

ESTTA Tracking number: **ESTTA762267**

Filing date: **08/03/2016**

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	MEAT-COMPANION CO., LTD.		
Entity	kabushiki kaisha (k.k.)	Citizenship	Japan
Address	6-65-9, Fujimi-cho, Tachikawa-shi Tokyo, 190-0013 JAPAN		

Attorney information	Rebecca Gan WENDEROTH LLP 1030 15TH STREET, N.W., SUITE 400 EAST Washington, DC 20005 UNITED STATES wlp@wenderoth.com, rgan@wenderoth.com Phone:202-721-8227
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Registration Subject to Cancellation

Registration No	2048966	Registration date	04/01/1997
Registrant	JAMES LESSLIE 100-20 159th Ave Howard Beach, NY 11414 UNITED STATES		

Goods/Services Subject to Cancellation

Class 029. First Use: 1995/06/10 First Use In Commerce: 1995/06/10 All goods and services in the class are cancelled, namely: beef jerky meat snacks

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation -SAMURAI-2048966.pdf(124380 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	/rgan/
Name	Rebecca Gan
Date	08/03/2016

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

MEAT-COMPANION CO., LTD.,

Petitioner,

v.

JAMES LESSLIE,

Respondent.

Cancellation No. _____

Registration No. 2,048,966

Mark: **SAMURAI**

PETITION FOR CANCELLATION

Meat-Companion Co., Ltd. (hereinafter referred to as the “Petitioner”), is a kabushiki kaisha (k.k.) duly organized in Japan, with its principal place of business located at: 6-65-9, Fujimi-cho, Tachikawa-shi, Tokyo, 190-0013, Japan.

James Lesslie (hereinafter referred to as the “Respondent”), is an individual and citizen of the United States, with an address of: 100-20 159th Ave., Howard Beach, New York 11414, United States.

Petitioner believes that it is and will continue to be damaged by the continued registration of U.S. Trademark Registration No. 2,048,966 for the mark “SAMURAI” (hereinafter also referred to as the “Petitioned Mark”), which is registered for the following goods: “beef jerky meat snacks,” in International Class 29.

In support of this Petition, Petitioner, through counsel, alleges as follows:

FACTUAL BACKGROUND

1. Petitioner is the owner of U.S. Trademark Application Serial No. 86/810,266 for the mark “PREMIUM BEEF WAGYU SAMURAI & Design,” filed in the USPTO on November

5, 2015, for the following goods (as currently amended): “meat; processed meat; tinned meat; preserved meat; frozen meat; cooked meat; dried meat; meat extracts; salted meat; sliced meat; meat preserves; prepared meat; meat stocks; sausage meat; meat paste; meat juices; meat jellies; fresh meat; canned meat; meat-based spreads; ribs; meat boiled down in soy sauce (tsukudani meat); hamburger; prepared dishes consisting principally of meat; grilled meat marinated in soy sauce; beef; prepared beef; dried beef; processed beef; tinned beef; preserved beef; frozen beef; cooked beef; dried beef; beef extracts; salted beef; sliced beef; beef preserves; prepared beef; beef-based stocks; beef paste; beef juices; beef jellies; fresh beef; beef-based snack foods; canned beef; beef-based spreads; ribs; prepared dishes consisting principally of beef; grilled beef marinated in soy sauce; beef slices; corned beef; roasted beef; beef bouillon; roast beef; ground beef; beef steaks; beef sausage; beef patties; and beef tallow, all of the foregoing from Wagyu cattle,” in International Class 29. This U.S. application is based on intent-to-use.

2. On June 8, 2016, Petitioner’s U.S. Trademark Application Serial No. 86/810,266 was issued a Final Office Action, refusing its registration due to a likelihood of confusion with U.S. Trademark Registration No. 2,048,966.

3. Petitioner is an internationally recognized producer, distributor, retailer, and provider of premium beef products made from Wagyu cattle, produced under its “PREMIUM BEEF WAGYU SAMURAI & Design” mark, which is the subject of the above-referenced pending U.S. trademark application.

4. To the best of Petitioner’s knowledge, Respondent is the record owner of U.S. Trademark Registration No. 2,048,966 (U.S. Trademark Application Serial No. 75/074,998) for

“SAMURAI,” in connection with the following goods: “beef jerky meat snacks,” in International Class 29.

5. U.S. Trademark Registration No. 2,048,966 for “SAMURAI” issued on April 1, 1997, is based on use in U.S. commerce with an alleged first use in commerce date of June 10, 1995, and was acknowledged as incontestable on June 16, 2003.

COUNT ONE: NON-USE

6. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-5 above, as if fully set forth herein.

7. Upon opinion and belief, Respondent is not currently using its Petitioned Mark in the United States in connection with any of the registered goods.

8. Petitioner has been damaged by the presumptions flowing from the continued registration of Respondent’s Petitioned Mark, as the Petitioned Mark has been cited as a bar to the registration of Petitioner’s mark.

COUNT TWO: ABANDONMENT

9. Petitioner re-alleges and incorporates herein by reference the allegations in paragraphs 1-8 above, as if fully set forth herein.

10. As grounds for cancellation of the Petitioned Mark, Petitioner alleges, upon information and belief, that Respondent has abandoned the Petitioned Mark for all of the registered goods.

11. Upon information and belief, Respondent is not currently using the Petitioned Mark in U.S. commerce with any of the registered goods.

CERTIFICATE OF SERVICE

I, Christopher Emond, hereby certify that on this 3rd day of August 2016, a true and complete copy of the foregoing Petition for Cancellation has been served on Respondent (Registrant), James Lesslie, via First Class Mail (as prescribed by law), postage prepaid, addressed as follows:

James Lesslie
100-20 159th Ave.
Howard Beach, NY 11414
United States

 /cpe/
Christopher Emond