

ESTTA Tracking number: **ESTTA905350**

Filing date: **06/25/2018**

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 has filed a petition to cancel the registration indicated below.

### Petitioner Information

Name	Critical Tattoo Supply, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	280 Brinkby Ave. Suite 100 Reno, NV 89509 UNITED STATES		

Correspondence information	Marc E. Hankin Hankin Patent Law, APC 12400 Wilshire Blvd. Suite 1265 LOS ANGELES, CA 90025 UNITED STATES Email: marc@hankinpatentlaw.com, kevin@hankinpatentlaw.com, courtfiling@hankinpatentlaw.com Phone: 3109793600
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### Registration Subject to Cancellation

Registration No.	5250935	Registration date	07/25/2017
Registrant	Yang Jianming 17-308,Guangming Shijia, No.130 Aoxing Rd.,Taijiang Dist., Fuzhou CHINA		

### Goods/Services Subject to Cancellation


Class 008. First Use: 2016/11/26 First Use In Commerce: 2016/11/26 All goods and services in the class are subject to cancellation, namely: Apparatus for tattooing; Crimping irons; Curling tongs; Ear-piercing apparatus; Emery boards; Engraving needles; Hair-removing tweezers; Hand-operated cutting tools; Manicure sets; Manicure sets, electric; Nail files; Needle files; Pedicure sets; Pin punches; Scissors; Spatulas being hand tools; Spatulas for spread-inghot wax; Engraving needles; Hand tools,namely, fullers; Hand tools, namely, punches
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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### Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	87421074	Application Date	04/21/2017
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ATOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/01/13 First Use In Commerce: 2016/01/13 Tattoo machine accessories, namely, tattoo machine power supplies		

Attachments	87421074#TMSN.png( bytes ) Petition For Cancellation - ATOMUS - ATOM.pdf(100144 bytes )
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Signature	/Marc E. Hankin/
Name	Marc E. Hankin
Date	06/25/2018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Critical Tattoo Supply, LLC	)		
	)		
	)		
	)		
Petitioner,	)	Cancellation No.	TBD
	)		
v.	)	Registration No.	5250935
	)		
Yang Jianming	)		
	)		
	)		
Registrant.	)		
_____	)		

**PETITION FOR CANCELLATION**

Petitioner, Critical Tattoo Supply, LLC (“Petitioner”), believes that it is and will be damaged by the continued presence on the Principal Register of U.S. Registration No. 5,250,935, for ATOMUS (the “Registration”), owned by Yang Jianming (“Registrant”).

Petitioner hereby petitions to Cancel the Registration under the Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

As grounds for the Cancellation, Petitioner alleges the following:

1. Petitioner is a Delaware limited liability company with an address at 280 Brinkby Avenue, Suite 100, Reno, NV 89509.
2. Upon information and belief, Registrant is an individual China citizen with an address of record of 17-308, Guangming Shijia, No.130 Aoxing Rd., Taijiang Dist., Fuzhou, China.
3. On April 21, 2017, Petitioner filed U.S. Trademark Application Serial No. 87/421,074, for ATOM, in connection with tattoo power supplies in Class 009 (the “Application”).
4. On January 3, 2018, the Application was rejected by the U.S. Trademark Office as likely to cause consumer confusion with the Registration.
5. Petitioner first started providing or selling its ATOM tattoo power supplies in commerce at least as early as January 13, 2016.
6. The Application claims a date of first use in commerce of at least as early as January 13, 2016.
7. The Registration claims a date of first use in commerce of November 26, 2016.
8. In accordance with the stated dates of first use in commerce in the Application and the

Registration, Petitioner used ATOM before Registrant used ATOMUS, and thus, Petitioner has priority over Registrant.

9. The U.S. Trademark Office has concluded that the Application and the Registration are likely to cause consumer confusion.
10. Petitioner is damaged by, and believes that it will be damaged by, the continued presence of the Registration on the Principal Register because the Registration is being used to prevent the Application from being registered.

WHEREFORE, Petitioner believes and avers that it is being damaged, and will continue to be damaged, by the continued presence on the Principal Register of U.S. Registration No. 5,250,935, and respectfully requests that Registration No. 5,250,935 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner appoints Marc E. Hankin, Esq. and Hankin Patent Law, APC, 12400 Wilshire Blvd., Suite 1265, Los Angeles, California 90025, to transact all business on its behalf in connection with this Opposition. Please direct all correspondence to:

Marc E. Hankin, Esq.  
Kevin Schraven  
Hankin Patent Law, APC  
12400 Wilshire Blvd., Suite 1265  
Los Angeles, California 90025  
marc@hankinpatentlaw.com  
kevin@hankinpatentlaw.com

The filing fee for this Cancellation in the amount of \$400 is hereby electronically transferred with the submission of the Petition for Cancellation.

Dated: June 25, 2018

Respectfully submitted,

/Marc E. Hankin/

Marc E. Hankin  
USPTO Reg. No. 38,908  
Hankin Patent Law, APC  
12400 Wilshire Blvd., Suite 1265  
Los Angeles, CA 90025  
Marc@HankinPatentLaw.com  
Office Tel.: (310) 979-3600  
Cell Phone: (310) 892-1613

Attorneys for Petitioner, Critical Tattoo Supply, LLC

**Certificate of Service**

The undersigned hereby certifies that a copy of this Petition for Cancellation has been served upon Registrant, at her address of record, and to all the addresses and email addresses listed in the Trademark Office Database for the Registration, by Mail and Email on this date.

Respectfully submitted,  
/Kevin Schraven/  
Kevin Schraven  
kevin@hankinpatentlaw.com  
Date: 06/25/2018

Service Addresses:

Yang Jianming  
17-308, Guangming Shijia  
No.130 Aoxing Rd., Taijiang Dist.  
Fuzhou CHINA

Rose  
P.O. Box 2409  
Suzhou City  
Jiangsu Province 215028  
China

Rose  
Xinghu St., Suzhou Industrial Park,  
3019, LeJia DaSha, No.8 JiaRui Xiang,  
Suzhou 215000  
China

Rose  
619 58<sup>th</sup> St.  
#1FL  
Brooklyn, NY, 11220

Rose  
3006 River Road  
Eugene, OR 97404

Service Email Addresses:

simateip@163.com; simate\_ip@163.com; sx25899482@yeah.net; smtsx@simateip.com;  
simateip@gmail.com