

ESTTA Tracking number: **ESTTA721685**

Filing date: **01/20/2016**

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	Verde Life, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	568 Broadway 11th Floor New York, NY 10012 UNITED STATES		

Correspondence information	Eric Stenshoel Curtis, Mallet-Prevost, Colt & Mosle LLP 101 Park Avenue 34th Floor New York, NY 10178-0061 UNITED STATES trademark@curtis.com Phone:2126968878
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Registration Subject to Cancellation

Registration No	3714563	Registration date	11/24/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	LABORATOIRES M&L ZONE INDUSTRIELLE SAINT-MAURICE MANOSQUE, 04100 FRANCE		

Goods/Services Subject to Cancellation

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: dietary and nutritional supplements
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for cancellation of MELVITA.pdf(49532 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	/ejs/
Name	Eric Stenshoel

Date	01/20/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Att'y Ref.: 207285-000003US

Verde Life, Inc.

Petitioner,

v.

Cancellation No. _____

Laboratoires M & L

Respondent.

Registration No.: 3,714,563

Mark: MELVITA

PETITION FOR CANCELLATION

In the matter of United States Trademark Registration Nos. 3,714,563, dated November 24, 2009, Verde Life, Inc., a corporation organized under the laws of the State of Delaware, with a business address at 568 Broadway, 11th Floor, New York, NY 10012 (the "Petitioner") believe that they are or will be damaged by said registration and hereby petition to cancel the same.

As grounds therefor, it is alleged that:

1. Petitioner is the applicant for a registration of the trademark MOVITA in the United States Patent and Trademark Office for "Vitamins and food supplements" (International Class 005) under Application Serial No. 86/629,270, filed May 14, 2015 on the basis of intent to use said trademark in commerce, under Section 1(b) of the United States Trademark Act ("Petitioner's Mark").
2. Respondent is believed to be the owner of record of United States trademark Registration No. 3,714,563 for the mark MELVITA ("Respondent's Mark").

3. Petitioner is damaged by the registration of Respondent's Mark, which has been cited by an Examining Trademark Attorney as a bar to registration of Petitioner's Mark under Section 2(d) of the United States Trademark Act, and is a cloud on Petitioner's right to use said mark in commerce.

4. Upon information and belief, Respondent has abandoned use Respondent's Mark for the services described in the registrations for Respondent's Mark.

5. Upon information and belief, on a date prior to the filing date of this petition, Respondent ceased its use of Respondent's Mark with the intention of not resuming such use, and thereby abandoned all rights therein.

6. The registration of the Respondent's Mark is inconsistent with Petitioner's right to use and Petitioner's Mark for the goods described in its pending application for registration, and said registration may be used in an unfair manner by Respondent as a basis for threatening Petitioner's lawful use of Petitioner's Mark.

WHEREFORE, Petitioner requests cancellation of United States trademark Registration No. 3,714,563, and requests that it be granted all such further relief as the Trademark Trial and Appeal Board may deem necessary and just.

Respectfully submitted,

Verde Life, Inc.

By: 

Eric Stenshoel
Curtis, Mallet-Prevost, Colt & Mosle LLP
101 Park Avenue, 34th Floor
New York, New York 10178-0061
(212) 696-6000
Attorneys for Petitioner

Dated: New York, New York
January 20, 2016

Certificate of Mailing

I hereby certify that a true and complete copy of the foregoing **Petition for Cancellation** has been served on Respondent by mailing said copy on **January 20, 2016**, via First Class Mail, postage prepaid to: **David S. Safran, Roberts Mlotkowski Safran & Cole P.C., 7918 Jones Branch Drive, Suite 500, McLean, VA 22102.**

A handwritten signature in cursive script that reads "Eric Stenshoel". The signature is written in black ink and is positioned above a horizontal line.

Eric Stenshoel