

ESTTA Tracking number: **ESTTA439305**

Filing date: **11/03/2011**

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	NV Biomedical, Inc.		
Entity	Corporation	Citizenship	Nevada
Address	6000 South Eastern Avenue Las Vegas, NV 89119 UNITED STATES		

Attorney information	William Mulholland Snell & Wilmer L.L.P. One Arizona Center, 400 E. Van Buren Phoenix, AZ 85004-2202 UNITED STATES wmulholland@swlaw.com, landerson@swlaw.com Phone:602-382-6226
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**Registration Subject to Cancellation**

Registration No	1168878	Registration date	09/15/1981
Registrant	UCB MANUFACTURING, INC. 755 JEFFERSON ROAD ROCHESTER, NY 14623 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 1979/05/22 First Use In Commerce: 1979/05/22 All goods and services in the class are cancelled, namely: Topical Anti-Inflammatory Preparation
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Statement.PDF ( 1 page )(31916 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	/William Mulholland/
Name	William Mulholland
Date	11/03/2011

Petitioner, NV Biomedical, Inc., a company organized and existing under the laws of the state of Nevada, located at 6000 South Eastern Avenue, Las Vegas, Nevada 89119, believes that it is or will be damaged by Registration No. 1,168,878 and hereby petitions to cancel same.

As grounds of this Petition, it is alleged that:

1. Respondent, UCB Manufacturing, Inc., obtained a registration, Reg. No. 1,168,878, for the mark EPIFOAM for the goods noted above in International Class 5. Respondent's registration issued on September 15, 1981.

2. Petitioner desires to register the mark EPIFOAM for "surgical dressings" in International Class 5.

3. Upon Petitioner's information and belief, Respondent has abandoned the above registration, and has not and is not using their mark in connection with the registered goods, and such period of non-use has occurred for more than two years.

4. Respondent has failed to renew its mark according to public record. The deadline for renewal expired on September 15, 2011.

WHEREFORE, Petitioner prays that Registration No. 1,168,878 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.