

ESTTA Tracking number: **ESTTA772906**

Filing date: **09/26/2016**

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	Speedo Holdings B.V.		
Entity	Corporation	Citizenship	The Netherlands
Address	Claude Debussylaan 24, 1082 MD Amsterdam, . NETHERLANDS		

Attorney information	Craig S. Mende Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES cmende@fzlz.com, aricketts@fzlz.com, lkittay@fzlz.com Phone:212-813-5900		
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Registration Subject to Cancellation

Registration No	5034784	Registration date	09/06/2016
Registrant	SHENZHEN PENGYIFA PRECISION MOULDS LIMITED F12, Bldg2, B5 Dist. New Shenzhen, 578000 CHINA		

Goods/Services Subject to Cancellation

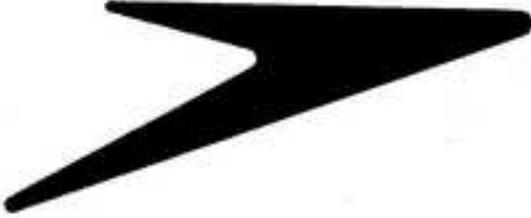
Class 009. First Use: 2005/01/01 First Use In Commerce: 2015/08/02 All goods and services in the class are cancelled, namely: Diving suits; Ear plugs for divers; Eye-glasses; Goggles for sports; Life jackets; Life-buoys; Nose clips for divers andswimmers; Protection and safety apparatus, namely, inflatable flotation devices; Protective face masks not for medical purposes; Protective helmets; Spectacle cases; Underwater breathing apparatus

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)

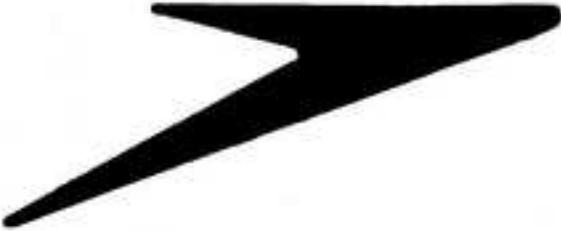
Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1161031	Application Date	09/29/1976
Registration Date	07/14/1981	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1954/11/00 First Use In Commerce: 1958/01/00 Swimsuits, Bathing Caps, Shirts, [Blouses,] Singlets, Vests, Pants, [Pantsuits, Trousers, Trouser Suits, Slacks,] Shorts, Skirts, Dresses, Track Suits, Coats, [Blazers,] Jackets, [Jumpers,] Cardigans, Pullovers, Underwear, [Pajamas, and Night Dresses]

U.S. Registration No.	1464367	Application Date	12/16/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE

Word Mark	NONE
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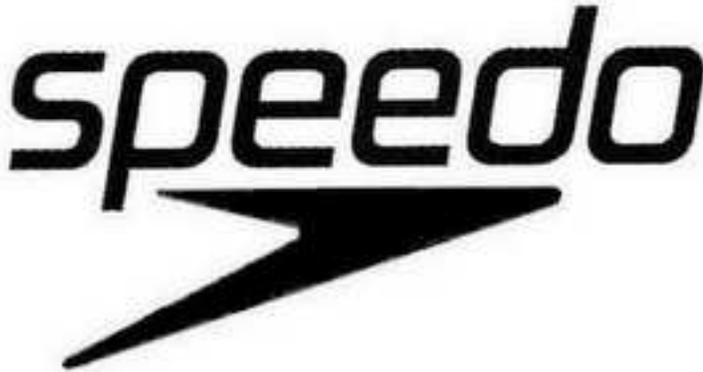
Design Mark	
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Description of Mark	THE MARK CONSISTS OF AN ASYMMETRIC ARROWHEAD DESIGN.
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Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 DIVERS SUITS AND GLOVES; BATHING LIFE PRESERVER FLOATS; LIFE BUOYS; LIFE BELTS; AQUALUNGS; PROTECTIVE GOGGLES AND STRAPS THEREFOR Class 010. First use: First Use: 0 First Use In Commerce: 0 BODY SUPPORTING FLOTATION COLLARS FOR USE IN REMEDIAL THERAPY; SWIMMERS AND DIVERS EAR PLUGS Class 025. First use: First Use: 0 First Use In Commerce: 0 BUOYANT SWIMSUITS; WET SUITS Class 028. First use: First Use: 0 First Use In Commerce: 0 BODY SUPPORTING FLOTATION COLLARS FOR USE IN SWIMMING INSTRUCTION; FLOTATION JACKETS FOR USE IN SWIMMING; SNORKELS FOR USE IN SWIMMING; SWIMMING NOSE CLIPS
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U.S. Registration No.	1183860	Application Date	03/19/1979
Registration Date	12/29/1981	Foreign Priority	NONE

