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Filing date: **12/18/2015**

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	Sleek International Limited		
Entity	Private limited company	Citizenship	United Kingdom
Address	1 Thane Road West Nottingham, NG2 3AA UNITED KINGDOM		

Attorney information	Cary M. Pumphrey Walgreen Co. 104 Wilmot Road, MS #1430 Deerfield, IL 60015 UNITED STATES ipdocket@walgreens.com Phone:(847) 315-4582
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Registration Subject to Cancellation

Registration No	4618247	Registration date	10/07/2014
Registrant	Andrew Nickolatos IV 5100 Clayton rd. concord, CA 94521 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2013/04/12 First Use In Commerce: 2014/01/01 All goods and services in the class are cancelled, namely: Men's grooming products, namely, Hair pomade, Hair grease, Hair cream, Hair wax, Hair gel, Hair paste, Hair mousse, Hair shine, Hair clay, Hair Spray, Hair shampoo, Hair conditioner, Shaving Cream, Shaving oil, Shaving foam, Shaving gel, After shave balm, After shave lotion, After shave oil, Beard oil, Face wash, Facemoisturizer, Body wash, Body moisturizer, Bar soap, Deodorant, Anti-perspirant, Tooth paste, Tooth floss, Mouth wash rinse, Tooth brushes, Cologne, Body spray, Body powder

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14
Other	Void ab initio

Attachments	SLEEK AND DAPPER Petition for Cancellation 12182015.pdf(115054 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	/carympumphrey/
Name	Cary M. Pumphrey
Date	12/18/2015

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

In the Matter of Trademark Registration No. 4,618,247

Date Registered: October 7, 2014

Sleek International Limited,)
a United Kingdom private limited company)
Petitioner,)
) Cancellation No. _____
v.)
)
Andrew Nickolatos IV, an individual)
Respondent.)

PETITION FOR CANCELLATION

Sleek International Limited, a United Kingdom private limited company, having a principal place of business at 1 Thane Road West, Nottingham, England NG2 3AA (“Petitioner”), believes that it will be damaged by the above-identified registration and hereby petitions to cancel the same. As grounds for cancellation, Petitioner alleges upon information and belief:

1. Registration No. 4,618,247 is for the mark SLEEK AND DAPPER and was filed on April 13, 2013 for the following goods: Men's grooming products, namely, Hair pomade, Hair grease, Hair cream, Hair wax, Hair gel, Hair paste, Hair mousse, Hair shine, Hair clay, Hair Spray, Hair shampoo, Hair conditioner, Shaving Cream, Shaving oil, Shaving foam, Shaving gel, After shave balm, After shave lotion, After shave oil, Beard oil, Face wash, Face moisturizer, Body wash, Body moisturizer, Bar soap, Deodorant, Anti-perspirant, Tooth paste, Tooth floss, Mouth wash rinse, Tooth brushes, Cologne, Body spray, Body powder. The mark registered on October 4, 2014. The current Registrant is Andrew Nickolatos IV.
2. Upon information and belief, when Registrant filed his application to register the SLEEK AND DAPPER mark, Registrant was not using the mark in U.S. Commerce and lacked a bona fide intent to use the mark in U.S. commerce on the goods recited in its application for registration.

3. Petitioner conducted an investigation into the alleged use of the SLEEK AND DAPPER mark by Registrant and Registrant's business activities and discovered Applicant may have, at one time, operated a single local barber shop under the name "Dru's" or "JP's" but never SLEEK AND DAPPER.
4. Upon information and belief, Registrant does not use, and has never used, the SLEEK AND DAPPER mark on any of the goods included in the subject registration.
5. On August 8, 2104, Registrant filed with the United States Patent and Trademark Office a Statement of Use in support of registration of SLEEK AND DAPPER, wherein Registrant represented that the mark was in use with all applied-for goods at least as early as April 12, 2013.
6. Petitioner filed a 66(a) trademark application on February 20, 2015 to register the mark SLEEK MAKEUP, Serial No. 79/160356 wherein the Examining Attorney has cited a likelihood of confusion between Respondents' SLEEK AND DAPPER and Petitioner's SLEEK MAKEUP marks, in support of his refusal of Petitioner's application.

First Basis for Cancellation – Void *ab initio*

7. Upon information and belief, when Registrant signed and filed the application to register SLEEK AND DAPPER in April 2013, Registrant did not have a bona fide intent to use the mark SLEEK AND DAPPER in U.S. commerce for the goods included in the application.
8. Upon information and belief, the registration for SLEEK AND DAPPER is void *ab initio* because Registrant lacked a bona fide intent to use the mark in U.S. commerce on the applied for goods at the time it filed its application for registration.

Second Basis for Cancellation - Abandonment

9. Registrant claims to have used the SLEEK AND DAPPER mark in U.S. commerce on all of the goods recited in its registration since at least April 2013. Upon information and belief, Registrant 1) is not using, and has never used, the SLEEK AND DAPPER mark on all of the

goods recited in the registration for SLEEK AND DAPPER and 2) has no intent to use the mark on all of the goods recited in the registration.

10. Upon information and belief, Registrant has abandoned any rights in SLEEK AND DAPPER mark for at least a portion of those goods recited in its registration.


Third Basis for Cancellation – Fraud

11. Upon information and belief, when Registrant signed and filed the application to register SLEEK AND DAPPER in 2013, Registrant did not have a bona fide intent to use the mark SLEEK AND DAPPER in U.S. commerce on all of the goods recited in the application, and Registrant's allegations of a bona fide intent to use the mark in U.S. commerce on Men's grooming products, namely, Hair pomade, Hair grease, Hair cream, Hair wax, Hair gel, Hair paste, Hair mousse, Hair shine, Hair clay, Hair Spray, Hair shampoo, Hair conditioner, Shaving Cream, Shaving oil, Shaving foam, Shaving gel, After shave balm, After shave lotion, After shave oil, Beard oil, Face wash, Face moisturizer, Body wash, Body moisturizer, Bar soap, Deodorant, Anti-perspirant, Tooth paste, Tooth floss, Mouth wash rinse, Tooth brushes, Cologne, Body spray and Body powder were fraudulent allegations made with the intent of deceiving the USPTO into issuing a registration that should have never issued for lack of Registrant's bona fide intent to use the mark.
12. Upon information and belief, when Registrant filed its required Statement of Use in 2014, Registrant was not using the SLEEK AND DAPPER mark on any of the registered goods and the allegations of use set for in the 2014 Statement were fraudulent allegations made with the intent of deceiving the USPTO into granting registration when the registration should not have been granted for all of the cited goods.
13. Petitioner is and will continue to be injured and damaged by the existence of Registration No. 4,618,247 because it prevents Petitioner from obtaining its own registration, as Registrations registration is an impediment to Petitioner's ability to federally register Petitioner's mark.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board enter judgment in its favor and cancel the above-identified registration. A duplicate copy of this Petition for Cancellation and the required fee in the amount of \$300.00 are enclosed herewith.

DATED this 18th day of December, 2015.

Respectfully submitted,

By: 
One of the Attorneys for Petitioner

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Deerfield, Illinois 60015
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation has been served on Registrant by mailing said copy on December 18, 2015 via First Class Mail, postage prepaid to:

Mr. Andrew Nickolatos IV
5100 Clayton Road, #220
Concord, California, 94521

By:  _____

Name: Cary M. Pumphrey

Title: Director and Managing Counsel, Intellectual Property

Date: December 18, 2015