

ESTTA Tracking number: **ESTTA723847**

Filing date: **02/01/2016**

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	Beckham Brand Limited		
Entity	Private Limited Company	Citizenship	UK
Address	35-37 Parkgate Road London, SW11 5NP UNITED KINGDOM		

Attorney information	Brian M. Davis VLP Law Group LLP 5960 Fairview Rd; Suite 400 Charlotte, NC 28210 UNITED STATES bdavis@vlpawgroup.com Phone:7042456515		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No	4235902	Registration date	11/06/2012
International Registration No.	NONE	International Registration Date	NONE
Registrant	LG HOUSEHOLD & HEALTH CARE LTD. 58, Saemunan-ro, Jongno-gu Seoul, KOREA, REPUBLIC OF		

Goods/Services Subject to Cancellation

<p>Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Skin milk lotions; perfumes; cleansing creams; bath soap; lipsticks; facial essences in the nature of essential oils; shampoos; eye shadows; toothpaste; commontoilet water; hair colorants; soap powder; false eyelashes; false nails; tissues impregnated with cosmetic lotions; liquid soap; non-medicated bath and beauty care cosmetics with elecampane; perfumery; hair rinses; hair spray; hair mousse; hair essence in the nature of perfumed oils for hair; sunscreen lotions; depilatories; color-removing preparations for hair; fabric softeners for laundry use; mouth washes, not for medical purposes; dental rinses, non medicated; foundationcreams; cheek colors; blushers; eyeliner; nail polish; cosmetic nutritional creams; antistatic preparations for household purposes; nail decolorants; beauty masks; mask pack for cosmetic purposes; cosmetic soaps; detergents prepared from petroleum for household cleaning use; rinse for clothing; toilet bowl detergents; cleaning preparations for kitchen; babyoil; lip gloss; lip balm; massage cream; body lotions; hair gel; non-medicated protective protections for lips; after- shave lotions; shaving foam; shaving creams; deodorants for personal use; fumigation preparations; perfumes; lavender oil; rose oil; mint extract sold as a component of perfumery; vanilla perfumery; depilatory; bath gels; shower gels; body scrubs; massage oil; bleaching preparations for laundry; detergent for laundry; preparations for dental bleaching; cosmetic nourishing creams; liquid rouge; mascaras; massage gel; enamel for manicure; varnish-removing preparations; hair drying preparations; non-medicated hair preservation treatment preparations for cosmetic purposes; hair waving preparations; additives for cosmetic baths; badian essence, namely, essential oils of badian; vanishing creams; bath oil; cosmetics; cosmetic</p>
--

bath powder; baby powder; perfumed powder; dandruff lotions, not for medical treatment; dandruff creams, not for medical treatment; bath salts, non-medicated; cosmetic sun milk lotions; sunscreen creams; cosmetic sun oils; suntanning preparations; nail colorants; cosmetic skin fresheners; eye make-up removers; medicated creams, not for medical treatment, namely, medicated cream soaps; medicated toilet water, not for medical treatment; eau de cologne; lip brighteners; lip neutralizers, namely, non-medicated lip care preparations; lip conditioners; cold creams; solid powder for compacts; depilatory wax; permanent wave preparations; neutralizers for permanent waving; face powder; potpourri perfume; skin whitening creams; hand creams; hair glaze; hair dressing preparations; hair lacquers; hair lotions; hair moisturizers; hair conditioners; hair creams; hair tonic; make-up powder; astringents for cosmetic purposes; body creams; cleansing foams; cleansing lotions; lip pencils; shower cologne; eau de toilet; toilet water for exfoliate; creams for exfoliate; essence, namely, concentrated essential oil liquids for cosmetics; cosmetic preparations for slimming purposes; incense sticks; adhesives for affixing false hair; cotton sticks for cosmetic purposes; adhesives for cosmetic purposes; cotton wool for cosmetic purposes; beauty soaps; paper soaps; cream soaps; body cleanser; shaving soap; soap for foot perspiration; deodorant soap; almond soap; medicated soap, not for medical treatment; breathfreshening sprays; tooth powders; films impregnated with cosmetic lotions; cosmetic films for removing oil; cosmetic paper for removing oil; degreasing preparations for household purposes; rust removing preparations; floor wax removers; preparations for cleaning waste pipes, namely, drain cleaning preparations and openers; glass cleansers; windscreen cleaning liquids; boot cream; polishing wax; emery boards; abrasive cloth; dental bleaching patches; preparations for cleaning dentures; cosmetics; cleaning preparations; soaps, not for personal use; common-toilet soaps; fabric softeners; dental bleaching gels; pencils for cosmetic purposes; dental bleaching creams; dental bleaching pencils; aromatic for household purposes, namely, aromatherapy oils and aromatic potpourri; fragrances for personal use; hand cleaners; hand cleaning preparations

