

ESTTA Tracking number: **ESTTA1118005**

Filing date: **03/03/2021**

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	Admar International, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	3030 AURORA AVENUE MONROE, LA 71201 UNITED STATES		
Attorney information	ROBERT M. CHIAVIELLO, JR. NUBYLAW 3030 AURORA AVENUE MONROE, LA 71201 UNITED STATES Primary Email: bobc@nuby.com Secondary Email(s): bobc@nuby.com, carleyl@nuby.com 3184104012		
Docket Number			

**Registration Subject to Cancellation**

Registration No.	5801066	Registration date	07/09/2019
Registrant	SHENZHEN SHANQUANMEI E-COMMERCE CO., LTD B17-104, OVERSEAS FRIENDSHIP BUILDING YINGCHUN ROAD, NANHU STREET, LUOHU DIST. SHENZHEN, 518000 CHINA		

**Goods/Services Subject to Cancellation**

<p>Class 007. First Use: 2019/04/22 First Use In Commerce: 2019/04/22 All goods and services in the class are subject to cancellation, namely: Beverage preparation machines, electromechanical; Bicycle assembling machines; Brushes for vacuum cleaners; Car washing installations; Carpet cleaning machines, namely, carpet extractors; Central vacuum cleaning installations; Cleaning appliances utilizing steam; Disintegrators for chemical processing; Dust exhausting installations for cleaning purposes; Dust filters and bags for vacuum cleaners; Dust removing installations for cleaning purposes; Electrically-powered steam cleaning device comprising a hose and nozzle and a vapor-producing chamber that is attached to a water source; Embossing machines; Gas-operated welding machines; Glass-working machines; Hoists; Hoses for vacuum cleaners; Ignition devices for motors of land vehicles; Injection plastic molding machines; Lifting jacks other than hand-operated; Loading and unloading machines; Machines for cleaning surfaces using high pressure water; Metalworking machine tools; Paper trimming machines for commercial or industrial use; Parquet wax-polishers, electric; Pigs for cleaning pipes; Power-operated lifts for moving, parking and storing land vehicles; Power-operated polishers; Power-operated spray guns; Power-operated sprayers; Power machines and attachments, namely, jack hammers; Robotic vacuum cleaners; Rubber</p>
---

processing machines; Snow plows; Sparking plugs for internal combustion engines; Suction nozzles for vacuum cleaners; Vacuum cleaner attachments for disseminating perfumes and disinfectants; Vacuum cleaners; Vehicle parts, namely, engine cases; Vehicle washing installations

Class 017. First Use: 2019/04/22 First Use In Commerce: 2019/04/22

All goods and services in the class are subject to cancellation, namely: Asbestos cloth; Asbestos felt; Asbestopaper; Cylinder joinings; Fittings, not of metal, for compressed air hoses; Fittings, not of metal, for flexible pipes; Fittings, not of metal, for rigid pipes; Flexible hoses, not of metal; Gum, raw or semi-worked; Insulating fabrics; Insulating gloves; Insulating materials; Insulators for cables; Junctions, not of metal, for flexible pipes; Moldable compounds for use in jointing and packing; Non-metal fuel oil hoses; Non-metal pipe muffers; Non-metallic hoses and flexible pipes; Packing materials of rubber or plastics; Pipe jackets, not of metal; Plastic rods and bars; Rings of rubber for use as pipe connection seals; Rubber material for recapping tyres; Rubber sheets; Rubber sleeves for protecting parts of machines; Rubber stoppers for industrial packaging containers; Rubber, raw or semi-worked; Sealant compounds for joints; Shock absorbing rubber buffers for industrial machinery; Synthetic rubber; Tinted plastic film for use on windows; Vehicle radiator connecting hoses; Washers of rubber or vulcanized fiber; Watering hoses; Waterproof sealants; Window stops of rubber; Sealing and insulating materials

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
--------------------------------------	---------------------------------------

## Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	88634179	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>Baby bubble bath, Baby hand soap, Baby lotion, Baby oil, Baby oils, baby powder, Baby powders, Baby sun creams, Baby wipes impregnated with cleaning preparations, Body cream, Body cream soap, Body creams, Body lotion, Body lotions, Body oil, Body oils, Body powder, Body scrub, Body scrubs, Body sprays, Body wash-- all the foregoing for use only by babies, infants and children; Dish detergents; Face creams for use only by babies, infants and children; Laundry detergent; laundry detergents; Laundry fabric conditioner; Laundry soap; Lip balm, Lip cream, Moisturizing creams, Moisturizing preparations for the skin-- all the foregoing for use only by babies, infants and children; Cases for baby wipes impregnated with cleaning preparations; Deodorants for body care; Disposable wipes impregnated with cleaning chemicals or compounds for industrial and commercial use; Face and body beauty creams, Face and body creams, Face and body lotions, Facial moisturizers-- all the foregoing for use only by babies, infants and children; Hand cleaning gels; Hand cleaners; Liquid laundry detergent; Liquid soaps for laundry; Lotions for face and body care, Moisturizing body lotions-- all the foregoing for use only by babies, infants and children; Nasal cleaning preparations for personal sanitary purposes; Non-medicated lip balm that does not contain beeswax; Non-medicated lip balms; Non-medicated lip care preparations; Non-medicated balms for use on lips; Non-medicated herbal body care products, namely, body oils, salves, and lip balms; Non-medicated lotions for body; Non-medicated skin care preparation, namely, body mist-- all the fore-</p>		

	going for use only by babies, infants and children;Â Non-medicated soaps for babies;Â Powder laundry detergents;Â Pre-moistened towelettes impregnated with a detergent for cleaning;Â Scented body lotions and creams for babies, infants and children;Â Skin moisturizer;Â Skin moisturizing gel;Â Â Skin care preparations, namely, body balm--Â all the foregoing for useonly by babies, infants and children;Â Skin cleanser in liquid spray form for use as a baby wipe alternative;Â Tooth cleaning preparations
--	---

U.S. Registration No.	6097906	Application Date	09/27/2019
Registration Date	07/07/2020	Foreign Priority Date	NONE

Word Mark	NUBY
-----------	------

Design Mark	
-------------	--

Description of Mark	NONE
---------------------	------

Goods/Services	<p>Class 005. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Aloe vera gel for therapeutic purposes;Aloe vera preparations for therapeutic purposes; Anti-bacterial soap; Anti-cough drops; Anti-inflammatories; Anti-inflammatory and antipyretic preparations; Anti-inflammatory gels; Anti-inflammatory ointments; Anti-inflammatory salves; Anti-inflammatory sprays; Anti-itch cream; Anti-itch ointment; Antibacterial hand lotions; Antibacterial hand soaps; Antibacterial handwash; Antibacterial handwashes; Antibacterial liquid soap; Antibacterial liquid soaps; Antibacterial skin soaps; Antibacterial soap; Antibacterial spray; Antibacterial wipes; Babies' diaper-pants; Babies' diapers; Babies' diapers of paper; Babies' napkin-pants; Babies' napkins; Babies' swim diapers; Baby diapers; Baby food; Baby foods; Breast pads; Calamine lotion; Disposable sanitizing wipes; Disposable training pants; Haemorrhoid preparations; Hemorrhoid preparations; Hemorrhoid treatment preparations; Hemorrhoidal ointments; Herbal supplements; Homeopathic supplements; Hydrocortisone cream; Infant cloth diapers; Infant diaper covers; Infant formula; Insect repellents; Insect repellents in pre-moistened towelette form; Insect-repellents; Kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves andhand cream used for germ prevention; Mentholated ointment for medical use; Mercurial ointments for medical use; Nail fungus treatment preparations; Non-medicated topical gel for the prevention and treatment of allergies; Non-medicated topical gel for the prevention and treatmentof cold and flu; Nursing pads; Nutritional supplements; Nutritional supplements, namely, probiotic compositions; Pharmaceutical skin lotions; Preparations for repelling animals, birds and insects; Teething gels; Topical dermatological preparations that treat insect bites and stings; Topical first aid gel; Topical gel for medical and therapeutic treatment ofdiaper rash; Wearable insect repelling devices for attachment to clothing sold pre-filled with insect repelling preparations; Anti-insect spray; Bracelets impregnated with insect repellent; Breast-nursing pads; Dietary and nutritional supplements; Disposable baby diapers; Disposable swim diapers for children and infants; First aid kits; First aid kits for domestic or other non-professional use; Food for babies; Food for infants; Food for infants, namely, human breast milk; Gels, creams and solutions for dermatological use; Homeopathic anti-inflammatory ointment; In vitro gender prediction test kit; In-vitro ovulation prediction test kit for home use; Liquid herbal supplements; Liquid nutritional supplement; Medicated baby oils; Medicated baby powders; Medicated cream soap; Medicated creams for treating dermatological conditions; Medicated shampoos for babies; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated soaps for babies; Medicated supplements for foodstuffs for babies; Medicinal creams for skin care; Mineral nutritional supplements; Mosquito-repellent patches for babies; Multipurpose medicated antibiotic cream, analgesic balm and mentholated</p>
----------------	--

