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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	Amro Amer		
Entity	Individual	Citizenship	UNITED STATES
Address	191 W. Burton Mesa Blvd. #A Lompoc, CA 93436 UNITED STATES		

Attorney information	JUNGJIN LEE, ERIN C BRAY Lee, Lee & Associates, P.C. PO Box 512 Ann Arbor, MI 48106-0512 UNITED STATES jj@llapc.com,erin@llapc.com, docket@trademarklawyerfirm.com Phone:800-529-2218		
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Registration Subject to Cancellation

Registration No	4437920	Registration date	11/26/2013
International Registration No.	NONE	International Registration Date	NONE
Registrant	PODIATLAS Vallon de la Clue FRANCE		


Goods/Services Subject to Cancellation

<p>Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Pharmaceutical preparations for the treatment of skin conditions affecting the feet; sanitary preparations for medical purposes; dietary supplements for human beings, medical plasters, materials for dressings, namely, bandages, gauze, and wraps; disinfectants for sanitary and hygienic purposes; corn rings for the feet; balms for medical purposes; corn remedies, namely, creams, pads, rings, and plasters; disinfectants for hygiene purposes; skin lotions for pharmaceutical purposes; medical dressings; medicated remedies for foot perspiration; pomades for medical purposes, namely, creams and petroleum jelly; protein food supplements; foot care products for medical purposes, namely, medicated creams, oils, and powders; massage oils for pharmaceutical or medical purposes; pharmaceutical products for foot care</p>

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86371319	Application Date	08/19/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PODIAZOLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/06/28 First Use In Commerce: 2012/06/28 Nail fungus treatment preparations		

Attachments	86371319#TMSN.png(bytes) Peition for Cancellation - Podiasole.pdf(177320 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	/Erin C. Bray/
Name	ERIN C BRAY
Date	07/13/2015

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

Amro Amer,) Cancellation No.
Petitioner,)
) In the Matter of
v.) Registration No. 4437920
) Mark: PODIASOLE
Podiatlas,)
Registrant.)

PETITION FOR CANCELLATION

Petitioner Amro Amer hereby petitions for cancellation of Registration No. 4437920 for the mark PODIASOLE, registered to Podiatlas, and states as follows:

1. On August 19, 2014, Petitioner Amro Amer residing in Lompoc, California, filed an application for PODIAZOLE, in connection with, *nail fungus treatment preparations*, in international class 005, citing a first use in commerce on June 28, 2012. The application was assigned Serial No. 86371319 (the “Application”).
2. The United States Patent and Trademark Office (“PTO”) records identify Podiatlas, with an address of Vallon de la Clue Route des 4 Saisons F-13190 Allauch France, as the owner of U.S. Registration No. 4437920, for the mark PODIASOLE, in connection with, *Pharmaceutical preparations for the treatment of skin conditions affecting the feet; sanitary preparations for medical purposes; dietary supplements for human beings, medical plasters, materials for dressings, namely, bandages, gauze, and wraps; disinfectants for sanitary and hygienic purposes; corn rings for the feet; balms for medical purposes; corn remedies, namely, creams, pads, rings,*

and plasters; disinfectants for hygiene purposes; skin lotions for pharmaceutical purposes; medical dressings; medicated remedies for foot perspiration; pomades for medical purposes, namely, creams and petroleum jelly; protein food supplements; foot care products for medical purposes, namely, medicated creams, oils, and powders; massage oils for pharmaceutical or medical purposes; pharmaceutical products for foot care, in international Class 005, citing a priority date of February 29, 2012, Bleaching preparations and detergents for laundry use; cleaning preparations, polishing preparations, degreasing preparations for household use, and abrasive preparations; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices; balms other than for medical purposes for use on skin and lips; pomades for cosmetic purposes; lip and skin balms for cosmetic purposes; waxes and creams for footwear; creams for leather; preservative creams and oils for leather; oils for cosmetic purposes; massage oils not for medical use; cosmetic creams; lotions for cosmetic purposes; cosmetic preparations for skin care; non medicated cosmetic products for foot care, namely, non medicated creams, powders, oils and soaps; soap for foot perspiration, in international class 003, citing a priority date of February 29, 2012, Orthopedic articles, namely, braces and shoe inserts, orthopedic soles, orthopedic support bandages, orthopedic footwear, orthopedic knee bandages, massage apparatus, massage gloves, orthopedic shoes, in international class 010, citing a priority date of February 29, 2012, and for Clothing, namely, shirts, shorts; jackets, warm up suits, t-shirts; footwear; headgear, namely, caps, beanies, ear muffs, headbands; soles for footwear, inner soles, football boots; studs for football boots; non-slipping devices for footwear; socks; sports socks; sports shoes; leggings; slippers; overcoats; clogs; sandals; bath sandals; sports shoes; trouser straps, in international class 025, citing a priority date of February 29, 2012 (the “Registered Mark”)

