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Filing date: **12/29/2015**

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	Poulsen Roser A/S		
Entity	Danish aktieselskab	Citizenship	Denmark
Address	Kratbjerg 332 Fredensborg, 3480 DENMARK		

Attorney information	James J. Saul Faegre Baker Daniels LLP 311 South Wacker Drive Suite 4300 Chicago, IL 60606 UNITED STATES James.Saul@FaegreBD.com Phone:312 356 5053
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Registration Subject to Cancellation

Registration No	1980921	Registration date	06/18/1996
Registrant	PARAMOUNT BRAND ROSES, INC. PO BOX 460 BERKELEY HEIGHTS, NJ 079220460 UNITED STATES		

Goods/Services Subject to Cancellation

Class 031. First Use: 1986/05/16 First Use In Commerce: 1986/05/16 All goods and services in the class are cancelled, namely: live plants and flower seeds

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.pdf(19883 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	/James J. Saul/
Name	James J. Saul
Date	12/29/2015

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

POULSEN ROSER A/S,)	Cancellation No.: _____
)	
Petitioner,)	U.S. Registration No. 1,980,921
)	
v.)	Mark: PARAMOUNT
)	
PARAMOUNT BRAND ROSES, INC.,)	
)	
Respondent.)	
)	

PETITION FOR CANCELLATION

Poulsen Roser A/S, a Danish aktieselskab (stock-based company), having a principal place of business at Kratbjerg 332, Fredensborg 3480, Denmark (“Petitioner”), believes that it is being damaged and will continue to be damaged by U.S. Trademark Registration No. 1,980,921 for PARAMOUNT (the “’921 Registration”) and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1064. As grounds for cancellation, Petitioner states as follows:

Petitioner and its Roses

1. Petitioner is a leading global breeder and developer of roses for both indoor and outdoor use. More than 50% of total global sales of potted roses are Poulsen Roses.
2. Petitioner licenses the right to produce, market, and sell its roses to nurseries in more than 60 countries around the world, including the United States. Every year, 30 million Poulsen roses are produced under these licenses.

Respondent, the ’921 Registration, and the Cease and Desist Letter

3. Paramount Brand Roses, Inc. (“Respondent”) is a corporation organized under the laws of New Jersey with its principle place of business located at 50 Wolf Hill Drive, Warren, NJ 07059.

4. Respondent is the owner of record of the '921 Registration, dated June 18, 1996, for the mark PARAMOUNT for "live plants and flower seeds" in Class 31.

5. On November 30, 2015, Respondent, through counsel, served Petitioner with a cease and desist letter (the "Letter").

6. In the Letter, Respondent alleges that Petitioner has advertised its roses under the PARAMOUNT name on its Internet website and in catalogues.

7. Respondent further relies on the '921 Registration to assert rights in the PARAMOUNT mark, and demands that Petitioner cease and desist from all use of PARAMOUNT in connection with its roses.

The '921 Registration Should Be Cancelled for Abandonment

8. Upon information and belief, Respondent ceased using PARAMOUNT in connection with live plants and flower seeds on or about January 1, 2009.

9. Upon information and belief, Respondent intended not to resume use of PARAMOUNT in connection with live plants and flower seeds.

10. Upon information and belief, Respondent did not intend to resume use of the PARAMOUNT mark for at least a three year period immediately following the date on which Respondent ceased use of the PARAMOUNT mark.

11. As a result of its non-use of PARAMOUNT in connection with the goods identified in the '921 Registration with an intention not to resume use, Respondent has abandoned the PARAMOUNT mark with respect to those goods within the meaning of 15 U.S.C. § 1127.

12. Petitioner will be damaged if Respondent attempts to enforce trademark rights in PARAMOUNT when Respondent has abandoned the mark.

WHEREFORE, Petitioner Poulsen Roser A/S requests cancellation of United States Trademark Registration No. 1,980,921 on grounds of abandonment and requests that Petitioner be granted all such further relief as the Trademark Trial and Appeal Board may deem necessary and just.

DATED: December 23, 2015.

Respectfully submitted,

s/ James J. Saul
James J. Saul
Kathryn A. Feiereisel
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Attorneys for Petitioner

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this petition is being filed with the Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, by using the ESTTA electronic filing system, this 23rd day of December 2015.

s/ James J. Saul

James J. Saul

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Petition for Cancellation" has been served on Respondent's Attorney identified below via email and first class mail, on December 23, 2015.

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s/ James J. Saul

James J. Saul