

ESTTA Tracking number: **ESTTA670657**

Filing date: **05/05/2015**

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	Thorne Research, Inc.		
Entity	Corporation	Citizenship	Idaho
Address	25820 Highway 2 West Sandpoint, ID 83864 UNITED STATES		

Attorney information	Margaret Niver McGann Parsons Behle & Latimer 201 South Main Street, Suite 1800 SALT LAKE CITY, UT 84111 UNITED STATES trademarks@parsonsbehle.com, mmcgann@parsonsbehle.com, myoung@parsonsbehle.com Phone:8015321234
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Registration Subject to Cancellation

Registration No	4416539	Registration date	10/15/2013
International Registration No.	NONE	International Registration Date	NONE
Registrant	HUNCA KOZMETIK; SANAYI ANONIM SIRKETI BahÅ§ekÅ¶y Hunca Cad. No: 12 TURKEY		

Goods/Services Subject to Cancellation

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Bleaching preparations for laundry use; other substances for laundry use, namely, detergent, starch, fabric softener and blueing; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
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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)
Abandonment	Trademark Act section 14

Attachments	Exhibit A.pdf(27510 bytes) Exhibit B.pdf(2023995 bytes) Exhibit C.pdf(26933 bytes) Petition to Cancel.pdf(70504 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	/Margaret Niver McGann/
Name	Margaret Niver McGann
Date	05/05/2015

Exhibit A

REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79125478

FILING DATE: 09/21/2012

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
IMAGE	\\TICRS\EXPORT16\IMAGEOUT16\791\254\79125478\xml1\APP0002.JPG
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	NO
MARK IN COLOR	YES
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
TM IMAGE: COLOR	YES
IMAGE FILE NAME	\\TICRS\EXPORT16\IMAGEOUT16\791\254\79125478\xml1\APP0002.JPG
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	THORNE BY HUNCA
HOLDER DETAILS	
CLIENT IDENTIFIER	498102
NOTIFICATION LANGUAGE	ENGLISH
NAME	HUNCA KOZMETÄ°K SANAYÄ° ANONÄ°M ÄžÄ°RKETÄ°
ADDRESS	Bahçeköy Hunca Cad. No: 12 SarÄ±yer Ä°stanbul
COUNTRY	Turkey
ENTITLEMENT ESTABLISHMENT	Turkey

LEGAL NATURE	Joint Stock Company
LEGAL NATURE: PLACE INCORPORATED	Turkey
CORRESPONDENCE INDICATOR	YES

BASIC GOODS AND SERVICES

VERSION OF NICE CLASSIFICATION USED	10
NICE CLASSIFICATION	03
GOODS AND SERVICES	Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

PARIS PRIORITY DETAILS

PARIS PRIORITY CODE:	Turkey
PARIS PRIORITY APPLICATION NUMBER	2012/75258
PARIS PRIORITY APPLICATION DATE	09/04/2012

BASE REGISTRATION DETAILS

BASE APPLICATION NUMBER	2012/75258
BASE APPLICATION DATE	09/04/2012

REPRESENTATIVE DETAILS

CLIENT IDENTIFIER	428202
NAME	BASALAN PATENT & TRADEMARK INDUSTRIAL PROPERTY SERVICES CONSULTANCY LIMITED COMPANY
ADDRESS	Giz 2000 Plaza, Ayazaga Yolu, No.7, Kat:12 TR-34398 MASLAK-ISTANBUL
COUNTRY	Turkey

INTENT TO USE GROUP

CONTRACTING PARTY CODE	United States of America
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DESIGNATIONS

DESIGNATIONS UNDER THE PROTOCOL	United States of America
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INTERNATIONAL REGISTRATION DETAILS

INTERNATIONAL REGISTRATION NUMBER	1148325
INTERNATIONAL REGISTRATION DATE OF MARK	09/21/2012
INTERNATIONAL REGISTRATION EXPIRY DATE	09/21/2022
EFFECTIVE DATE OF MODIFICATION	09/21/2012
NOTIFICATION DATE	02/21/2013
DATE OF RECORDAL IN INTERNATIONAL REGISTER	02/06/2013
IB DOCUMENT ID	704098001
OFFICE OF ORIGIN CODE	Turkey
OFFICE REFERENCE	79125478
TRANSACTION TYPE VALUES	Initial Designation
ORIGINAL LANGUAGE	ENGLISH
INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED	Protocol
HOLDER REFERENCE	26717-M
DURATION OF MARK (YEARS)	10