		Date	
Word Mark	SPEEDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1977/06/00 First Use In Commerce: 1977/07/00 Footwear		

U.S. Registration No.	1647484	Application Date	02/08/1989
Registration Date	06/11/1991	Foreign Priority Date	09/16/1988
Word Mark	SPEEDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 ANORAKS, [APRONS, BABUSHKAS,] [BANDANAS,] [BABY BUNTINGS,] BATHING SUITS, BATHING TRUNKS, [BATHROBES,] BEACHWEAR, [BELTS, BIBS, BLAZERS, BLOUSES, BLOUSONS, BOLEROS, BOOTS, BOOTIES,] BRAS, BRIEFS, [CAFTANS, CAMISOLES,] [CAPES,] CAPS, [CARDIGANS,] [CHEMISES, CLOGS, CLOTH DIAPERS,] COATS, [COLLARS, COVERALLS, CREEPERS, CULOTTES, EAR MUFFS, DRESSES, FISHING VESTS, FISHING WADERS,] FOOTWEAR, [GAITERS, GALOSHES, GIRDLES, GLOVES, GOWNS, HALTERS,] HATS, HEADBANDS, HEADWEAR, [HOODS,] JACKETS, [JEANS, JERSEYS, JUMPERS, JUMPSUITS, KIMONOS, LEG WARMERS,] [LEOTARDS,] LEGGINGS, LINGERIE, LOUNGEWEAR, [MITTENS, MUFFLERS,] [NECKERCHIEFS,] [NECKWEAR, NEGLIGEEES, NIGHTGOWNS, NIGHTSHIRTS, OVERALLS, OVERCOATS, PAJAMAS, PANTIES, PANTS, PANTS SETS,] [PARKAS,] [PEDAL PUSHERS, PEIGNOIRS, POCKET SQUARES,] PONCHOS, PULLOVERS, [RAIN COATS,] RAINWEAR, [ROBES,] [ROMPERS, RUBBERS,] [SANDALS, SCARVES, SHAWLS, SHIFTS, SHIRTS, SHOES, SHORTS, SINGLETS, SKI SUITS, SKIWEAR, SKIRTS, SLACKS, SLEEPWEAR,] SLIPPERS, [SLIPS, SMOCKS,] [SNOWSUITS,] SOCKS, [SPORT COATS, STOCKINGS, STOLEES, SUITS, SUSPENDERS,] [SWEATERS,] SWEATPANTS, SWEATSHIRTS, SWEATSUITS, SWIMWEAR, T-SHIRTS, [TEDDIES,] TENNIS WEAR, [TIES, TIGHTS, TOPCOATS, TOPS, TROUSERS, TUNICS, TUXEDOS,] UNDER-		

	PANTS, [UNDERSHIRTS, UNDERWEAR, UNIFORMS, VEILS, VESTS, VESTED SUITS,] WARMUP SUITS, WIND-RESISTANT JACKETS, [WRIST-BANDS,] [AFTER-SKI BOOTS,ASCOTS,] [ATHLETIC SHOES,] [BABY PANTS, BATHROBES,] BATH SANDALS, BATH SLIPPERS, BATHING CAPS, BEACHWEAR, [BODICES, CORSETS, CUFFS, DETACHABLE COLLARS,] [FOOTWEAR UPPERS,] [FROCKS, FUR STOLES, GABERDINES, GARTERS, GOWNS, GYMNASTIC SHOES,] HOSIERY, [SOCK SUSPENDERS,]SWEAT-ABSORBENT UNDERCLOTHING, [TOGAS,] [WET SUITS FOR WATER-SKIING]
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U.S. Registration No.	2098563	Application Date	04/06/1995
Registration Date	09/23/1997	Foreign Priority Date	NONE
Word Mark	SPEEDO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1960/01/00 First Use In Commerce: 1960/01/00 sunglasses; earplugs for divers; radios; underwater radios Class 028. First use: First Use: 1964/00/00 First Use In Commerce: 1964/00/00 body-supporting flotation collars for use in swimming instruction; flotation jackets for use in swimming; inflatable armbands for swimming; snorkels for use inswimming; swimming nose clips; [surfboards;] kickboards; swimming paddles; swimming mitts; pull buoys for swim training; swimming fins and flippers; swimming masks; aquatic exercise steps; aquatic fitness exercise belts; aqua planer paddles; aqua fitness paddles; [aquatic exercise chutes;] balls, namely, volleyballs; [balloons;] barbells; [horizontal bars; body developers in the nature of exercising machines;] floats for bathing and swimming; inflatable swimming aids worn onthe arms; goggles and protective goggles for sports activities, namely, swimming, surfing, sailing and windsurfing and straps therefor		

