

ESTTA Tracking number: **ESTTA654531**

Filing date: **02/06/2015**

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	FINAM		
Entity	societe a responsabilite lim- itee	Citizenship	France
Address	Zone d'Activites Actipole 2B Chemin des Vignes Bressolles, F-01360 FRANCE		

Attorney informa- tion	Jess M. Collen Collen IP Intellectual Property Law PC 80 S Highland Avenue The Holyoke-Manhattan Building Ossining, NY 10562 UNITED STATES kmogavero@collenip.com, docket@collenip.com Phone:914-941-5668		
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Registration Subject to Cancellation

Registration No	1200333	Registration date	07/06/1982
International Re- gistration No.	NONE	International Re- gistration Date	NONE
Registrant	SUNKISS THERMOREACTORS INC. 180, ARBOIT STREET L'ASSOMPTION, QUEBEC, J5W 4P5 CANADA		

Goods/Services Subject to Cancellation

Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Space Heaters [, Air Conditioners, andRe- frigerators]
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - R224 (2).pdf(2916987 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	/Jess M. Collen/
Name	Jess M. Collen
Date	02/06/2015

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

Registrant: Sunkiss Thermoreactors, Inc.
Registration No.: 1,200,333 (Class 011)
For: SUNKISS
Registered: July 6, 1982

Commissioner of Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

PETITION FOR CANCELLATION

The Petitioner FINAM, a société à responsabilité limitée (sarl) legally organized under the laws of France, having an address of Zone d'Activités Actipole 2B, Chemin des Vignes BRESSOLLES F-01360, France (hereinafter "FINAM" or "Petitioner"), believes that it would be damaged by the continued registration of the above-identified mark, and hereby petitions to cancel such registration, pursuant to 15 USC § 1064 and 37 CFR § 2.111.

As grounds for its Petition to Cancel, it is alleged that:

- (1) On July 6, 1982, the United States Patent and Trademark Office issued Registration No. 1,200,333 for the mark SUNKISS to Calinter S.A in International Class 011.
- (2) Upon information and belief, Registration No. 1,200,333 for the mark SUNKISS is presently owned by assignment by Sunkiss Thermoreactors, Inc. ("Registrant").
- (3) Petitioner FINAM is the owner of Application Serial No. 86/500,513 for the mark SUNKISS in International Classes 011 and 037, filed on January 12, 2015. (Exhibit A)

(4) Petitioner FINAM is the owner of Application Serial No. 86/500,517 for the mark SUNKISS THERMOREACTORS in International Classes 011 and 037, filed on January 12, 2015. (Exhibit B)

(5) Petitioner FINAM uses its SUNKISS mark in connection with goods in International Class 011 and is the owner of multiple registrations for the mark SUNKISS in International Class 011 in several countries throughout the world, including but not limited to Chile, China, Denmark, Ireland, and France.

(6) Upon information and belief, Registrant has abandoned its rights in some or all of the goods identified in Registration No. 1,200,333.

(7) Upon information and belief, Registrant does not currently use the SUNKISS mark on all goods identified in Registration No. 1,200,333.

(8) Upon information and belief, Registrant has not used its SUNKISS mark in commerce on or in connection with some or all of the goods identified in Registration No. 1,200,333 for a period of three years.

(9) Upon information and belief, Registrant has intended to abandon use of the SUNKISS mark on some or all of the goods identified in Registration No. 1,200,333.

(10) Upon information and belief, Registrant has no intention to use the SUNKISS mark on or in connection with its goods.

(11) Petitioner and the public are harmed by the continuing subsistence on the Register of an abandoned trademark.

WHEREFORE, Petitioner respectfully requests that Registration No. 1,200,333 be cancelled and that this cancellation proceeding be sustained in favor of Petitioner.

The applicable filing fee in the amount of \$300.00 for this petition is submitted herewith.

Respectfully submitted for
Petitioner FINAM

By: /Kristen A. Mogavero/
Jess M. Collen
Kristen A. Mogavero
COLLEN *IP*
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562
(914) 941-5668
(914) 941-6091
kmogavero@collenip.com

Enclosure: Cancellation fee \$300.00 per class (total \$300.00)
DATED: February 6, 2015

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FILED THROUGH THE ELECTRONIC SYSTEM FOR TRADEMARK TRIAL AND APPEALS IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

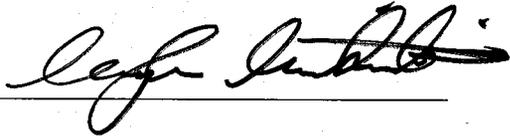
By: /Kristen A. Mogavero/ Date: February 6, 2015

CERTIFICATE OF SERVICE

I, Meaghan C. Machcinski, do hereby certify that I caused a true and correct copy of the foregoing Petition for Cancellation to be served upon the following via first class mail to:

Dowell & Dowell, P.C.
Attn: A. Yates Dowell, III
103 Oronoco Street
Suite 220
Alexandria, VA 22314

So certified on this 6th day of February, 2015.



