

ESTTA Tracking number: **ESTTA695662**

Filing date: **09/14/2015**

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	Nuogen, LLC		
Entity	Limited Liability Company	Citizenship	New Jersey
Address	1181 Edgewater Road Ridgefield, NJ 07657 UNITED STATES		

Attorney information	Zeynel Karcioğlu Jacobs & Burleigh LLP 1290 Avenue of the Americas, 30th Fl New York, NY 10104 UNITED STATES zmk@jacobsburleigh.com Phone:212-207-8787		
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Registration Subject to Cancellation

Registration No	1139367	Registration date	09/09/1980
Registrant	SOLID GOLD PET, LLC 900 VERNON WAY, SUITE 101 EL CAJON, CA 92020 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 1977/09/19 First Use In Commerce: 1977/09/19 All goods and services in the class are cancelled, namely: Food Supplements for Pets
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Cancellation Petition with COS.pdf(63720 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	/zk/
Name	Zeynel Karcioğlu
Date	09/14/2015

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

In re Registration of SOLID GOLD PET, LLC, a Delaware Limited Liability Company

Registration No. 1,139,367 in International Class 05

Mark: PETZYME

Registered: September 9, 1980

Nuogen LLC,)	
)	Cancellation Proceeding No. _____
Petitioner,)	
v.)	Registration No. 1,139,367
)	
Solid Gold Pet, LLC)	
)	
Registrant.)	
)	

PETITION TO CANCEL REGISTRATION

Nuogen LLC (hereinafter “Petitioner”), a New Jersey corporation, having a principal place of business at 1181 Edgewater Ave. Ridgefield, NJ, through its undersigned counsel, hereby petitions to cancel Registration No. 1,139,367 (hereinafter the “Registration”) under 15 U.S.C. § 1064, because Petitioner is or will be damaged by the such registration and asserts on its own knowledge, or otherwise on information and belief as follows:

1. Petitioner is the owner of U. S. Trademark Application No. 86/192,230, filed February 12, 2014, for the mark PETZYME in stylized form, in Class 03 in connection with “Biotechnological cleaning solution for eliminating odors, breaking down organics, and removing stains; Pet stain removers.”

2. Registrant, a Delaware LLC, through its successors in interest, has owned registration 1,139,367 for PETZYME in connection with “Food Supplements for Pets” in Class 05.

FIRST CLAIM FOR RELIEF

4. Upon information and belief, Registrant has abandoned or otherwise has not used the mark PETZYME for more than three years on or in connection with any goods and/or services including without limitation the goods set forth in the Registrant’s application and the Registration.

5. Upon information and belief, Registrant has abandoned the mark PETZYME without intent to resume use.

6. The Examining Attorney responsible for Petitioner’s pending application has cited Registrant’s mark as a basis for refusing to register Petitioner’s mark under Section 2(d) of the Trademark Act, and Petitioner has been damaged, and will continue to be damaged by its inability to complete registration of its own application for PETZYME in stylized form, in Class 03.

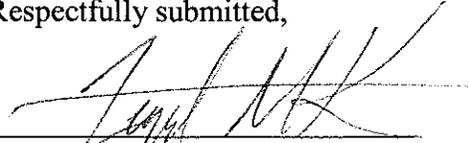
7. Registrant, thus, has abandoned U.S. Registration No. 1,139,367 pursuant to 15 U.S.C. § 1127.

8. Petitioner, for the reasons set forth above, believes that it is or will be damaged by the continued registration of Registrant’s Mark.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained
in favor of Petitioner, and that Registration No. 1,139,367 be cancelled.

Dated: New York, New York
September 14, 2015

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Zeynel Karcioglu', is written over a horizontal line.

Zeynel Karcioglu, Esq.
Jacobs & Burleigh LLP
1290 Avenue of the Americas, 30th Fl
New York, NY 10104
(212) 207-8787

Attorneys for Petitioner Nuogen LLC

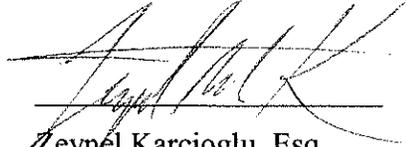
CERTIFICATE OF SERVICE

I hereby certify that this 14th day of September 2015, a copy of the foregoing was served by First Class mail upon Registrant, addressed as follows:

SOLID GOLD PET, LLC
900 Vernon Way, Ste 101
El Cajon, CA 92020

I note that there is no domestic representative for the Registrant.

Dated: New York, NY
September 14, 2015



Zeynel Karcioglu, Esq.