

ESTTA Tracking number: **ESTTA965978**

Filing date: **04/10/2019**

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	AMZ Supply, Inc.		
Entity	Corporation	Citizenship	Illinois
Address	1743 Leeds Court Mundelein, IL 60060 UNITED STATES		

Attorney information	Victoria Friedman Denmeyer & Associates LLC 2 N. Riverside Plaza Suite 1500 Chicago, IL 60606 UNITED STATES vfriedman@denmeyer-law.com, mmcgobern@denmeyer-law.com, mbabilonia@denmeyer-law.com, docket@denmeyer-law.com, tm-us@denmeyer-law.com 312-628-5529
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Registration Subject to Cancellation

Registration No.	5205071	Registration date	05/16/2017
Registrant	Brand Services and Holdings LLC 3609 HAMMERKOP DR NORTH LAS VEGAS, NV 89084 UNITED STATES Email: brandservicesandholdings@gmail.com		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 1998/04/16 First Use In Commerce: 1998/04/16 All goods and services in the class are subject to cancellation, namely: On-line retail store services featuring electrics and electronic components, computer accessories, phone accessories, camera accessories, video game accessories, smart watches, musical accessories, school supplies, office products, household goods, lighting, wedding decoration, festive decorations, home decor, articles for animals, gardening tools, kitchen utensils, tableware, cookware and containers, cosmetic and toilet utensils and bathroom articles, toys, games, playthings and novelties, party favors, paper decorative garlands for parties, paper party decorations, party ornaments of plastic, clothing, shoes, hats, bags, jewelry, hair accessories, ornaments, watches, automotive and motorcycle products, telecommunication products, security and protection products, protective and safety equipment, monitoring instruments, home improvement products, sporting goods, sporting articles and equipment, hunting and fishing equipment, swimming equipment, skiing and snowboarding equipment, cycling equipment, camping and hiking equipment, fitness and body building equipment, climbing equipment, cosmetics and cleaning substances, toiletries, health, beauty and personal care products, make-up, skin care preparations</p>

Grounds for Cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was filed	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Failure to function as a mark	Trademark Act Sections 14(1) and 1,2 and 45
Registrant not rightful owner of mark for identified goods or services	Trademark Act Sections 14(1) and 1
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Related Proceedings	AMZ Supply and AMZ Plus
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Attachments	Petition for Cancellation Grounds AMZ PLUS.pdf(161348 bytes) Unacceptabl Specimen Evidence.pdf(596696 bytes)
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Signature	/Victoria Friedman/
Name	Victoria Friedman
Date	04/10/2019

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

In re Trademark Registration No. 5205071

Registered: May 16, 2017

Trademark: AMZ PLUS

Class: 035

AMZ SUPPLY, INC.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
BRAND SERVICES AND)	
HOLDINGS LLC)	
)	
Registrant)	

PETITION FOR CANCELLATION

Petitioner, AMZ SUPPLY, INC. (“Petitioner”), an Illinois corporation with a place of business at 1743 Leeds Court, Mundelein, Illinois 60060, believes that it is and will continue to be damaged by the continued registration of the mark AMZ PLUS in Class 035, as set forth in Registration No. 5205071, and hereby petitions to cancel the same under the provisions of 15 U.S.C. §1064(3). As grounds for cancellation, the Petitioner asserts as follows:

1. Petitioner is in the business of selling a wide variety of wholesale-priced shipping and office supplies in an on-line retail store, such as corrugated mailers, hangers, thermal box liners, thermal mailers, padded envelopes, shopping bags, and labels (the “Petitioner’s services”).

2. Upon information and belief, Brand Service and Holdings LLC is a Nevada limited liability company with an address at 3609 Hammerkop Drive, North Las Vegas, Nevada 89084 (“Registrant”).