Attachments	73101543#TMSN.png(bytes) 73635677#TMSN.png(bytes) 73208022#TMSN.png(bytes) 73781214#TMSN.png(bytes) F2056811.PDF(255916 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	/Craig S. Mende/
Name	Craig S. Mende
Date	09/26/2016

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

In the Matter of Registration No. 5,034,784
Mark: QUICK & Design
Registered: September 6, 2016

Speedo Holdings B.V.,	X	
	:	
Petitioner,	:	Cancellation No.
	:	
- against -	:	PETITION FOR CANCELLATION
	:	
Shenzhen Pengyifa Precision Moulds Limited,	:	
	:	
Registrant.	:	
	X	

Petitioner, Speedo Holdings B.V., a corporation organized under the laws of the Netherlands with an address of Claude Debussylaan 24, 1082 MD Amsterdam, The Netherlands, believes that it would be damaged by the continued registration of the trademark QUICK & Design in Registration No. 5,034,784 (the “Registration”) by Shenzhen Pengyifa Precision Moulds Limited (“Registrant”) for “Diving suits; Ear plugs for divers; Eyeglasses; Goggles for sports; Life jackets; Life-buoys; Nose clips for divers and swimmers; Protection and safety apparatus, namely, inflatable flotation devices; Protective face masks not for medical purposes; Protective helmets; Spectacle cases; Underwater breathing apparatus” in International Class 9, and therefore petitions to cancel the same. As grounds for this petition, Petitioner, by its counsel, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. For many decades, Petitioner and its related companies (together, “Speedo”), leading manufacturers and marketers of swimwear, swimming accessories, and other apparel and products, have used together and separately the distinctive arrow design shown below (the “Arrow Trademark”) and the word mark SPEEDO (together “Petitioner’s Marks”) on and in connection with their goods and services.



2. Through extensive promotion and use, and the success of Speedo's offerings under Petitioner's Marks, Petitioner's Marks have come to represent enormous goodwill.

3. Dating to long before any date upon which Registrant can rely, Petitioner's Marks have become uniquely identified with Speedo and have come to identify the goods and services of Speedo exclusively. Petitioner's Marks have become famous marks of Speedo.

4. In addition, Speedo owns federal registrations for Petitioner's Marks, including without limitation:

- U.S. Reg. No. 1,161,031 for the Arrow Trademark for swimsuits, bathing caps, shirts, singlets, vests, pants, shorts, skirts, dresses, track suits, coats, jackets, cardigans, pullovers, and underwear in Class 25;
- U.S. Reg. No. 1,464,367 for the Arrow Trademark for divers suits and gloves, bathing life preserver floats, life buoys, life belts, aqualungs, protective goggles and straps therefor in Class 9; body supporting flotation collars for use in remedial therapy, swimmers and divers ear plugs in Class 10; buoyant swimsuits and wet suits in Class 25; and body supporting flotation collars for use in swimming instruction, flotation jackets for use in swimming, snorkels for use in swimming, and swimming nose clips in Class 28;
- U.S. Reg. No. 1,183,860 for SPEEDO and Arrow Trademark for footwear in Class 25;
- U.S. Reg. No. 1,647,484 for SPEEDO and Arrow Trademark for anoraks, bathing suits, bathing trunks, beachwear, bras, briefs, caps, coats, footwear, hats, headbands, headwear, jackets, leggings, lingerie, loungewear, ponchos, pullovers, rainwear, slippers, socks, sweatpants, sweatshirts, sweatsuits, swimwear, t-shirts, tennis wear, underpants, warmup suits, wind-resistant jackets, bath sandals, bath slippers, bathing caps, beachwear, hosiery, sweat-absorbent underclothing in Class 25; and
- U.S. Reg. No. 2,098,563 for SPEEDO for sunglasses; earplugs for divers; radios; underwater radios in International Class 9 and body-supporting flotation collars for use in swimming instruction; flotation jackets for use in swimming; inflatable armbands for swimming; snorkels for use in swimming; swimming nose clips; kickboards; swimming paddles; swimming mitts; pull buoys for swim training; swimming fins and flippers; swimming masks; aquatic exercise steps; aquatic fitness exercise belts; aqua planer paddles; aqua fitness paddles; balls, namely, volleyballs; barbells; floats for bathing and swimming; inflatable swimming aids worn on the arms; goggles and protective goggles for sports activities,

namely, swimming, surfing, sailing and windsurfing and straps therefor in International Class 28.