3. The Patent Trademark Office Examining Attorney refused registration of Petitioner’s Application under Trademark Act Section 2(d), based on the Registered Mark.
4. On information and belief, Registrant has abandoned the mark PODIASOLE in connection with *Pharmaceutical preparations for the treatment of skin conditions affecting the feet; sanitary*

preparations for medical purposes; dietary supplements for human beings, medical plasters, materials for dressings, namely, bandages, gauze, and wraps; disinfectants for sanitary and hygienic purposes; corn rings for the feet; balms for medical purposes; corn remedies, namely, creams, pads, rings, and plasters; disinfectants for hygiene purposes; skin lotions for pharmaceutical purposes; medical dressings; medicated remedies for foot perspiration; pomades for medical purposes, namely, creams and petroleum jelly; protein food supplements; foot care products for medical purposes, namely, medicated creams, oils, and powders; massage oils for pharmaceutical or medical purposes; pharmaceutical products for foot care, in international Class 005, citing a priority date of February 29, 2012, Bleaching preparations and detergents for laundry use; cleaning preparations, polishing preparations, degreasing preparations for household use, and abrasive preparations; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices; balms other than for medical purposes for use on skin and lips; pomades for cosmetic purposes; lip and skin balms for cosmetic purposes; waxes and creams for footwear; creams for leather; preservative creams and oils for leather; oils for cosmetic purposes; massage oils not for medical use; cosmetic creams; lotions for cosmetic purposes; cosmetic preparations for skin care; non medicated cosmetic products for foot care, namely, non medicated creams, powders, oils and soaps; soap for foot perspiration, in international class 003, citing a priority date of February 29, 2012, Orthopedic articles, namely, braces and shoe inserts, orthopedic soles, orthopedic support bandages, orthopedic footwear, orthopedic knee bandages, massage apparatus, massage gloves, orthopedic shoes, in international class 010, citing a priority date of February 29, 2012, and for Clothing, namely, shirts, shorts; jackets, warm up suits, t-shirts; footwear; headgear, namely, caps, beanies, ear muffs, headbands; soles for footwear, inner soles, football boots; studs for football boots; non-slipping devices for footwear; socks; sports socks; sports shoes; leggings; slippers; overcoats; clogs; sandals; bath sandals; sports shoes; trouser straps, in international class 025, citing a priority date of February 29, 2012.

