

ESTTA Tracking number: **ESTTA754094**

Filing date: **06/23/2016**

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	Fuzhou HUMBGO Sports Wear Ltd.		
Entity	Limited Company	Citizenship	China
Address	3rd Floor, No.5 Building, Juyuan Industrial Area, 618 Jinshan Ave. Cangshan, Fuzhou, Fujian, CHINA		

Correspondence information	JACK 1 Yonge Street, Suite 1801 Toronto, Ontario, M5E 1W7 Ontario, M5E 1W7 CANADA us@globalipservice.com Phone:1-416-352-7569
----------------------------	---

Registration Subject to Cancellation

Registration No	4880778	Registration date	01/05/2016
Registrant	Fujian Yanion International Trade Ltd NO.152, Shengbeizhuang, Shengbei Village City, Fujian Province, CHINA		

Goods/Services Subject to Cancellation

Class 025. First Use: 2013/03/19 First Use In Commerce: 2013/03/19 All goods and services in the class are cancelled, namely: Down jackets; Dust coats; Footwear; Headwear; Jackets; Knit jackets; Parkas; Sweaters; Tee shirts; Wetsuits for water-skiing

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	humbgo
Goods/Services	Tee shirts, parkas, Clothing, Down garments, Windbreaker, Knitwear [clothing]; Waterproof clothing; Ski boots; shoes

Attachments	CANCELLATION OF HUMBGO.pdf(2485135 bytes) Certificate of Service.pdf(202988 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 Facsimile or email (by agreement only) on this date.

Signature	/damon smith/
Name	/damon smith/
Date	06/23/2016

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

In the matter of Registration No. 4880778; Registered on Jan. 05, 2016

Fuzhou HUMBGO Sports Wear Ltd. :

3rd Floor, No.5 Building, Juyuan Industrial Area, :

618 Jinshan Ave., Cangshan, Fuzhou :

Fujian, China :

Petitioner :

VS. :

Petition for Cancellation

Fujian Yanion International Trade Ltd :

NO.152, Shengbeizhuang, Shengbei Village :

Tancheng Town, Pingtan County, Fuzhou :

City, Fujian Province CHINA :

Respondent

Petition for Cancellation

Fuzhou HUMBGO Sports Wear Ltd. (Petitioner), a Chinese limited liability company with an address of 3rd Floor, No.5 Building, Juyuan Industrial Area, 618 Jinshan Ave., Cangshan, Fuzhou, Fujian, China, believes that it is, and will continue to be damaged by US trademark Registration Number 4880778 for the trademark “humbgo” in international class 025 for the goods: Down jackets; Dust coats; Footwear; Headwear; Jackets; Knit jackets; Parkas; Sweaters; Tee shirts; Wetsuits for water-skiing.

As grounds for this Cancellation, it is alleged that:

- 1: Petitioner, Fuzhou HUMBGO Sports Wear Ltd., was established on 12th January, 2011 in China, with Business scope as followings: Clothing, Wears, Hats&Shoes, Textile, Sports goods, wholesale of commodity, Commission on buying and selling.
- 2: HUMBGO, is the wording created by the petitioner, which is transliterated from the Chinese Characters “汉邦”.
- 3: The petitioner has used “HUMBGO” as the company name in 2011 and the brand for the products of Clothing; Wears; Hats; Shoes; Textile; Sports goods; Down jackets; Dust coats; Footwear; Headwear; Jackets; Knit jackets; Parkas; Sweaters; Tee shirts; Wet-suits for water-skiing in 2011.
- 4: To protect the petitioner’s intellectual property, the petitioner has several trademarks with HUMBGO in China. In March of 2011, the petitioner filed the trademark HUMBGO No.: 9269685 with Chinese Characters in Class 25 with the goods of Tee shirts, parkas, Clothing, Down garments, Windbreaker, Knitwear [clothing]; Waterproof clothing; Ski boots; shoes. Besides, petitioner also registered the trademark with HUMBGO No.: 10593259 on 9th March, 2012 and other marks with Humbgo such as No. 13242133; 14386059 in Class 25 and No. 13242162 in Class 18 in China.
- 5: Petitioner has used the trademark and sold the products with logo “HUMBGO” world widely through Amazon.

6: The respondent, Fujian Yanion International Trade Ltd, which comes from the same city of the petitioner, knows well about the petitioner and its Brand "HUMBGO" and realized the value of the brand, because the petitioner has promote its brand and products on Amazon.com, JD.com, Tmall.com.

7: Petitioner believes that the Respondent has been distributing the Petitioner's goods without Petitioner's authorization.

8: Petitioner believes that the goods sold by the Respondent under this mark all have Petitioner's company name, address and official website information on the Packages.

9: Petitioners has never signed any exclusive distribution agreement with Respondent nor any agreement that gives Respondent the right to own the trademark in the United States.

10: Petitioner's and Respondent's mark are the same causing a likelihood of confusion and Petitioner believes it has first used of the mark and has prior rights to the mark.

10: Based on information and belief, the Respondent knew that it was not the owner of the mark when it applied for registration, thereby committing fraud involving the oath.

11: The petitioner has been, and will continue to be, damaged by continuance of said registration No.4880778 so long as the registration sought to be canceled herein is

maintained on the Register.

Wherefore, the Petitioner request that this petition for the Cancellation be sustained and that trademark registration No.4880778 be Canceled.

Respectfully submitted,

Damon Smith

On behalf of Fuzhou HUMBGO Sports Wear Ltd.

1 Yonge Street, Suite 1801

Toronto, Ontario, M5E 1W7

Ontario, Canada

Fax: 1-416-352-7569

Email: us@globalipservice.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing petition has been forwarded to the currently listed contact according to the current records as contained in the U.S. Patent and Trademark office records as appears below, by email on this day, 23th June, 2016 as following:

Anthea Lee

10685B Hazelhurst Dr # 9123

Houston, TEXAS UNITED STATES 77043-3238

anthealee_ch@hotmail.com mr.kgip@gmail.com



Damon Smith