3. On October 19, 2016, Registrant filed an application to register the mark AMZ PLUS (as a standard character mark) under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a). Based on this application, Registrant obtained U.S. Registration no. 5205071 (the “Registration”), which issued on May 16, 2017 for the following services in International Class 035:

On-line retail store services featuring electrics and electronic components, computer accessories, phone accessories, camera accessories, video game accessories, smart watches, musical accessories, school supplies, office products, household goods, lighting, wedding decoration, festive decorations, home decor, articles for animals, gardening tools, kitchen utensils, tableware, cookware and containers, cosmetic and toilet utensils and bathroom articles, toys, games, playthings and novelties, party favors, paper decorative garlands for parties, paper party decorations, party ornaments of plastic, clothing, shoes, hats, bags, jewelry, hair accessories, ornaments, watches, automotive and motorcycle products, telecommunication products, security and protection products, protective and safety equipment, monitoring instruments, home improvement products, sporting goods, sporting articles and equipment, hunting and fishing equipment, swimming equipment, skiing and snowboarding equipment, cycling equipment, camping and hiking equipment, fitness and body building equipment, climbing equipment, cosmetics and cleaning substances, toiletries, health, beauty and personal care products, make-up, skin care preparations.

4. On the Registration, Registrant claimed that it “applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application.”

First Basis for Cancellation – No Use in Commerce Before Application Was Filed

5. Registrant claims that it first began using the AMZ PLUS mark for “on-line retail store services featuring . . . office supplies” in commerce on April 16, 1998.

6. Upon information and belief, Registrant is not currently offering “on-line retail store services featuring . . . office supplies” under the AMZ PLUS trademark.

7. Upon information and belief, Registrant intends not to resume bona fide use of the AMZ PLUS mark in the ordinary course of trade.

Second Basis for Cancellation – Failure to Function as a Mark

8. Upon information and belief, the specimens provided by Registrant as evidence of use in commerce for the Registration based on Section 1(b) are not genuine specimens and do not show the mark in a way that 1) shows that the mark identifies the services of the Registrant and distinguishes them from the services of others; and 2) does not indicate the source of those services.

9. Upon information and belief, Registrants specimens do not link to legitimate websites and therefore cannot function as a source identifier for the services or demonstrate the use of the mark in commerce.

10. Due to the insufficiency of the specimens submitted with the Registration, Registrant's mark fails to function as a valid trademark for purposes of informing consumers of the source of the services listed in the Registration as distinguished from other similar marks.

Third Basis for Cancellation – Registrant Not Rightful Owner of Mark for Identified

Services

11. Upon information and belief, Registrant does not offer any services locatable on the internet for “on-line retail services featuring . . . office supplies”.

12. The website www.amzplus.com is an aggregation website that provides customers with data aggregation services needed to sell products on Amazon.com. The website www.amzplus.info links to an error website.

13. Registrant did not provide functioning specimens showing the mark in use in commerce for the services listed in the Registration and therefore is not the rightful owner of the mark for these services.

Fourth Basis for Cancellation – Fraud on the USPTO

14. On October 19, 2016, Registrant filed with the U.S. Trademark Office their application based on Section 1(a) – Use in Commerce, which included a sworn declaration, signed under penalty of perjury that all statements made in the application were true.

15. Registrant was duly warned that willful false statements are punishable by fine or imprisonment under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any registration resulting therefrom.

16. In support of its application, Registrant attached twelve (12) specimens of use, consisting of website links purporting to demonstrating the use of the mark in commerce on the services contained in the Registration.

17. Upon information and belief, Registrant does not operate a functional version the websites contained in the specimens submitted with the Registration, and is not currently using the mark in commerce for the services specified in the Registration.

18. Upon information and belief, Registrant is not using its mark in any type of commerce for any of the services listed in the Registration.

19. Upon information and belief, Registrant owns around an estimated sixty-eight (68) different mark applications and registrations, both live and dead, covering identical services in International Class 035. Each of these mark applications was filed within a short period of time in the middle of 2016.

20. On information and belief, Registrant appears to be a shell company that is engaged in registering numerous and incongruent marks on a wide variety of services in International Class 035 for the purpose of squatting on the rights to these marks, precluding any applicants with similar marks from achieving registration on those services.

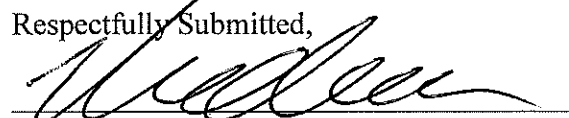
21. Upon information and belief, Registrant knew that its statements regarding use of the AMZ PLUS mark were false at the time of its submission of the signed declaration with its application on October 19, 2016.

22. Upon information and belief, Registrant knew that the specimens of use it submitted were not current specimens showing Registrant's current use of the AMZ PLUS mark at that time.

