

ESTTA Tracking number: **ESTTA680050**

Filing date: **06/25/2015**

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	ZETA FARMACEUTICI SPA		
Entity	JOINT STOCK COMPANY	Citizenship	Italy
Address	Via Mentana, 38 Vicenza, I-36100 ITALY		

Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com
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Registration Subject to Cancellation

Registration No	3972548	Registration date	06/07/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	ZETA BIOTECH 4 rue Louis de Broglie LANNION, F22300 FRANCE		

Goods/Services Subject to Cancellation

<p>Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Chemical products for use in industry, science, photography, agriculture, horticulture and forestry, namely, chemical substances used for laboratory analysis, namely, preservatives for pharmaceutical, biological, and chemical preparations, diagnostic preparations for scientific use; unprocessed artificial resins, unprocessed plastics; and chemical substances for preserving foodstuffs</p>
<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Pharmaceutical and veterinary products, namely, biological and chemical preparations for medical and pharmaceutical purposes, namely, cultures of microorganisms for medical and veterinary use; diagnostic preparations for medical purposes, chemical reagents for medical and veterinary purposes, electrophoresis gels for medical and pharmaceutical purposes</p>
<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Apparatus and instruments for science, optics, measuring, signaling, monitoring, inspecting and teaching, namely, testing apparatus not for medical purposes, namely, anodes, anticathodes, cathodes, electric conductors, diffractions apparatus, namely, microscopes, distillation apparatus for scientific purposes, custom-made laboratory furniture, pipettes, laboratory trays, DNA chips</p>

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel (US TM Reg No 3972548).pdf(164476 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	/wjs/
Name	William J. Seiter
Date	06/25/2015

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

In the Matter of Trademark
Registration No.: 3972548
For the mark: ZETA BIOTECH & Design
Date registered: June 7, 2011

ZETA FARMACEUTICI SPA,)
an Italian joint stock company)
Petitioner,)
v.) Cancellation No. _____
Zeta Biotech S.A.,)
a French société anonyme)
Registrant.)

BOX TTAB
FEE

PETITION TO CANCEL

Petitioner:

ZETA FARMACEUTICI SPA
Via Mentana, 38
I-36100 Vicenza
Italy

To the best of petitioner's knowledge, the name and address of the current owner of the registration is:

Zeta Biotech S.A.
4 rue Louis de Broglie
Lannion F22300
France

Petitioner believes that it will be damaged by the registration, and hereby petitions to cancel the same as to all goods listed in the registration.

The grounds for the cancellation are as follows:

1. Petitioner is the owner of the trademark ZETA ZETA FARMACEUTICI [stylized], under U.S. Trademark Application Serial No. 79157828, filed on April 7, 2014, in International Class 3 for “Soap, perfumery, essential oils, cosmetics, hair lotions; dentifrices; skin exfoliants; eau de cologne; lavender water; perfume water; nail art stickers; adhesives for cosmetic purposes; adhesives for affixing false hair; adhesives for affixing false eyelashes; scouring solutions; aloe vera preparations for cosmetic purposes; amber (perfume); non-medicated lotions; false eyelashes; face powder; hair dyes; colorants for toilet purposes; make-up; cosmetics for animals; cosmetics for eyelashes; eyebrow cosmetics; cosmetic creams; skin whitening creams; bleaching preparations decolorants for cosmetic purposes; deodorants for human beings or for animals; massage gels other than for medical purposes; dental bleaching gels; henna cosmetic dye; hair spray; nail polish; almond milk for cosmetic purposes; cleansing milk for toilet purposes; aftershave; lotions for cosmetic purposes; lip gloss; mascara; cosmetic masks; eyebrow pencils; lip liner; cosmetic eye pencils; mint for perfumery; decorative transfers for cosmetic purposes; cosmetic kits; neutralizers for permanent waving; oils for toilet purposes; oils for perfumes and scents; oils for cleaning purposes; oils for cosmetic purposes; almond oil; hydrogen peroxide for cosmetic purposes; pomades for cosmetic purposes; sun-tanning preparations cosmetics; cosmetic preparations for baths; douching preparations for personal sanitary or deodorant purposes toiletries; preparations for cleaning dentures; polishing preparations; hair waving preparations; denture polishes; sun tan lotion; scale removing preparations for household purposes; cosmetic preparations for slimming purposes; skincare cosmetics; depilatories; antiperspirants toiletries; dental rinses, non-medicated; nail care preparations; cleaning agents for household purposes; shaving preparations; toiletries; smoothing preparations starching; make-up removing preparations; air fragrancing preparations; lipstick; jewellers' rouge; bath salts, not for medical purposes. almond soap; shaving soap; soap for foot