VIENNA
CLASSIFICATION
VERSION USED

6

VIENNA CLASS

2705

VIENNA CLASS

2901

THORNE

BY HUNCA

Exhibit B

United States of America
United States Patent and Trademark Office

THORNE
BY HUNCA

Reg. No. 4,416,539

Registered Oct. 15, 2013

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

HUNCA KOZMETİK; SANAYİ ANONİM ŞİRKETİ (TURKEY JOINT STOCK COMPANY)
BAHÇEKÖY HUNCA CAD. NO: 12
SARIYER İSTANBUL
TURKEY

FOR: BLEACHING PREPARATIONS FOR LAUNDRY USE; OTHER SUBSTANCES FOR LAUNDRY USE, NAMELY, DETERGENT, STARCH, FABRIC SOFTENER AND BLUEING; CLEANING, POLISHING, SCOURING AND ABRASIVE PREPARATIONS; SOAPS; PERFUMERY, ESSENTIAL OILS, COSMETICS, HAIR LOTIONS; DENTIFRICES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

THE MARK CONSISTS OF THE BLUE WORDING "THORNE BY HUNCA".

PRIORITY DATE OF 9-4-2012 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1148325 DATED 9-21-2012, EXPIRES 9-21-2022.

THE COLOR(S) BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE WORDING "HUNCA" HAS NO MEANING IN A FOREIGN LANGUAGE.

SER. NO. 79-125,478, FILED 9-21-2012.

TRACY FLETCHER, EXAMINING ATTORNEY



Sean Street Lee

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

Exhibit C

Generated on: This page was generated by TSDR on 2015-04-22 15:07:34 EDT

Mark: THORNE THERAPEUTICS

Thorne Therapeutics

US Serial Number: 86226109

Application Filing Date: Mar. 19, 2014

Register: Principal

Mark Type: Trademark

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jan. 21, 2015

Mark Information

Mark Literal Elements: THORNE THERAPEUTICS

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

Disclaimer: "THERAPEUTICS"

Related Properties Information

Claimed Ownership of US Registrations: 2577020, 3829937, 4392379 and others

Goods and Services

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

- 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.

For: Organic and natural non-medicated body and skin-care products, namely, non-medicated body and skin-care preparations in the nature of soaps, oils, sprays, lotions, balms, creams, shower gels, and roll-ons; organic and natural non-medicated hair care products, namely, non-medicated hair shampoos and hair conditioners

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b) 44(e)

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: Yes

Amended 44E: Yes

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Thorne Research, Inc.

Owner Address: 25820 Highway 2 West
Sandpoint, IDAHO 83864
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: IDAHO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kim R. Pearson

Attorney Primary Email kpearson@thorne.com
Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: KIM R. PEARSON
25820 HIGHWAY 2
SANDPOINT, IDAHO 83864-7364
UNITED STATES

Phone: 208-263-1337

Fax: 208-265-2488

Correspondent e-mail: kpearson@thorne.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Jan. 21, 2015	FINAL REFUSAL E-MAILED	
Jan. 21, 2015	FINAL REFUSAL WRITTEN	81130
Dec. 17, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68552
Dec. 17, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68552
Dec. 10, 2014	ASSIGNED TO LIE	68552
Dec. 02, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 03, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 03, 2014	NON-FINAL ACTION E-MAILED	6325
Jun. 03, 2014	NON-FINAL ACTION WRITTEN	81130
Jun. 02, 2014	ASSIGNED TO EXAMINER	81130
Apr. 03, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: BESCH, JAY C

Law Office Assigned: LAW OFFICE 108

File Location

Current Location: TMEG LAW OFFICE 108 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jan. 21, 2015

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

* * * * *

In the Matter of: Registration No. 4,416,539

THORNE RESEARCH, INC.,

Petitioner,

vs.

**HUNCA KOZMETIK, SANAYI
ANONIM SIRKETI,**

Registrant.

Cancellation No. _____

* * * * *

PETITION TO CANCEL

Petitioner, Thorne Research, Inc. (“Thorne”), a corporation organized under the laws of the State of Idaho, having a principal place of business at 25820 Highway 2 West, Sandpoint, Idaho 83864, believes that it has been and will continue to be damaged by Registration No. 4,416,539 (“Registered Mark”) issued to Hunca Kozmetik, Sanayi Anonim Sirketi (“Registrant”), a foreign joint stock company believed to have a place of business at Bahçeköy Hunca Cad. No: 12, Sariyer Istanbul, Turkey, and hereby petitions to cancel same.

