

ESTTA Tracking number: **ESTTA771334**

Filing date: **09/19/2016**

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	Shiseido Americas Corporation		
Entity	Corporation	Citizenship	Delaware
Address	301 Route 17 North, 10th Floor Rutherford, NJ 07070 UNITED STATES		

Attorney information	Dennis S. Prah Ladas & Parry LLP 1040 Avenue of the Americas New York, NY 10018-3738 UNITED STATES dprahl@ladas.com,rcathcart@ladas.com,fmontalvo@ladas.com,jkwon@ladas.com,rroa@ladas.com
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Registration Subject to Cancellation

Registration No	4340988	Registration date	05/28/2013
Registrant	Kimberly A. Taylor P.O. Box 11142 Savannah, GA 31412 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2012/03/26 First Use In Commerce: 2012/03/26
Cancelled goods and services in the class: cosmetics

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Partial Cancellation - Kimberly Taylor.pdf(740441 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	/Dennis S. Prah/
Name	Den
Date	09/19/2016

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

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SHISEIDO AMERICAS CORPORATION,	:	
	:	
Petitioner,	:	Cancellation No. _____
	:	
v.	:	Registration No. 4,340,988
	:	
KIMBERLY A. TAYLOR,	:	
	:	
Respondent.	:	
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PETITION FOR PARTIAL CANCELLATION

In the matter of NARCISSIST & Design Registration No. 4,340,988 owned by Kimberly A. Taylor, an individual having an address at P.O. Box 11142, Savannah, Georgia 31412 (“Respondent”), in International Class 3 covering “[c]olognes, perfumes and cosmetics; [e]au de toilette and eau de cologne; [p]erfumes and colognes” which registration issued on May 28, 2013;

Shiseido Americas Corporation organized under the laws of Delaware, having a business address at 301 Route 17 North, 10th Floor Rutherford, New Jersey, 07070 (“Petitioner”), believes that it is or will be damaged by NARCISSIST & Design Registration No. 4,340,988 in respect of “cosmetics” in International Class 3 and hereby petitions to partially cancel said registration on the following grounds:

Abandonment

1. Petitioner is the owner of the trademark NARSISSIST for cosmetics and

cosmetic preparations and the common law rights thereto, as well as NARSISSIST Application Serial No. 86/853,848 for “cosmetics and cosmetic preparations”.

2. Petitioner has extensively advertised, promoted, marketed, and sold its products such that consumers have come to know and recognize Petitioner’s NARSISSIST mark as identifying goods which originate with, are authorized by, or otherwise identify, Petitioner.

3. Petitioner will be harmed by the continued registration of NARCISSIST & Design Registration No. 4,340,988 for “cosmetics” in International Class 3 because the USPTO Examiner issued a Section 2(d) Office Action refusal against applied-for Petitioner’s NARSISSIST Application No. 86/853,848, citing Respondent’s NARCISSIST & Design Registration No. 4,340,988 as a bar to registration. The registration also suggests that Respondent has exclusive rights to use NARCISSIST & Design in commerce for the recited goods.

4. Petitioner has undertaken and/or caused to be undertaken good faith searches and investigations which disclosed no use in commerce by Respondent of NARCISSIST & Design Registration No. 4,340,988 in connection with “cosmetics”.

5. A review of Respondent’s website at <<http://www.narcissistformen.com/>> also shows no use of NARCISSIST & Design in connection with “cosmetics”.

6. Upon information and belief, Respondent does not use NARCISSIST & Design in commerce in connection with “cosmetics”.

7. Upon information and belief, Respondent has ceased use in commerce, if any, of NARCISSIST & Design in connection with “cosmetics” with the intent not to resume said use.

8. Respondent has not used NARCISSIST & Design in connection with “cosmetics” for three (3) consecutive years.

9. Accordingly, Respondent has abandoned its rights to NARCISSIST & Design in connection with “cosmetics”.

WHEREFORE, Petitioner requests that this Petition to Partially Cancel NARCISSIST & Design Registration No. 4,340,988 be sustained and that Registration No. 4,340,988 be cancelled in part to delete “cosmetics” from the current recitation of goods.

New York, New York
September 19, 2016

Respectfully submitted,



Dennis S. Prahl
Ralph H. Cathcart
Francesca M. Montalvo
Ladas & Parry LLP
Attorney for Petitioner
1040 Avenue of the Americas
New York, NY 10018
(212) 708.1800 (p)
(212) 246-8959 (f)
LP Ref: C16686150

CERTIFICATE OF TRANSMISSION

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **PETITION FOR PARTIAL CANCELLATION** is being electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: September 19, 2016


Reinaldo M. Roa

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **PETITION FOR PARTIAL CANCELLATION** was served by first-class mail, postage prepaid, to the following persons:

KIMBERLY A. TAYLOR
PO BOX 11142
SAVANNAH, GEORGIA 31412-1342

Dated: September 19, 2016


Reinaldo M. Roa