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

Proceeding	92061475
Party	Plaintiff Kangaroo Manufacturing, Inc.
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Date	05/13/2015
Attachments	Service Copy Petition to Cancel.pdf(92376 bytes)

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

Kangaroo Manufacturing, Inc., a)	
Florida corporation)	Cancellation No. 92061475
Petitioner,)	Registration No. 3807826
)	
v.)	Mark: little sprouts
)	Reg. Date: 06/22/2010
)	
Lucky Group (H.K.), a Hong)	
Kong Limited Liability)	
Company)	
Registrant.)	

PETITION FOR CANCELLATION

Registrant, Kangaroo Manufacturing, Inc., is a Florida corporation with a business address of 1843 U.S. Highway 27 N, Sebring, Florida, 33870. Petitioner believes that it is damaged by the Registration and petitions to cancel it as set forth below.

BACKGROUND

1. Petitioner is the owner of pending Trademark applications Serial Nos. 86412031 and 86427471, respectively, for the word mark and deign mark LIL' SPROUTS, for toys, namely compressed figures that expand when immersed in water, in International Class 028 (the "Applications").

2. The owner of U.S. Trademark Registration No. 3807826 (the "Registration") for the mark LITTLE SPROUTS (the "Mark") for use in connection with Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Baby swings; Bath toys; Bathtub toys; Children's multiple activity toys; Crib toys; Educational toys for teaching math principles

to children, namely manipulative blocks for displaying patterns and groupings; Electronic learning toys; Infant action crib toys; Infant development toys; Infant toys; Infant's rattles; Musical toys; Toy animals; Toy animals and accessories therefor; Toy banks; Toy building blocks; Toy building blocks capable of interconnection; Water squirting toys, in International Class 028 (collectively, "Goods") is Lucky Group (H.K.) Limited Liability Company Hong Kong, with an address of Inter-Cont. Plaza 94 Granville Road, Tsimshatsui E. Kowloon, Hong Kong ("Registrant").

3. The Registration has been cited by the Examiner under Section 2(d) of the Trademark Act as a basis for refusing registration of the Petitioner's marks that are the subject of the Applications.

COUNT 1

(ABANDONMENT)

4. Petitioner re-alleges and incorporates by reference paragraph 1 through 3.

5. Upon information and belief, Registrant has not used the Mark in commerce in the United States in connection with any of the Goods.

6. Upon information and belief, Registrant is not currently using the Mark in commerce in the United States in connection with any of the Goods.

7. Upon information and belief, Registrant has not used the Mark in commerce in the United States in connection with the Goods for more than three years.

8. Upon information and belief, Registrant has no intent to commence or resume use of the Mark in commerce in the United States with any of the Goods.

9. Upon information and belief, Registrant has abandoned the Mark that is the subject of the Registration by discontinuing use of the Mark with no intent to resume use.

10. Upon information and belief, the Mark has been abandoned due to nonuse.

11. Petitioner has been and will continue to be damaged by continuance of the Registration in that Petitioner will be unable to obtain registration of its marks on the Principal Register and obtain the procedural and evidentiary advantages and presumptions that result therefrom so long as the Registration is maintained on the register, despite the abandonment of the Mark by Registrant.

* * *

WHEREFORE, Petitioner prays that The Trademark Trial and Appeal Board sustain this Petition and cancel Registration No. 3807826 (the "Registration") for the Mark LITTLE SPROUTS.

The required fee accompanies this Petition to Cancel.

Please recognize David A. Schnider, member of the State Bar of California, as Petitioner's attorney to prosecute this Petition to Cancel.

Respectfully submitted,



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Attorney for Petitioner
Kangaroo Manufacturing, Inc.

Dated: May 11, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served by mailing said copy on May 13, 2015 via U.S. Mail, postage pre-paid to

Registrant at the following address of record:

Lucky Group (H. K.) Limited
5/F Inter-Cont. Plaza
94 Granville Rd.
Tsimshatsui E. Kowloon
HONG KONG



David A. Schnider
Attorney for Petitioner
Kangaroo Manufacturing, Inc.