

ESTTA Tracking number: **ESTTA537687**

Filing date: **05/14/2013**

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	Jeffrey Kaplan		
Entity	Individual	Citizenship	UNITED STATES
Address	POB 11106 Fort Lauderdale, FL 33339 UNITED STATES		

Correspondence information	Jeffrey Kaplan POB 11106 Fort Lauderdale, FL 33339 UNITED STATES eggcream@earthlink.net Phone:9542033097		
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Registrations Subject to Cancellation

Registration No	555404	Registration date	02/26/1952
Registrant	RECKITT BENCKISER LLC 399 INTERPACE PARKWAY PARSIPPANY, NJ 07054 UNITED STATES		

Goods/Services Subject to Cancellation

Class U052 (International Class 003). First Use: 1911/04/25 First Use In Commerce: 1911/04/25
All goods and services in the class are cancelled, namely: CLEANING POWDER FOR WATER-CLOSET BOWLS [AND AUTOMOBILE RADIATORS]

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	922524	Registration date	10/19/1971
Registrant	RECKITT BENCKISER LLC 399 INTERPACE PARKWAY PARSIPPANY, NJ 07054 UNITED STATES		

Goods/Services Subject to Cancellation

Class U052 (International Class 003, 005). First Use: 1911/04/25 First Use In Commerce: 1911/04/25
All goods and services in the class are cancelled, namely: CHEMICAL SUBSTANCES FOR CLEANING, DEODORIZING, DISINFECTING AND SANITIZING TOILETS

Grounds for Cancellation

Abandonment	Trademark Act section 14		
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Attachments	PetitiontoCancelSaniFlush.pdf(114639 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	/Jeffrey Kaplan/
Name	Jeffrey Kaplan
Date	05/14/2013

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

In the matter of Trademark Registrations No. 0555404 and 0922524
For the Marks SANI-FLUSH and SANI-FLUSH

Jeffrey Kaplan
P.O.B. 11106
Ft. Lauderdale, Fl. 33339,

Cancellation No: Pending

Petitioner,

v.

Reckitt Benckiser LLC
399 Interpace Parkway
Parsippany, New Jersey 07054

Respondent

CONSOLIDATED PETITION FOR CANCELLATION

1. Jeffrey Kaplan (hereinafter the "Petitioner") is an individual whose is located and is doing business at P.O.B. 11106 Fort Lauderdale, Florida 33339. To the best of Petitioner's knowledge, Reckitt Benckiser LLC (hereinafter the "Respondent") is a Limited Liability Company existing under the laws of Delaware with its place of business at 399 Interpace Parkway Parsippany, New Jersey 07054 . The Petitioner believes it is or will be damaged by Respondent's U.S. Trademark Registration Nos. 0555404 and 0922524.
2. Respondent's Registration No. 0555404 is the word and stylized form for SANI-FLUSH which was filed on December 30th 1950 with a first use in commerce date of April 25th 1911 and subsequently registered on the Principal Register in International Class 3 on February 26th 1952 for cleaning powder for water closet bowls and (automobile radiators).

3. Respondent's Registration No. 0922524 for the word SANI-FLUSH which was filed on November 20th 1970 by with a first use in commerce date of April 25th 1911 and subsequently registered on the Principal Register in International Class 3 on October 19th 1971 for chemical substances for cleaning, deodorizing, disinfecting and sanitizing toilets.

4. Petitioner has consolidated and combined this Notice of Cancellation of both trademark registrations into a single Complaint because claims against each of the trademark registrations involve common questions of law and fact. 37 C.F.R. Statute 2.112(b)

5. The above-identified Petitioner believes that it is, or will be, damaged by the above identified registrations, and hereby petitions to cancel the same. The grounds for these cancellations are as follows:

ABANDONMENT UNDER SECTION 45 OF THE TRADEMARK ACT

6. On information and belief, Respondent has abandoned Registration Nos. 0555404 and 0922524 by discontinuing use of the marks for a period of three (3) years or more. Petitioner is likely to be damaged by continuance of said registrations in that Petitioner intends use of the same or similar mark and will be impaired by the continued registrations of said abandoned marks of Respondent.

7. On information and belief, Respondent does not intend to resume use of the mark SANI-FLUSH and stylized form in commerce on the goods that are the subject of Registration No. 0555404.

8. On information and belief, Respondent does not intend to resume use of the mark SANI-FLUSH in commerce on the goods that are the subject of Registration No. 0922524.

9. Petitioner intends to use and register the mark SANI-FLUSH for Toilet Bowl Detergents in International Class 3, by virtue of U.S. Serial No. 85927249 filed on May 9th 2013.

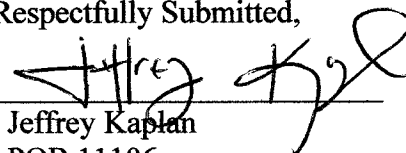
10. Concurrent use and registration of the mark by the Respondent and Petitioner is likely to result in irreparable damage to Petitioner's reputation and good will if Petitioner claims ownership of the Petitioner's mark SANI-FLUSH in U.S. Serial No. 85927249.

11. Petitioners and Respondents application and registrations are for nearly identical marks and identify nearly the same goods, that the marks are used in connection with.

12. If the Respondent is permitted to retain the registrations sought to be cancelled, a cloud would be placed on Petitioner's title in and to its trademark SANI-FLUSH, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods and services, all to the great injury of Petitioner.

WHEREFORE, Petitioner respectfully requests that its Petition be granted in its entirety and that Registrations Nos. 0555404 and 0922524 for SANI-FLUSH stylized and SANI-FLUSH be cancelled.

Respectfully Submitted,



Jeffrey Kaplan

POB 11106

Ft. Lauderdale, Florida 33339

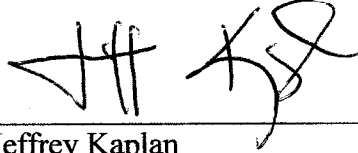
(954) 203-3097

5/14/13

CERTIFICATE OF MAILING

It is hereby certified that the attached Consolidated Petition for Cancellation is being deposited First Class Postage Prepaid with the U.S. Postal Service addressed to:

Reckitt Benckiser LLC
399 Interpace Parkway
Parsippany, New Jersey 07054

A handwritten signature in black ink, appearing to read 'JK', is written over a horizontal line.

Jeffrey Kaplan
5/14/13