

ESTTA Tracking number: **ESTTA722863**

Filing date: **01/26/2016**

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	Suzanna N. Lee, DDS, Inc. DBA Allure Dental Center		
Entity	Corporation	Citizenship	California
Address	570 N. Shoreline Blvd Mountain View, CA 94043 UNITED STATES		

Attorney information	Stephen L. Humphrey Cameron LLP 818 Connecticut Ave NW Ste. 1003 Washington, DC 20006 UNITED STATES shumphrey@cameronllp.com, ggurok@cameronllp.com Phone:202-293-3529		
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Registration Subject to Cancellation

Registration No	4713935	Registration date	03/31/2015
Registrant	Elena Meyliker DDS, Inc. 2186 Geary Blvd. #104 San Francisco, CA 94115 UNITED STATES		

Goods/Services Subject to Cancellation

Class 044. First Use: 2014/08/31 First Use In Commerce: 2014/09/15 All goods and services in the class are cancelled, namely: Dental services, namely, performing restorative and cosmetic procedures
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86728827	Application Date	08/18/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALLURE		

Design Mark	<h1>ALLURE</h1>
Description of Mark	NONE
Goods/Services	Class 044. First use: First Use: 1999/12/31 First Use In Commerce: 1999/12/31 Dental services, namely, performing restorative and cosmetic procedures; oral surgery and dental implant services; providing a website featuring information for patients in the field of dental health; dental hygiene services; dental consultations; orthodontic services; pediatricdentistry; dentist services; periodontal therapy and surgery services; endodontics services; laser dental services; sedation dentistry services

Attachments	86728827#TMSN.png(bytes) Allure Petition to Cancel.pdf(219496 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	/Stephen L. Humphrey/
Name	Stephen L. Humphrey
Date	01/26/2016

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

In re Registration No. 4,713,935
Mark: **ALLURE DENTAL**
Issued: March 31, 2015

<p>Suzanna N. Lee, DDS, Inc. DBA Allure Dental Center, <i>Petitioner,</i></p> <p style="text-align: center;">v.</p> <p>Elena Meyliker DDS, Inc. DBA Allure Dental, <i>Registrant.</i></p>	<p>Cancellation No. _____</p>
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PETITION FOR CANCELLATION

Petitioner, Suzanna N. Lee, DDS, Inc. DBA Allure Dental Center, pursuant to 15 U.S.C. §§ 1064, 1068, 37 C.F.R. § 2.111(b) and TBMP § 309.03(c), hereby petitions to cancel Registration No. 4,713,935 for the mark ALLURE DENTAL (the “Registered Mark”) and as grounds therefor states as follows:

1. Petitioner is a California corporation having a place of business at 570 N. Shoreline Blvd., Mountain View, California.

2. According to records of the USPTO, the Registered Mark is owned by Elena Meyliker DDS, Inc. DBA Allure Dental, a California corporation with a place of business at 2186 Geary Blvd. #104, San Francisco, California. Details concerning the Registered Mark, according to USPTO records, are as follows:

Mark:	ALLURE DENTAL
Services:	Dental services, namely, performing restorative and cosmetic procedures. (Class 44)
Filed:	March 29, 2014
Registered:	March 31, 2015
First Use in Commerce:	September 14, 2014

3. Petitioner is actively engaged in the business of providing dental, orthodontic

and related services. Petitioner has used the mark ALLURE to identify its services continuously since at least as early as December 31, 1999.

4. Petitioner is the owner of U.S. Trademark Application Serial No. 86728827 filed on August 18, 2015 to register the mark ALLURE in connection with providing “Dental services, namely, performing restorative and cosmetic procedures; oral surgery and dental implant services; providing a website featuring information for patients in the field of dental health; dental hygiene services; dental consultations; orthodontic services; pediatric dentistry; dentist services; periodontal therapy and surgery services; endodontics services; laser dental services; sedation dentistry services.” in International Class 44.

5. Petitioner has been damaged and will continue to be damaged by the registration of the Registered Mark because Petitioner’s mark has been refused registration under 15 U.S.C. § 1052(d) due to a likelihood of confusion with the Registered Mark.

6. Petitioner has continuously used the ALLURE mark in commerce since at least as early as 1999 in connection with providing various dental and related services as identified in its application. Petitioner has built significant goodwill and name recognition around its ALLURE mark and is well known for its wide range of high quality dental services and specialty cosmetic procedures. Petitioner has provided its services to patients in California, including patients residing in and around San Francisco, and to patients residing in other states outside of California, since a date prior to the date Registrant filed its application to register the mark ALLURE DENTAL based on its intent to use the mark for dental services. Thus, Petitioner acquired common law rights in the ALLURE mark long before Registrant filed its application or began to use the mark, and has not abandoned those rights.

7. According to USPTO records, Registrant did not begin to use the ALLURE mark in commerce until September, 2014, approximately fifteen years after Petitioner began to use the mark.

8. The Registered Mark so resembles the mark that Petitioner has previously used and continues to use in connection with dental services as to be likely to cause confusion, mistake, or deception in violation of 15 U.S.C. 1052(d) by causing the public to believe that Registrant’s services originate from or are affiliated with Petitioner.

9. As Petitioner’s attempt to register its ALLURE mark has been and will

continue to be blocked by the continued registration of the Registered Mark, and as Petitioner believes and alleges that Petitioner has prior rights in the ALLURE mark as used in connection with dental services, Registrant is not entitled to continued registration of the Registered Mark and said registration should be canceled.

10. Petitioner reserves the right to amend this Petition to include other allegations and claims in the event that discovery of other information indicates that such additional allegations and claims may be warranted and appropriate.

WHEREFORE, Petitioner requests that U.S. Registration No. 4,713,935 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated: January 26, 2016

Respectfully Submitted,

Cameron LLP

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Attorneys for Petitioner,
Suzanna N. Lee, DDS Inc.
DBA Allure Dental Center

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2016, a true and correct copy of the foregoing Petition for Cancellation has been duly served by first-class mail to Registrant at the following address of record:

Elena Meyliker DDS, Inc., DBA Allure Dental
2186 Geary Blvd. #104
San Francisco, CA 94115

Dated January 26, 2016

By: /Galina Gurok/
Galina Gurok
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