5. On information and belief, Registrant has discontinued use of the mark PODIASOLE in connection with *Pharmaceutical preparations for the treatment of skin conditions affecting the feet; sanitary preparations for medical purposes; dietary supplements for human beings, medical plasters, materials for dressings, namely, bandages, gauze, and wraps; disinfectants for sanitary and hygienic purposes; corn rings for the feet; balms for medical purposes; corn remedies, namely, creams, pads, rings, and plasters; disinfectants for hygiene purposes; skin lotions for pharmaceutical purposes; medical dressings; medicated remedies for foot perspiration; pomades for medical purposes, namely, creams and petroleum jelly; protein food supplements; foot care products for medical purposes, namely, medicated creams, oils, and powders; massage oils for pharmaceutical or medical purposes; pharmaceutical products for foot care, in international Class 005, citing a priority date of February 29, 2012, Bleaching preparations and detergents for laundry use; cleaning preparations, polishing preparations, degreasing preparations for household use, and abrasive preparations; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices; balms other than for medical purposes for use on skin and lips; pomades for cosmetic purposes; lip and skin balms for cosmetic purposes; waxes and creams for footwear; creams for leather; preservative creams and oils for leather; oils for cosmetic purposes; massage oils not for medical use; cosmetic creams; lotions for cosmetic purposes; cosmetic preparations for skin care; non medicated cosmetic products for foot care, namely, non medicated creams, powders, oils and soaps; soap for foot perspiration, in international class 003, citing a priority date of February 29, 2012, Orthopedic articles, namely, braces and shoe inserts, orthopedic soles, orthopedic support bandages, orthopedic footwear, orthopedic knee bandages, massage apparatus, massage gloves, orthopedic shoes, in international class 010, citing a priority date of February 29, 2012, and for Clothing, namely, shirts, shorts; jackets, warm up suits, t-shirts; footwear; headgear, namely, caps, beanies, ear muffs, headbands; soles for footwear, inner soles, football boots; studs for football boots; non-slipping devices for footwear; socks; sports socks; sports shoes; leggings; slippers; overcoats; clogs; sandals; bath sandals; sports shoes; trouser*

straps, in international class 025, citing a priority date of February 29, 2012, with intent not to resume such use.

6. On information and belief, Registrant has not used the mark PODIASOLE in connection with *Pharmaceutical preparations for the treatment of skin conditions affecting the feet; sanitary preparations for medical purposes; dietary supplements for human beings, medical plasters, materials for dressings, namely, bandages, gauze, and wraps; disinfectants for sanitary and hygienic purposes; corn rings for the feet; balms for medical purposes; corn remedies, namely, creams, pads, rings, and plasters; disinfectants for hygiene purposes; skin lotions for pharmaceutical purposes; medical dressings; medicated remedies for foot perspiration; pomades for medical purposes, namely, creams and petroleum jelly; protein food supplements; foot care products for medical purposes, namely, medicated creams, oils, and powders; massage oils for pharmaceutical or medical purposes; pharmaceutical products for foot care, in international Class 005, citing a priority date of February 29, 2012, Bleaching preparations and detergents for laundry use; cleaning preparations, polishing preparations, degreasing preparations for household use, and abrasive preparations; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices; balms other than for medical purposes for use on skin and lips; pomades for cosmetic purposes; lip and skin balms for cosmetic purposes; waxes and creams for footwear; creams for leather; preservative creams and oils for leather; oils for cosmetic purposes; massage oils not for medical use; cosmetic creams; lotions for cosmetic purposes; cosmetic preparations for skin care; non medicated cosmetic products for foot care, namely, non medicated creams, powders, oils and soaps; soap for foot perspiration, in international class 003, citing a priority date of February 29, 2012, Orthopedic articles, namely, braces and shoe inserts, orthopedic soles, orthopedic support bandages, orthopedic footwear, orthopedic knee bandages, massage apparatus, massage gloves, orthopedic shoes, in international class 010, citing a priority date of February 29, 2012, and for Clothing, namely, shirts, shorts; jackets, warm up suits, t-shirts; footwear; headgear, namely, caps, beanies, ear muffs, headbands; soles for footwear, inner soles,*

football boots; studs for football boots; non-slipping devices for footwear; socks; sports socks; sports shoes; leggings; slippers; overcoats; clogs; sandals; bath sandals; sports shoes; trouser straps, in international class 025, citing a priority date of February 29, 2012, for three consecutive years.

7. Petitioner believes that it will be damaged by the continued registration of the PODIASOLE mark, and hereby petitions to cancel same.

WHEREFORE, Petitioner respectfully requested that this Petition for Cancellation be sustained and that Registration No. 4437920 be cancelled.

Respectfully Submitted,
Amro Amer

By: /Erin C. Bray/
JungJin Lee, Esq.
Erin C. Bray, Esq.
Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2015, a true and correct copy of the foregoing Petition to Cancel was served upon:

ERIC E. WESTERBERG
CABINET CAMUS LEBKIRI
87 RUE TAITBOUT
F-75009 PARIS
Paris
FRANCE

By US Mail.

I further certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: July 13, 2015

/JungJin Lee/
JungJin Lee