

ESTTA Tracking number: **ESTTA668081**

Filing date: **04/22/2015**

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	Advance Marketing Plus Corp.		
Entity	Corporation	Citizenship	Florida
Address	10306 USA Today Way Miramar, FL 33025 UNITED STATES		

Attorney information	Christian Sanchelima, Esq Sanchelima & Associates, P.A. 235 SW Le Jeune Rd Miami, FL 33134 UNITED STATES legal@sanchelima.com, chris@sanchelima.com, jesus@sanchelima.com Phone:305-447-1617
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Registration Subject to Cancellation

Registration No	4522172	Registration date	04/29/2014
Registrants	<p>North, Ellie Ann 1018 Paterson Plank Road North Bergen, NJ 07047 UNITED STATES</p> <p>Gil, Francisco N. 4309 Kennedy Blvd North Bergen, NJ 07047 UNITED STATES</p> <p>Rovelli, Vivian Gil 199 Hillcrest Leonia, NJ 07605 UNITED STATES</p> <p>Weingartner, Victoria 159 Herman Street Hackensack, NJ 07601 UNITED STATES</p>		

Goods/Services Subject to Cancellation

Class 005. First Use: 1995/09/01 First Use In Commerce: 1995/09/01
All goods and services in the class are cancelled, namely: Antifungal remedies in the forms of liquid, soap, spray, powder, talk, ointmentand creme; Category 5

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	76488746	Application Date	02/10/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HONGOSAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 antifungal preparation		

Attachments	76488746#TMSN.png(bytes) 150422le.PetCancel_HONGOSAN.pdf(99563 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	/cs/
Name	Christian Sanchelima, Esq
Date	04/22/2015

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

In Re:

Registration No. 4,522,172

Registration date: April 29, 2014

Filing date: April 29, 2002

Mark: HONGOSAN

For: *antifungal remedies in the forms of liquid, soap, spray, powder, talk, ointment and crème* in international class 005.

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

Advance Marketing Plus Corp.

Petitioner,

v.

Cancellation No.

Ellie Ann North, Francisco Gil, Vivian Gil Rovelli, and Victoria Weingartner,

Respondents

_____)

PETITION FOR CANCELLATION

Petitioner, Advance Marketing Plus Corp., a corporation of Florida, with its principal place of business at 10306 USA Today Way, Miramar, Florida 33025, believes that it is, and will be damaged by the above-identified registration of the mark **HONGOSAN** for the goods identified above and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges that:

I. FACTS

1. Petitioner has used, and continues to use, in commerce in the United States the mark **HONGOSAN** for antifungal preparation since at least as early as February 2002.

2. Petitioner has developed a valuable goodwill associated with its mark **HONGOSAN**.

3. On April 29, 2002, Ellie Ann North, Francisco Gil, Vivian Gil Rovelli, and Victoria Weingartner (hereinafter Respondents) filed an application to register the mark

HONGOSAN for the above referenced goods in international class 005 in the United States Patent and Trademark Office. Respondents' application matured in registration No. 4,522,172 with the United States Patent and Trademark Office dated April 29, 2014.

4. On February 10, 2003, Petitioner filed registration application serial number 76/488,746 for the mark **HONGOSAN** for antifungal preparation in international class 005.

5. Petitioner's application serial No. 76/488,746 was rejected based on Respondents' above referenced mark registration under Section 2d of the Lanham Act.

II. PRIORITY

6. Petitioner has used in commerce the mark **HONGOSAN** with and in the United States for antifungal preparation from a date prior to the filing of the application for Respondents' registration and prior to Respondents' adoption of the mark.

7. Respondents' mark **HONGOSAN**, when used for the above referenced goods, is likely to cause confusion or mistake in the market and with relevant purchasers with Petitioner's identical mark for antifungal preparation.

III. ABANDONMENT

8. Petitioner has information and believes that Respondents have discontinued the use of its mark **HONGOSAN** and that Respondent has abandoned its mark **HONGOSAN**.

IV. DAMAGES

9. Petitioner is damaged by Respondents' registration since Petitioner cannot avail itself to the benefits of the Lanham Act.

WHEREFORE, Petitioner prays that Respondents' Registration identified with Reg. No. 4,522,172 be cancelled.

Date: April 22, 2015

Respectfully submitted,
Attorneys for Petitioner:

/s/ Chris Sanchelima
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on this 22 day of April 2015 to:

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By: /s/ Chris Sanchelima
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