A handwritten signature in cursive script, appearing to read "Meaghan C. Machcinski", is written over a horizontal line.

EXHIBIT A



United States Patent and Trademark Office
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Trademark Status & Document Retrieval (TSDR)

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STATUS	DOCUMENTS	Download	Print Preview
<p>Generated on: This page was generated by TSDR on 2015-02-03 16:59:53 EST</p> <p>Mark: SUNKISS</p> <div style="text-align: right; font-size: 2em; font-weight: bold;">SUNKISS</div> <p>US Serial Number: 86500513 Application Filing Date: Jan. 12, 2015</p> <p>Register: Principal</p> <p>Mark Type: Trademark, Service Mark</p> <p>Status: New application will be assigned to an examining attorney approximately 3 months after filing date.</p> <p>Status Date: Jan. 15, 2015</p>			
<p>▼ Mark Information ▼ Expand All</p> <p>Mark Literal Elements: SUNKISS</p> <p>Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.</p> <p>Mark Drawing Type: 4 - STANDARD CHARACTER MARK</p>			
<p>▼ Goods and Services</p> <p>Note: The following symbols indicate that the registrant/owner has amended the goods/services:</p> <ul style="list-style-type: none"> • Brackets [...] indicate deleted goods/services; • Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and • Asterisks *..* identify additional (new) wording in the goods/services. 			
<p>For: Heating apparatus, air conditioning apparatus, cooling apparatus, and drying apparatus; industrial heating apparatus, namely, heat generating apparatus, polymerisation and melting apparatus and installations</p> <p>International Class(es): 011 - Primary Class U.S Class(es): 013, 021, 023, 031, 034</p> <p>Class Status: ACTIVE</p> <p>Basis: 1(b)</p>			
<p>For: Reparation and maintenance of heating apparatus, air conditioning apparatus, cooling apparatus, and drying apparatus, reparation and maintenance of industrial heating apparatus, namely, heat generating apparatus, polymerisation and melting apparatus and installations</p> <p>International Class(es): 037 - Primary Class U.S Class(es): 100, 103, 106</p> <p>Class Status: ACTIVE</p> <p>Basis: 1(b)</p>			
<p>▼ Basis Information (Case Level)</p>			

Filed Use:	No	Currently Use:	No	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	Yes	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ Current Owner(s) Information

Owner Name: FINAM

Owner Address: Zone d'Activités Actipole 2B
 Chemin des Vignes
 BRESSOLLES F-01360
 FRANCE

Legal Entity Type: société à responsabilité limitée (sarl) State or Country Where Organized: FRANCE

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jess M. Collen

Docket Number: R222

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JESS M. COLLEN
 Collen Ip Intellectual Property Law P C
 80 S Highland Ave
 Ossining, NEW YORK 10562-5615
 UNITED STATES

Phone: (914) 941-5668

Fax: (914) 941-6091

Correspondent e-mail: trademark@collenip.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jess M. Collen

Phone: (914) 941-5668

Fax: (914) 941-6091

Domestic Representative e-mail: trademark@collenip.com

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Jan. 22, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2015	NEW APPLICATION ENTERED IN TRAM	

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Jan. 15, 2015

▼ Assignment Abstract Of Title Information - None recorded

▼ Proceedings - None recorded

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EXHIBIT B



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SEARCH	MULTI-SEARCH ?
US Serial No	86500517
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Mark: SUNKISS THERMOREACTORS

SUNKISS THERMOREACTORS

US Serial Number: 86500517

Application Filing Date: Jan. 12, 2015

Register: Principal

Mark Type: Trademark, Service Mark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: Jan. 15, 2015

Mark Information

Expand All

Mark Literal Elements: SUNKISS THERMOREACTORS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

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For: Heating apparatus, air conditioning apparatus, cooling apparatus, and drying apparatus; industrial heating apparatus, namely, heat generating apparatus, polymerisation and melting apparatus and installations

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(b)

For: Reparation and maintenance of heating apparatus, air conditioning apparatus, cooling apparatus, and drying apparatus; Reparation and maintenance of industrial heating apparatus, namely, heat generating apparatus, polymerisation and melting apparatus and installations

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

▼ Current Owner(s) Information

Owner Name: FINAM

Owner Address: Zone d'Activités Actipole 2B
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BRESSOLLES F-01360
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Docket Number: R223

Attorney Primary Email Address: trademark@collenip.com

Attorney Email Authorized: Yes

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TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

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