5. Speedo's foregoing registrations are valid, subsisting, and in full force and effect, and have become incontestable. These registrations constitute conclusive evidence of the validity of the registered marks and of the registrations thereof, of Speedo's ownership of the marks, and of Speedo's exclusive right to use the marks in commerce in connection with the identified goods.

6. Upon information and belief, Registrant is a Chinese limited corporation located and doing business at F12, Bldg2, B5 Dist. 1st Industrial Zone Guangming, New Shenzhen, China 578000.

7. On September 6, 2016, Registrant secured the Registration for the QUICK & Design mark shown below (the "Registrant's Mark") based on alleged first use in commerce in August 2015 for "Diving suits; Ear plugs for divers; Eyeglasses; Goggles for sports; Life jackets; Life-buoys; Nose clips for divers and swimmers; Protection and safety apparatus, namely, inflatable flotation devices; Protective face masks not for medical purposes; Protective helmets; Spectacle cases; Underwater breathing apparatus" in Class 9.



8. Registrant's Mark features an imitation of Petitioner's Arrow Trademark. It also includes the word "QUICK," which is synonymous with "SPEED," as well a Chinese character whose translation, as set forth in the Registration, includes "SPEED."

9. Registrant's goods are identical and/or closely related to goods and services offered under Petitioner's Marks.

10. Based on the similarities of the marks and goods, the public is likely to associate the goods offered by Registrant under Registrant's Mark with Petitioner or with Petitioner's goods and services, or to falsely believe that Registrant's goods are sponsored, endorsed or licensed by Petitioner, or that there is some other relationship between Registrant and Petitioner.

COUNT ONE: LIKELIHOOD OF CONFUSION

11. Petitioner's rights in Petitioner's Marks are prior to any priority date that Registrant can claim with respect to Registrant's Marks.

12. Registrant was on constructive notice of Petitioner's prior and exclusive rights in Petitioner's Marks when Registrant applied to register Registrant's Mark.

13. Upon information and belief, by virtue of the renown of Petitioner and its marks, Registrant had actual knowledge of Petitioner and of Petitioner's use of and exclusive rights in Petitioner's Marks when Registrant applied to register Registrant's Mark.

14. The Registration and the presumption of exclusivity that comes from it are inconsistent with the prior rights of Petitioner in Petitioner's Marks and the rights of Petitioner flowing from Petitioner's federal registrations.

15. By virtue of the similarity between Registrant's Mark and Petitioner's Mark, and between the Registrant's goods and Petitioner's goods and services, use of Registrant's Mark by Registrant is likely to cause confusion, cause mistake, or deceive the public. Such use is likely to cause consumers to believe that the goods and services offered under Registrant's Mark emanate from, are sponsored by, are endorsed by, or are otherwise connected with Petitioner, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

16. By reason of the foregoing, Petitioner will be damaged by the continued registration of Registrant's Mark.

COUNT TWO: DILUTION BY BLURRING

17. Petitioner's Marks are registered, famous and distinctive.

18. Registrant's registration and use of Registrant's Mark will dilute the distinctive quality of Petitioner's Marks in that it will lessen the capacity of Petitioner's Marks to identify and distinguish his authorized goods and services, in violation of Section 43(c) of the Trademark Act of 1946, 15 U.S.C. § 1125(c).

19. By reason of the foregoing, Petitioner will be damaged by the continued registration of Registrant's Mark.

WHEREFORE, it is respectfully requested that this petition be sustained and that the Registration be cancelled in its entirety.

Dated: New York, New York
September 26, 2016

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

Craig S. Mende
Allison Strickland Ricketts
Leo Kittay

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*Attorneys for Petitioner
Speedo International Limited*

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of September 2016, I caused a true and correct copy of the foregoing PETITION FOR CANCELLATION to be sent by First Class Mail, postage pre-paid, in an envelope addressed to the correspondent of record for the opposed registration:

ARTURO PÉREZ-GUERRERO, ESQ.
LAW OFFICES OF ARTURO PÉREZ-GUERRERO
P.O. BOX 9024163
SAN JUAN, PUERTO RICO 00902-4163



Leo Kittay