMP FROM PAPER (Stylized).

5. On March 28, 2014, Petitioner filed an application for the mark JUMP FROM PAPER (Styl.), which was assigned Serial No. 79/146,481, for “Zip fasteners; buckles clothing accessories” in International Class 18 (hereinafter “the ‘481 Application”).

6. On June 6, 2014, Petitioner filed an application for the mark JUMP FROM PAPER (Styl.), which was assigned Serial No. 86/302,022 for “Backpacks; Beachbags; Handbags; Pocket wallets; Reusable shopping bags; School bags; Wallets” in International Class 18 and “Auctioneering; Business advisory services, namely, search for and selection of the best potential suppliers for others; Goods import-export agencies; On-line advertising on computer networks; Organisation of exhibitions and trade fairs for business and promotional purposes; Procurement, namely, purchasing handbags for others; Sales promotion services” in International Class 35 (hereinafter “the ‘022 Application”).

7. On June 10, 2014, Petitioner filed an application for the mark JUMP FROM PAPER (Styl.), which was assigned Serial No. 86/304,799 for “Belts; Gloves as clothing; Hats; Scarves; Shoes; Skirts; Stockings; Tops; Trousers; Wearable garments and clothing, namely, shirts” in International Class 25 (hereinafter “the ‘799 Application”).

8. The ‘481 Application, the ‘022 Application and the ‘799 Application shall collectively be referred to as “Petitioner’s Applications.”

9. On July 1, 2014, the ‘022 Application and the ‘799 Application were both initially refused registration on the grounds they were likely to cause confusion with the Cited Mark.

10. On July 2, 2014, the ‘481 Application was initially refused registration on the grounds it was likely to cause confusion with the Cited Mark.

11. Petitioner inadvertently failed to respond to the office actions in a timely fashion, but is concurrently submitting petitions to revive Petitioner’s Applications.

Additionally, Petitioner will be requesting that prosecution of Petitioner's Applications be suspended pending the outcome of this Cancellation proceeding pursuant to TMEP § 716.02(a).

12. Since all of Petitioner's Applications were refused on the grounds that they were likely to cause confusion with the Cited Mark, Petitioner is being damaged by the registration of the Cited Mark and has standing to bring this Cancellation Action. As alleged in more detail below, Petitioner believes that Registrant obtained the registration of the Cited Mark by fraud.

13. Petitioner hereby petitions to cancel the Cited Mark pursuant to 15 U.S.C. § 1064(3) and TMEP § 716.02(a) on the grounds that the Cited Mark has been obtained fraudulently.

14. On information and belief, Petitioner alleges that Registrant is not using, and has never used, the Cited Mark in connection with any of the products listed in the registration of the Cited Mark. On information and belief, Petitioner further alleges that Respondent falsely represented to the Patent and Trademark Office ("PTO") that he has been using the Cited Mark since at least as early as 2010. Petitioner believes Respondent made such intentional misrepresentation to the PTO in an effort to obtain the registration for the Cited Mark.

15. Petitioner performed various Internet searches for the Cited Mark and was not able to find any products being sold in connection with the Cited Mark.

16. Petitioner did find, however, that Registrant has established a pattern of attempting to register marks that infringe the brands of famous apparel and bag manufacturers, including Grado S.r.l, owner of DOLCE & GABANA (*see* Opposition No. 91190184), Michael Kors, LLC (*see* Opposition No. 91192849), and Jones Investment Co., which owns several lion head designs which are used for its ANNE KLEIN brand (*see* Opposition No. 91205188). All three opposition proceedings were decided against Registrant.

17. Petitioner hired a private investigation firm, Marksmen, to perform a more detailed search for past or present uses of the Cited Mark.

18. Based on the information obtained from its own searches and from the Marksmen investigative report, Petitioner alleges that Registrant is not using, and has not

ever used the Cited Mark in connection with any of the goods listed in the registration for the Cited Mark.

19. On information and belief, Petitioner alleges that Registrant made a knowingly false statement to the PTO that it has been using the Cited Mark in connection with “Handbags; purses and wallets; backpacks; school bags; messenger bags; clutch purses; coin purses; evening handbags; shoulder bags; briefcases; tote bags; traveling bags; luggage and umbrellas” since at least as early as February 11, 2010, when it had never actually used the Cited Mark.

20. Petitioner further alleges that this false statement was made with the specific intent to deceive the PTO so that it would register the Cited Mark.

21. Petitioner further alleges that Registrant’s knowingly false statement to the PTO was material to the registrability of the mark because the registration would not have been issued without an allegation of use of the Cited Mark.

22. Petitioner further alleges that the PTO relied on Registrant’s knowingly false representations and issued a registration for the Cited Mark.

23. For the foregoing reasons, Applicant requests that Reg. No. 4,542,400 for the mark JUMP FROM PAPER be cancelled because it was obtained by Registrant with the specific and willful intent to commit fraud on the PTO by making a knowingly false representation that was material to obtaining the registration in the first place.

WHEREFORE, Petitioner prays that this Petition to Cancel be granted in its favor and that Registration No. 4,542,400 for the mark JUMP FROM PAPER be cancelled.

Date: January 15, 2015

Respectfully submitted,

/Raphael A. Gutierrez/
Raphael A. Gutierrez

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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 of record by U.S. mail on this 15th day of January 2015.

Qu Nipu
6223 IVAR AVE
TEMPLE CITY, CALIFORNIA 91780
UNITED STATES

/Raphael A. Gutiérrez /
Raphael A. Gutiérrez