Class 035. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Retail store and on-line retail store services in the fields of perfumes, cosmetics, skin care preparations for cosmetic purposes, body care preparations for cosmetic purposes, hair care preparations for cosmetic purposes, soaps, cleaning preparations and nutritional supplements

Grounds for Cancellation

Fraud on the USPTO	Trademark Act section 14; In re Bose Corp., 580 F.3d 1240, 91 USPQ2D 1938 (Fed. Cir. 2009)
Abandonment	Trademark Act section 14

Attachments	ANSER BY BEYOND PETITION FOR CANCELLATION.pdf(47705 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/Brian M. Davis/
Name	Brian M. Davis
Date	02/01/2016

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

Beckham Brand Limited,
Petitioner

Cancellation No.: _____
US Reg. No.: 4,235,902

vs.

LG Household & Health Care Ltd.,
Respondent

Mark: ANSER BY BEYOND

PETITION FOR CANCELLATION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Beckham Brand Limited ("Petitioner"), a UK Private Limited Company with an address at 35-37 Parkgate Road, London, UK SW11 5NP, believes that it has been and will continue to be injured by the presence on the Principal Register of U.S. Registration No. 4,235,902 for the mark ANSER BY BEYOND (hereafter referred to as the "ANSER BY BEYOND Registration"). Accordingly, Petitioner hereby applies for cancellation of the ANSER BY BEYOND Registration.

According to the U.S. Patent and Trademark Office records, the name and address of the current owner of the subject registration is LG Household & Health Care Ltd. ("Respondent"), 58, Saemunan-ro, Jongno-gu (Sinmunno 2-ga), Seoul, Republic of Korea.

As grounds for cancellation, Petitioner alleges:

1. On December 8, 2014, Petitioner's predecessor-in-interest filed Application Serial No. 86/474,217 to register the mark BEYOND for "Perfumery" in International Class 3 (the "BEYOND Application") based on its prior European Community registration for the same mark. Petitioner acquired the BEYOND mark pursuant to an Assignment dated July 22, 2015 recorded with the US Patent and Trademark Office on September 8, 2015 at Reel/Frame No. 5617/0851.

2. The BEYOND Application has been refused registration in an Office Action dated August 4, 2015 based on an alleged likelihood of confusion with the ANSER BY BEYOND Registration that covers the following goods and services:

Skin milk lotions; perfumes; cleansing creams; bath soap; lipsticks; facial essences in the nature of essential oils; shampoos; eye shadows; toothpaste; common toilet water; hair colorants; soap powder; false eyelashes; false nails; tissues impregnated with cosmetic lotions; liquid soap; non-medicated bath and beauty care cosmetics with elecampane; perfumery; hair rinses; hair spray; hair mousse; hair essence in the nature of perfumed oils for hair; sunscreen lotions; depilatories; color-removing preparations for hair; fabric softeners for laundry use; mouth washes, not for medical purposes; dental rinses, non medicated; foundation creams; cheek colors; blushers; eyeliner; nail polish; cosmetic nutritional creams; antistatic preparations for household purposes; nail decolorants; beauty masks; mask pack for cosmetic purposes; cosmetic soaps; detergents prepared from petroleum for household cleaning use; rinse for clothing; toilet bowl detergents; cleaning preparations for kitchen; baby oil; lip gloss; lip balm; massage cream; body lotions; hair gel; non-medicated protective protections for lips; after- shave lotions; shaving foam; shaving creams; deodorants for personal use; fumigation preparations; perfumes; lavender oil; rose oil; mint extract sold as a component of perfumery; vanilla perfumery; depilatory; bath gels; shower gels; body scrubs; massage oil; bleaching preparations for laundry; detergent for laundry; preparations for dental bleaching; cosmetic nourishing creams; liquid rouge; mascaras; massage gel; enamel for manicure; varnish-removing preparations; hair drying preparations; non-medicated hair preservation treatment preparations for cosmetic purposes; hair waving preparations; additives for cosmetic baths; badian essence, namely, essential oils of badian; vanishing creams; bath oil; cosmetics; cosmetic bath powder; baby powder; perfumed powder. dandruff lotions, not for medical treatment; dandruff creams, not for medical treatment; bath salts, non-medicated; cosmetic sun milk lotions; sunscreen creams; cosmetic sun oils; suntanning preparations; nail colorants; cosmetic skin fresheners; eye make-up removers; medicated creams, not for medical treatment, namely, medicated cream soaps; medicated toilet water, not for medical treatment; eau de cologne; lip brighteners; lip neutralizers, namely, non-medicated lip care preparations; lip conditioners; cold creams; solid powder for compacts; depilatory wax; permanent wave preparations; neutralizers for permanent waving; face powder; potpourri perfume; skin whitening creams; hand creams; hair glaze; hair dressing preparations; hair lacquers; hair lotions; hair moisturizers; hair conditioners; hair creams; hair tonic; make-up powder; astringents for cosmetic purposes; body creams; cleansing foams; cleansing lotions; lip pencils; shower cologne; eau de toilet; toilet water for exfoliate; creams for exfoliate; essence, namely, concentrated essential oil liquids for cosmetics; cosmetic preparations for slimming purposes; incense sticks; adhesives for affixing false hair; cotton sticks for cosmetic purposes; adhesives for cosmetic purposes; cotton wool for cosmetic