As grounds for this Petition, Thorne alleges that:

1. The Registered Mark is the mark THORNE BY HUNCA registered on the Principal Register for use in connection with “Bleaching preparations for laundry use; other substances for laundry use, namely detergent, starch, fabric softener and bluing; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair

lotions; dentifrices” in International Class 003. The Registration was issued under Section 66(a) of the United States Trademark Act. A copy of the Request for Extension of Protection for the Registered Mark is attached as Exhibit A, and a copy of the Certificate of Registration for the Registered Mark is attached as Exhibit B.

2. Thorne filed an intent-to-use application with the United States Patent and Trademark Office on March 19, 2014, (Application Serial No. 86226109) for the mark THORNE THERAPEUTICS for “Organic and natural non-medicated body and skin-care products, namely, non-medicated body and skin-care preparations in the nature of soaps, oils, sprays, lotions, balms, creams, shower gels, and roll-ons; organic and natural non-medicated hair care products, namely, non-medicated hair shampoos and hair conditioners” in International Class 003.

3. On January 21, 2015, the Patent and Trademark Office issued a Final Office Action refusing to register the THORNE THERAPEUTICS mark on the basis that the mark is confusingly similar to the Registered Mark. A copy of the TSDR status report is attached as Exhibit C.

4. Upon information and belief, at the time Registrant filed its Section 66(a) request for extension of protection for the Registered Mark, Registrant lacked a bona fide intent to use the Registered Mark in United States commerce in connection with “Bleaching preparations for laundry use; other substances for laundry use, namely detergent, starch, fabric softener and bluing; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.” Upon information and belief, Registrant has either never actively used the Registered mark in commerce in the United States, or has permanently discontinued all use in commerce of the Registered Mark in connection with “Bleaching preparations for laundry use; other substances for laundry use, namely detergent, starch, fabric

softener and bluing; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices” and has no intention to begin or resume use of the Registered Mark in commerce in the United States.

5. By reason of the facts set forth above, Registrant’s request for extension of protection for the Registered Mark was insufficient and invalid pursuant to 15 U.S.C. § 1141f.

6. By reason of the facts set forth above, Registrant has abandoned the Registered Mark within the meaning of 15 U.S.C. §§ 1064(3) and 1127.

7. In the alternative, at the time Registrant filed its Section 66(a) request for extension of protection for the Registered Mark, Registrant did not have a bona fide intent to use the Registered Mark in United States commerce in connection with “soaps; essential oils, cosmetics, hair lotions; and dentifrices.”

8. Also in the alternative, upon information and belief, Registrant has either never actively used the Registered mark in commerce in the United States, or has permanently discontinued all use in commerce of the Registered Mark in connection with “soaps; essential oils, cosmetics, hair lotions; and dentifrices” and has no intention to begin or resume use of the Registered Mark in commerce in the United States.

9. By reason of the facts set forth above, Registrant’s request for extension of protection for the Registered Mark in connection with “soaps; essential oils, cosmetics, hair lotions; and dentifrices” was insufficient and invalid pursuant to 15 U.S.C. § 1141f.

10. By reason of the facts set forth above, Registrant has abandoned the Registered Mark in connection with “soaps; essential oils, cosmetics, hair lotions; and dentifrices” within the meaning of 15 U.S.C. §§ 1064(3) and 1127.

11. By virtue of the foregoing, if the Registered Mark is permitted to remain on the Principal Register with all the rights and privileges conferred on it by its status as a Principal Registration, Thorne has been and will continue to be damaged, including its inability to secure a registration for its THORNE THERAPEUTICS mark.

WHEREFORE, Thorne respectfully requests that this Petition be granted and that Registration No. 4,416,539 be canceled in its entirety pursuant to 15 U.S.C. § 1064. Alternatively, Thorne requests that Registration No. 4,416,539 be partially canceled in connection with soaps, essential oils, cosmetics, hair lotions, and dentifrices.

DATED this 5 day of May, 2015.

PARSONS BEHLE & LATIMER


MARGARET NIVER MCGANN
Attorney for Petitioner, Thorne Research, Inc.
One Utah Center
201 South Main, Suite 1800
P.O. Box 45898
Salt Lake City, Utah 84145-0898
Phone: (801) 532-1234
Fax: (801) 536-6111

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing PETITION TO CANCEL upon Registrant's domestic representative by depositing one copy thereof in the United States Mail, first-class postage prepaid on May 5, 2015, addressed as follows:

JOHN S. EGBERT
EGBERT LAW OFFICES, PLLC
1314 TEXAS, 21ST FLOOR
HOUSTON, TEXAS 77002
UNITED STATES

/s/Julie L. O'Tyson/