

ESTTA Tracking number: **ESTTA772924**

Filing date: **09/26/2016**

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	America Medic & Science, LLC		
Entity	Limited Liability Company	Citizenship	Washington
Address	15207 NE 92nd Street Suite A Redmond, WA 98052 UNITED STATES		

Attorney information	Matthew E Moersfelder Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101 UNITED STATES seatm@dwt.com, mmoersfelder@dwt.com, ronrutherford@dwt.com Phone:206-757-8014		
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**Registration Subject to Cancellation**

Registration No	2223726	Registration date	02/16/1999
Registrant	NATURAL ORGANICS INC. 548 Broadhollow Road Melville, NY 11747 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 005. First Use: 1997/07/01 First Use In Commerce: 1997/07/01 All goods and services in the class are cancelled, namely: dietary supplements administered by a liquid spray
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	Peititon to Cancel Registration No. 2,223,726.pdf(22480 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	/MEM/
Name	Matthew E Moersfelder

Date	09/26/2016
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6 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

7 AMERICA MEDIC & SCIENCE, LLC, a  
8 Washington Limited Liability Company,

9 Petitioner,

10 v.

11 NATURAL ORGANICS, INC. a New York  
12 Corporation,

13 Registrant.

Cancellation No.

Registration No. 2,223,726

PETITION FOR  
CANCELLATION

14 TO THE COMMISSIONER FOR TRADEMARKS  
15 TRADEMARK TRIAL AND APPEAL BOARD:

16 America Medic & Science, a Washington limited liability company, petitions the Board  
17 for an order canceling U.S. Registration No. 2,223,726. As grounds for cancellation, Petitioner  
18 alleges as follows, with knowledge as to its own action and on information and belief for all  
19 other allegations:

20 1. America Medic & Science, LLC is formed under the laws of the State of  
21 Washington, having an address at 15207 NE 92<sup>nd</sup> Street, Suite A, Redmond, Washington 98052  
22 (hereinafter "Petitioner").

23 2. Registrant Natural Organics Inc., is a New York corporation having an address on  
24 record at 548 Broadhallow Road, Melville, New York 11747 ("Registrant").

25 3. Registrant is identified as the owner of United States Registration No. 2,223,726  
26 (the "Registration") for the mark NEURO-BOOST for use in connection with goods in  
27 International Class 5.

1           4.       Registrant has abandoned its rights in the mark NEURO-BOOST in that  
2 Registrant has ceased use of the mark NEURO-BOOST and does not intend to resume any use of  
3 the mark in the future.

4           5.       Registrant has not used the mark NEURO-BOOST for at least three consecutive  
5 years before the filing of this petition for cancellation.

6           6.       Petitioner is damaged by the Registration insofar as the registration is *prima facie*  
7 evidence of the validity of Registrant's ownership and exclusive right to use the mark NEURO-  
8 BOOST for the goods claimed by the Registration when, in fact, Registrant is not entitled to  
9 those rights because Registrant has abandoned the mark NEURO-BOOST. As a result the  
10 Registration damages Petitioner's ability to use, register and enforce its mark NEURO BOOST.

11          7.       Based upon the foregoing, Registration No. 2,223,726 is causing injury and  
12 damage to Petitioner.

13          8.       Petitioner has served a copy of this Petition upon Registrant consistent with the  
14 requirements of 37 C.F.R. § 2.111 and 37 C.F.R. § 2.119 by mailing a copy to Registrant at the  
15 address on file with the U.S. Patent and Trademark Office:

16                   Natural Organics, Inc.  
17                   548 Broadhollow Road  
18                   Melville, New York 11747

19          9.       WHEREFORE, Petitioner respectfully requests that Registration No. 2,223,726  
20 be cancelled for all goods under Section 14 of the Lanham Act, 15 U.S.C. § 1064(3), and that  
21 this Cancellation be sustained.

22                Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of  
23 Petitioner's counsel noted below.  
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Please direct all correspondence to Matthew E. Moersfelder of Davis Wright Tremaine  
LLP at the following address:

Matthew E. Moersfelder  
Davis Wright Tremaine LLP  
1201 Third Ave, Suite 2200  
Seattle, Washington 98101

Please direct all telephone calls to Matthew E. Moersfelder at 206-757-8014.

DATED this 26th day of September, 2016.

Davis Wright Tremaine LLP  
Attorneys for AMERICA MEDIC & SCIENCE LLC

By s/Matthew E. Moersfelder  
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**CERTIFICATE OF FILING**

I hereby certify that this PETITION FOR CANCELLATION of U.S. Trademark Registration No. 2,223,726 is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: September 26, 2016 s/Matthew E. Moersfelder

**CERTIFICATE OF SERVICE**

I hereby certify that this PETITION FOR CANCELLATION of U.S. Trademark Registration No. 2,223,726 is being duly served upon the Registrant by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class mail with postage thereupon fully prepaid and addressed to the following addresses:

Natural Organics, Inc.  
548 Broadhollow Road  
Melville, New York 11747

Date: September 26, 2016 s/Ron Rutherford