perspiration; antiperspirant soap; deodorant soap; disinfectant soap; medicated soap; shampoo; dry shampoos; breath freshening sprays; talcum powder, for toilet use; cosmetic dyes; beard dyes; tissues impregnated with cosmetic lotions; false nails;” and in International Class 5 for “Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic foods adapted for medical purposes; food for babies; dietary supplements for humans; disinfectants; tanning pills; dental abrasives; corn rings for the feet; fumigating pastilles; antioxidant pills; antiseptics; articles for headache; dressings, medical; vaginal washes; dietetic beverages adapted for medical purposes; bicarbonate of soda for pharmaceutical purposes; camphor for medical purposes; compresses; cachets for pharmaceutical purposes; disinfectants for hygiene purposes; milk ferments for pharmaceutical purposes; ferments for pharmaceutical purposes; dietary fibre; enzyme dietary supplements; wheat germ dietary supplements; glucose dietary supplements; lecithin dietary supplements; yeast dietary supplements; pollen dietary supplements; propolis dietary supplements; protein dietary supplements; mineral food supplements; iodine for pharmaceutical purposes; camphor oil for medical purposes; cod liver oil; castor oil for medical purposes; flaxseed oil dietary supplements; royal jelly dietary supplements; hydrogen peroxide for medical purposes; slimming pills; appetite suppressant pills; aloe vera preparations for pharmaceutical purposes; vitamin preparations; therapeutic preparations for the bath; sunburn ointments; sunburn preparations for pharmaceutical purposes; preparations for destroying dry rot fungus; chilblain preparations; preparations for callouses; preparations for the treatment of burns; pharmaceutical preparations; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for skin care; mouthwashes for medical purposes; propolis for pharmaceutical purposes; medicines for alleviating constipation; remedies for perspiration; remedies for foot perspiration; mineral water salts; syrups for pharmaceutical purposes; dietetic substances adapted for medical use; suppositories; tincture of

iodine; tinctures for medical purposes; mineral water for medical purposes; thermal water; nutritional additives for medical purposes; adhesives for dentures. anesthetics; antibiotics; corn remedies; calomel; quinquina for medical purposes; corn rings for feet; enzymes for medical purposes; evacuants; flour linseed for pharmaceutical purposes; glycerin for medical use; laxatives; milk of almonds for pharmaceutical purposes; malted milk for medical purposes; lactose for pharmaceutical purposes; lecithin for medical purposes; lotions for pharmaceutical purposes; magnesia for pharmaceutical purposes; wart pencils; headache pencils for treating migraine; styptic pencils; medicines for human purposes; royal jelly food supplement; royal jelly for medical purposes; enzyme preparations for medical purposes; medicinal hair growth preparations; bronchodilating preparations; preparations for vaginal douching for medical purposes; preparations for cleaning contact lenses; ready-to-use eyewashes; medical weight loss preparations; preparations to facilitate teething; preparations for destroying vermin; diagnostic preparations for medical purposes; smelling salts; salts for mineral water baths; bath salts for medical purposes; salts for medical purposes; flax seeds (dietary supplements); linseed for pharmaceutical purposes; solutions for contact lenses; solvents for removing adhesive plasters; sleeping pills; herbal teas for medical purposes; napkins impregnated with pharmaceutical lotions; tranquilizers; ointments for pharmaceutical purposes.”

2. On June 7, 2011, Registrant registered the mark ZETA BIOTECH & Design under U.S. Trademark Registration No. 3972548 in International Class 1 for “Chemical products for use in industry, science, photography, agriculture, horticulture and forestry, namely, chemical substances used for laboratory analysis, namely, preservatives for pharmaceutical, biological, and chemical preparations, diagnostic preparations for scientific use; unprocessed artificial resins, unprocessed plastics; and chemical substances for preserving foodstuffs;” in International Class 5

for “Pharmaceutical and veterinary products, namely, biological and chemical preparations for medical and pharmaceutical purposes, namely, cultures of microorganisms for medical and veterinary use; diagnostic preparations for medical purposes, chemical reagents for medical and veterinary purposes, electrophoresis gels for medical and pharmaceutical purposes;” and in International Class 9 for “Apparatus and instruments for science, optics, measuring, signaling, monitoring, inspecting and teaching, namely, testing apparatus not for medical purposes, namely, anodes, anticathodes, cathodes, electric conductors, diffractions apparatus, namely, microscopes, distillation apparatus for scientific purposes, custom-made laboratory furniture, pipettes, laboratory trays, DNA chips.”

3. Upon information and belief, Petitioner alleges that on or about October 14, 2011, Registrant was liquidated and removed from the commercial register of the commune of Lannion, Côtes-d'Armor department, France, such that on and after such date Registrant ceased to exist and lacked legal power and capacity to conduct business.

4. Upon information and belief, Petitioner alleges that on or prior to October 14, 2011, Registrant discontinued its business, and ceased use in commerce of the mark ZETA BIOTECH & Design on or in connection with any of the registered goods under Trademark Registration No. 3972548, without legal capacity to resume use and without a bona fide intent to resume use.

5. Accordingly, Registrant, as a matter of law, has abandoned use of the mark identified in Trademark Registration No. 3972548, without a bona fide intent to resume use, and the registration should be cancelled in accordance with Trademark Act Section 14(3), 15 U.S.C. §1064(3), because the registered mark has been abandoned.

Request For Relief

6. Petitioner is the owner of U.S. Trademark Application Serial No. 79157828, filed on April 7, 2014, for its aforementioned goods.

7. Petitioner will be irreparably harmed and financially damaged by Registrant's Registration No. 3972548, because Registrant's mark has been cited against Petitioner's pending Application Serial No. 79157828 as a ground for refusal.

8. Therefore, the registration should be cancelled as to all goods listed therein.

9. For the foregoing reasons, Petitioner requests cancellation of Registration No. 3972548.

DATED: June 25, 2015

Respectfully submitted,

SEITER LEGAL STUDIO

By: /s/ William J. Seiter

William J. Seiter

Attorneys for Petitioner

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Santa Monica, California 90404

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Cancel has been forwarded via First Class Mail, postage prepaid, to Registrant to its address of record, as follows:

Zeta Biotech S.A.
4 rue Louis de Broglie
Lannion F22300
France

on this 25th day of June, 2015.

/s/
William J. Seiter