purposes; beauty soaps; paper soaps; cream soaps; body cleanser; shaving soap; soap for foot perspiration; deodorant soap; almond soap; medicated soap, not for medical treatment; breath freshening sprays; tooth powders; films impregnated with cosmetic lotions; cosmetic films for removing oil; cosmetic paper for removing oil; degreasing preparations for household purposes; rust removing preparations; floor wax removers; preparations for cleaning waste pipes, namely, drain cleaning preparations and openers; glass cleansers; windscreen cleaning liquids; boot cream; polishing wax; emery boards; abrasive cloth; dental bleaching patches. preparations for cleaning dentures; cosmetics; cleaning preparations; soaps, not for personal use; common toilet soaps; fabric softeners; dental bleaching gels; pencils for cosmetic purposes; dental bleaching creams; dental bleaching pencils; aromatic for household purposes, namely, aromatherapy oils and aromatic potpourri; fragrances for personal use; hand cleaners; hand cleaning preparations (Int. Class 3)

Retail store and on-line retail store services in the fields of perfumes, cosmetics, skin care preparations for cosmetic purposes, body care preparations for cosmetic purposes, hair care preparations for cosmetic purposes, soaps, cleaning preparations and nutritional supplements (Int. Class 35)

3. Respondent appears to have never begun bona fide use of the mark that is the subject of the ANSER BY BEYOND Registration in the United States in connection with the goods or services listed therein, or on any other goods or services, since the ANSER BY BEYOND Registration issued on November 6, 2012. Alternatively, Respondent appears to have ceased use of its ANSER BY BEYOND mark in the United States in the ordinary course of trade for at least the last three consecutive years, with no intent to resume use of the mark on the listed goods and services.
4. Upon information and belief, Respondent has abandoned the mark that is the subject of the ANSER BY BEYOND Registration in the United States, as the term “abandonment” is defined in 15 U.S.C. § 1127, and therefore Respondent requests cancellation of the ANSER BY BEYOND Registration pursuant to 15 U.S.C. § 1064(3) .
5. According to the US Patent and Trademark Office records, the ANSER BY BEYOND Registration was filed pursuant to Section 44(d) of the Trademark Act and therefore included a declaration that Respondent had a bona fide intention to use the mark in commerce that can

be controlled by the United States Congress. Respondent does not appear to have had a legitimate “intention to use” the mark that is the subject of the ANSER BY BEYOND Registration in the United States in association with all of the listed goods and services when the application was filed.

6. Petitioner submits that this lack of bona fide intent to use the mark in the United States in connection with all of the listed goods and services constitutes fraud on the USPTO and renders the resulting ANSWER BY BEYOND Registration *void ab initio*.
7. As a result of the foregoing, Petitioner is and will be damaged by the continued presence of the ANSER BY BEYOND Registration on the Principal Register.

WHEREFORE, Petitioner prays that Registration Reg. No. 4,235,902 be canceled pursuant to 15 U.S.C. § 1064.

Respectfully submitted,

/Brian M. Davis/

Brian M. Davis

VLP Law Group LLP
5960 Fairview Road
Suite 400
Charlotte, North Carolina 28210
Telephone: (704) 245-6515

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the PETITION FOR CANCELLATION is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on this 1st day of February, 2016.

/Brian M. Davis/
Brian M. Davis
VLP Law Group LLP

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have caused a copy of the foregoing PETITION FOR CANCELLATION to be deposited with an overnight courier this 1st day of February, 2016 in an envelope addressed to the correspondence address of record in the United States Patent and Trademark Office for the subject registration set out below.

Kelly Y. Hwang
Lerner, David, Littenberg, Krumholz & Mentlik, LLP
600 South Ave W Ste 2
Westfield, New Jersey 07090-1497

/Brian M. Davis/
Brian M. Davis
VLP Law Group LLP