

ESTTA Tracking number: **ESTTA782797**

Filing date: **11/14/2016**

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	American International Industries		
Entity	Partnership	Citizenship	California
Address	2220 Gaspar Avenue Los Angeles, CA 90040 UNITED STATES		

Attorney information	Zachary T. Page Conkle, Kremer & Engel, PLC 3130 Wilshire Blvd., Suite 500 Santa Monica, CA 90403 UNITED STATES lp@conklelaw.com
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Registration Subject to Cancellation

Registration No	3552652	Registration date	12/30/2008
Registrants	Blount, John Duane 5645 Harbor Pointe Oakwood, GA 30566 UNITED STATES Jones, Randy Bryson 5645 Harbor Pointe Oakwood, GA 30566 UNITED STATES		

Goods/Services Subject to Cancellation

Class 044. First Use: 1994/04/26 First Use In Commerce: 1994/04/26 All goods and services in the class are cancelled, namely: Skin care salons; Skin tanning service for humans for cosmetic purposes; Tanning salons
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	2016-11-14 Petition to Cancel QUICK TAN Mark.pdf(82983 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	/Zachary T. Page/
Name	Zachary T. Page
Date	11/14/2016

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

AMERICAN INTERNATIONAL
INDUSTRIES,

Petitioner,

v.

JOHN DUANE BLOUNT and RANDY
BRYSON JONES,

Registrants.

PETITION FOR CANCELLATION

Registration No.: 3,552,652

PETITION TO CANCEL

Petitioner American International Industries hereby petitions to cancel Registration No. 3,552,652 for the mark “QUICK TAN” issued to Registrants John Duane Blount and Randy Bryson on the basis that Registrants have abandoned the QUICK TAN mark, and Petitioner will be damaged by the continued registration of Registrant’s mark on the Principal Register.

The grounds for this Petition are as follows:

1. Petitioner is an individual residing in California.
2. On information and belief, Registrants are both individuals residing in Georgia.
3. On April 12, 2016, Petitioner filed Application Serial No. 86,972,678 for registration of the mark “QUICK TAN” for “Tanning creams; Tanning oils; Non-medicated skin care preparations; Self-tanning preparations” in International Class 3.
4. On May 14, 2016, the United States Patent and Trademark Office issued an Office Action refusing registration of Petitioner’s mark based on the examiner’s view that Petitioner’s mark is likely to cause confusion with Registrant’s “QUICK TAN” mark, which has

been registered for “Skin care salons; Skin tanning service for humans for cosmetic purposes; Tanning salons” in International Class 44.

5. On information and belief, Registrants are not currently using their Mark in connection with the goods identified in the Registration.

6. On information and belief, when Registrants were using their Mark, Registrants advertised their goods and services on their website, located at www.quicktaninc.com.

7. On information and belief, Registrants’ last commercial use occurred sometime before December 7, 2013. The December 7, 2013 capture of Registrants’ website reflects a statement that Registrants “no longer own tanning salons,” but had begun working as independent marketing representatives for an entity known as “5LINX.” This statement regarding Registrants’ cessation of use of their Mark remains on Registrants’ website to this day.

8. There is no indication on Registrants’ website that Registrants intend to resume use of the Mark on any specific date.

9. As shown by Registrants’ own acknowledgments on their website, Registrants have discontinued their use of the Mark with intent not to resume their use. Under Sections 14 and 45 of the Lanham Act (15 U.S.C. §§ 1064 & 1127), such non-use is a basis for cancellation of Registrants’ mark.

10. Petitioner has been, is, and will continue to be damaged by the presence of Registrants’ Registration on the Principal Register because Petitioner has been refused registration of the “QUICK TAN” mark due to a purported likelihood of confusion with Registrants’ abandoned Mark. Accordingly, the Registration should be cancelled pursuant to Section 14 of the Lanham Act (15 U.S.C. § 1064).

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and
Registration No 3,552,652 be cancelled.

Dated: November 14, 2016

Mark D. Kremer
Zachary Page, members of
CONKLE, KREMER & ENGEL
Professional Law Corporation

By: */Zachary Page/*
Zachary Page
Attorneys for Petitioner American International
Industries

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **PETITION FOR CANCELLATION** has been served on Registrants John Duane Blount and Randy Bryson Jones, and Registrants' Attorney of Record by mailing said copy on November 14, 2016 via First Class Mail, postage prepaid to:

John Duane Blount
Randy Bryson Jones
5645 Harbor Pointe
Oakwood, Georgia 30566

JungJin Lee
Lee, Lee & Associates, P.C.
455 E. Eisenhower Pkwy., Suite #360
Ann Arbor, Michigan 48108

Dated: November 14, 2016

By: */Zachary Page/*
Zachary Page