23. The U.S. Patent and Trademark Office relied upon Registrant's material false statements and false specimens in allowing the continued registration of the AMZ PLUS mark. The U.S. Patent and Trademark Office would not have allowed Registration No. 5205071 to remain valid absent Registrant's knowingly false statements and false specimens.

WHEREFORE, Petitioner prays that Registration No. 5205071 be cancelled pursuant to 15 U.S.C. § 1064(3) because: 1) the AMZ PLUS mark was and has not been used in commerce for the services listed in the Registration; 2) the mark fails to function as a trademark; 3) the Registrant is not the rightful owner of the mark for the services; and 4) Registrant engaged in fraud on the USPTO.

Respectfully Submitted,



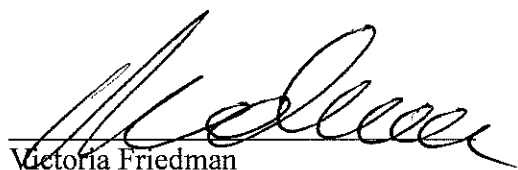
Victoria Friedman

Dennemeyer & Associates, LLC
Suite 1500
Chicago, Illinois 60606
312-628-5529
vfriedman@dennemeyer-law.com

CERTIFICATE OF SERVICES

Pursuant to C.R.F. § 2.111, I hereby certify that a true and correct copy of the foregoing Petition for Cancellation was served, via overnight courier, and via email on Registrant Brand Services and Holdings LLC at the following address:

3609 Hammerkop Drive
North Las Vegas, Nevada 89084
United States
brandservicesandholdings@gmail.com


Victoria Friedman

404 Not Found

Not secure | www.amzplus.info/index.php?route=product/category&path=69

Not Found

The requested URL /index.php was not found on this server.

Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

404 Not Found

www.amzplus.info/index.php?route=product/category&path=73

Not Found

The requested URL /index.php was not found on this server.

Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

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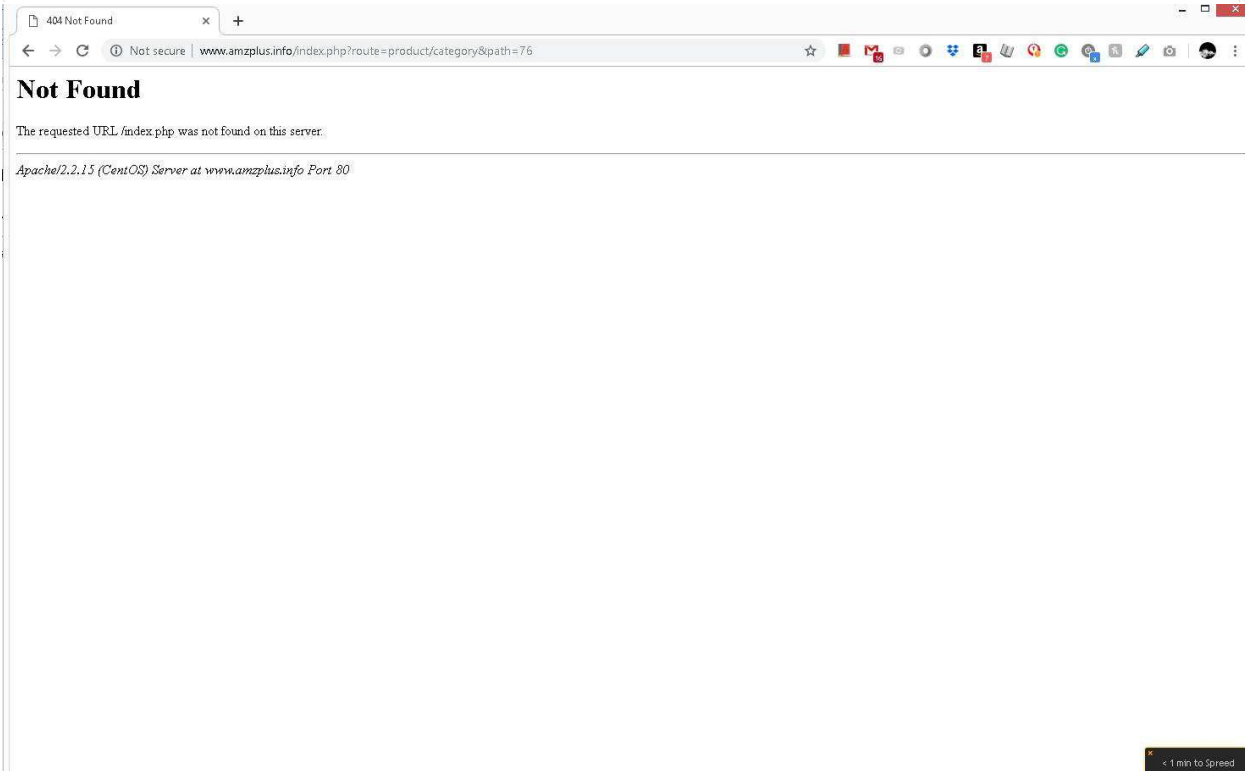
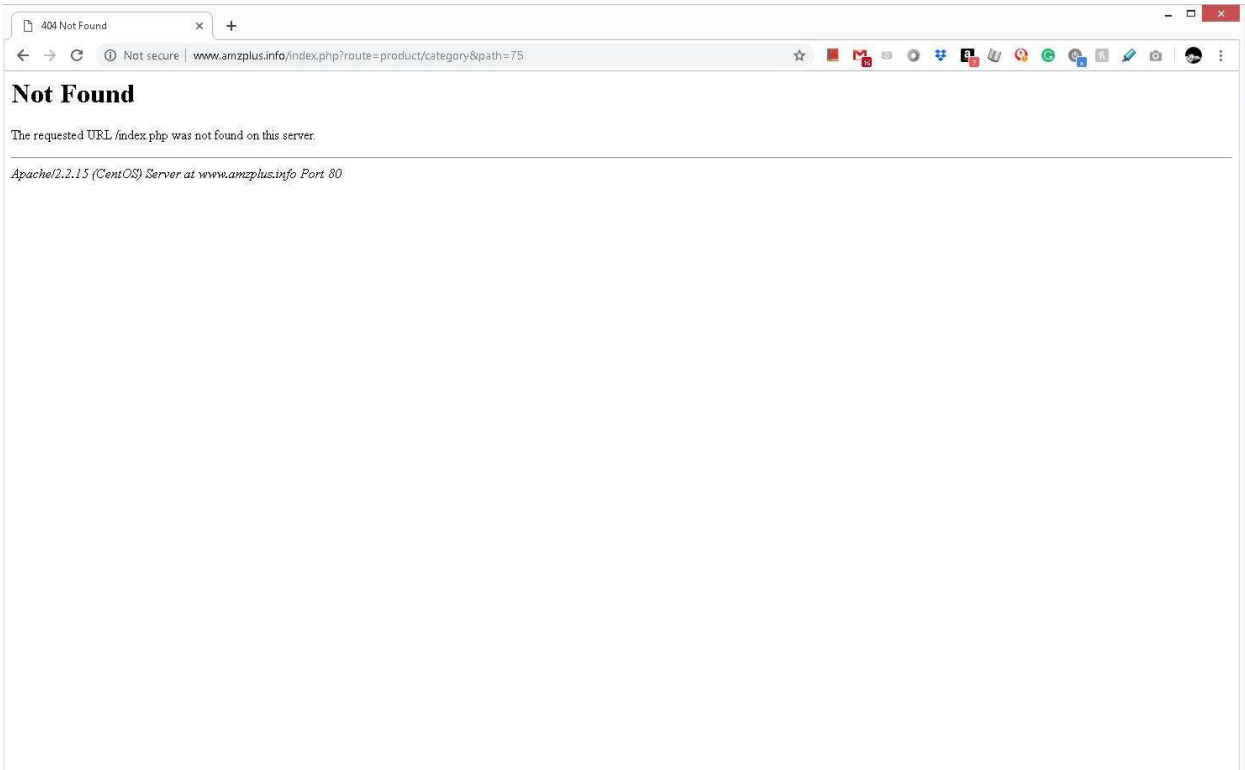
Not secure | www.amzplus.info/index.php?route=product/category&path=74



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Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80



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Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

404 Not Found

Not secure | www.amzplus.info/index.php?route=product/category&path=78

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Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

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Not secure | www.amzplus.info/index.php?route=product/category&path=79

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The requested URL /index.php was not found on this server.

Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80



对不起，您请求的店铺已关闭,请联系客服-

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Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

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Not secure | www.amzplus.info/index.php?route=product/category&path=68

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Apache/2.2.15 (CentOS) Server at www.amzplus.info Port 80

