

ESTTA Tracking number: **ESTTA635762**

Filing date: **10/29/2014**

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	Catalent Pharma Solutions, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	14 Schoolhouse Road Somerset, NJ 08873 UNITED STATES		

Attorney information	Vanessa A. Ignacio, Esq. Lowenstein Sandler LLP 65 Livingston Avenue Roseland, NJ 07068-1791 UNITED STATES Istrademark@lowenstein.com Phone:973-597-2500		
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Registration Subject to Cancellation

Registration No	2970836	Registration date	07/19/2005
Registrant	Bioprogress Technology, Limited c/o BioProgress Technology Limited; 15-17 Cambridge Science Park; Milton Road Cambridge, CB4 0FQ UNITED KINGDOM		

Goods/Services Subject to Cancellation

Class 005. First Use: 2000/02/01 First Use In Commerce: 2000/02/01 All goods and services in the class are cancelled, namely: gelatin-free encapsulating medium for use in the manufacture of bath oil beads,moisturizing creams, shampoo, shower gel, aroma therapy oils, soap, conditioner, muscle soothing oils, paint balls, vitamin supplements, pharmaceuticals, chemicals, namely, fertilizers, pesticides, bleaching agents and weed control products and enzyme delivery products

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	XGEL - Petition to Cancel.pdf(14802 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	/Vanessa A. Ignacio/
Name	Vanessa A. Ignacio, Esq.
Date	10/29/2014

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

Catalent Pharma Solutions, Inc.	:
Petitioner	:
v.	: Cancellation No. _____
	:
Bioprogress Technology, Ltd.	: In re Registration No. 2970836
Registrant	:

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

PETITION TO CANCEL

In the matter of Trademark Registration No. 2970836, registered on July 19, 2005 for the mark “XGEL” (the “Registrant’s Mark”) in International Class 5 for “Gelatin-free encapsulating medium for use in the manufacture of bath oil beads, moisturizing creams, shampoo, shower gel, aroma therapy oils, soap, conditioner, muscle soothing oils, paint balls, vitamin supplements, pharmaceuticals, chemicals, namely, fertilizers, pesticides, bleaching agents and weed control products and enzyme delivery products.”

Petitioner is being and will continue to be damaged by the registration of the Registered Mark, and hereby petitions to cancel the same. As grounds for cancellation, it is alleged that:

1. Catalent Pharma Solutions, Inc. (“Petitioner”), a Delaware corporation with a principal place of business located 14 Schoolhouse Road, Somerset, NJ 08873, is being and will continue to be damaged by Registrant’s Mark, and hereby petitions to cancel the same.

2. Upon information and belief, Registrant is Bioprogress Technology Limited, with an address of 15-17 Cambridge Science Park, Milton Road, Cambridge, CB4 0FQ, United Kingdom.

3. Petitioner has filed United States trademark application Serial No. 86/295,237 for the mark “SAVORXGEL” (the “Petitioner’s Mark”) in International Class 5 for “Drug delivery agents in the form of capsules that facilitate the delivery of pharmaceutical preparations, for veterinary or animal health use.”

4. Upon information and belief, Registrant previously used Registrant’s Mark in connection with sales of a gelatin-free encapsulating medium for use in the manufacture of bath oil beads, moisturizing creams, shampoo, shower gel, aroma therapy oils, soap, conditioner, muscle soothing oils, paint balls, vitamin supplements, pharmaceuticals, chemicals, namely, fertilizers, pesticides, bleaching agents and weed control products and enzyme delivery products.

5. In an Office Action dated August 19, 2014, the Examining Attorney refused registration of Petitioner’s “SAVORXGEL” mark, citing Registrant’s Mark as a bar to registration of Petitioner’s Mark.

6. Upon information and belief, Registrant has ceased using Registrant’s Mark.

7. Petitioner has been unable to discover any current use of Registrant’s Mark in connection with the aforementioned goods in commerce.

8. Petitioner has been and continues to be damaged by the existence of Registration No. 2970836 for “XGEL” on the Principal Register, in that the registration has been used as a basis for rejecting the application submitted by Petitioner.

WHEREFORE, Petitioner prays that Registrant’s Mark, Registration No. 2970836, for “XGEL” be canceled in connection with the goods identified in Class 5.

Please charge our Attorneys’ Deposit Account No. 501358 for the \$300.00 official filing fee. Any additional fees in connection with this cancellation petition may also be charged to this account, and any overpayment may be credited to this account.

Respectfully submitted,

By: LOWENSTEIN SANDLER LLP
65 Livingston Avenue
Roseland, New Jersey 07068
(973) 597-2500

Myron Corp.
Petitioner

By: Vanessa A. Ignacio/
Vanessa A. Ignacio, Esq.

Dated: October 29, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITION TO CANCEL was served on Registrant's Attorney at the correspondence address of record, this 29th day of October, 2014, by sending same via first-class mail, postage prepaid, and to Registrant at their address of record via First Class Mail International, postage prepaid to:

Registrant's Attorney

Joanne Ludovici-Lint
McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

and

Registrant:

Bioprogress Technology Limited
15-17 Cambridge Science Park
Milton Road
Cambridge, CB4 0FQ, United Kingdom

LOWENSTEIN SANDLER LLP
65 Livingston Avenue
Roseland, New Jersey 07068
(973) 597-2500
ATTORNEYS FOR REBAR SYSTEMS, LLC
Petitioner

By: /Vanessa A. Ignacio/
Vanessa A. Ignacio, Esq.