	salve; Nappies as baby diapers; Natural herbal supplements; Ovulation test kits; Powdered milk for babies; Pregnancy test kits for home use; Preparations to prevent nail-biting and thumb-sucking; Tissues impregnated with antibacterial preparations; Topical analgesic creams
--	---

U.S. Application No.	88634601	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 007. First use: First Use: 0 First Use In Commerce: 0 Electric food blenders; Electric food blenders; Electric food choppers; Electric food grinders; Electric food processors; Electric food slicers; Electric fruitpeelers; Electric fruit presses; Electric fruit squeezers ; Electric juice extractors; Electric juicers; Electric mixers; Electric mixers ; Electrical juice extractors for fruit; Electrical squeezersfor fruit and vegetable; Food processors, electric; Fruit presses, electric; Hand-held electric-powered food processors; Juice extractors, electric; all of the foregoing for household use		

U.S. Registration No.	6103677	Application Date	09/27/2019
Registration Date	07/14/2020	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Emery boards; Fingernail clippers; Flatware, namely, forks, knives, and spoons;Manicure sets; Nail clippers; Nail scissors; Tableware, namely, knives, forks and spoons; Disposable tableware, namely,knives, forks and spoons; Disposable tableware, namely, spoons; Forks and spoons being tableware; Forks being tableware; Knives being tableware; Knives, forks,and spoons being tableware; Spoons being tableware		

U.S. Registration No.	2335700	Application Date	04/20/1999
Registration Date	03/28/2000	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Infant Pacifier(s)		

U.S. Registration No.	6103678	Application Date	09/27/2019
Registration Date	07/14/2020	Foreign Priority	NONE

		Date	
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Babies' bottles; Baby bottle nipples; Baby bottle that plays sounds using wireless technology; Baby bottles; Baby feeding dummies; Baby feeding pacifiers; Babynursers; Breast milk storage bottles; Breast pumps; Breast shields; Breast warmer pads for medical purposes; Dropper bottles for administering medication, sold empty; Droppers for administering medication, sold empty; Feeding bottle teats; Feeding bottles; Gum massaging instruments; Nasal aspirators; Nursing bottles; Pacifier clips; Pacifier cloth for attachment to infant pacifiers; Spoons for administering medicine; Teething rings; Thermometers for medical purposes; Thermometers for medical use; Bottle holders for holding babies' bottles, namely, holders for holding babies' bottles during feeding in the nature of flexible braces for wearing around the neck of the person holding a feeding baby; Bottle holders for holding babies' bottles, namely, holders for holding babies' bottles in the nature of rigid braces for clamping to babies' seats during feeding; Clinical thermometers; Clips for pacifiers; Cups adapted for feeding babies and children; Dishes adapted for feeding babies and children; Disposable baby bottle liners; Disposable feeding bottle teats; Disposable teats being pacifiers for babies; Dummies for babies; Ear thermometers; Fever thermometers; Gum massagers for babies; Infrared thermometers for medical purposes; Nipples for baby bottles; Pacifiers for babies; Pouches specially adapted for holding pacifiers; Teats being pacifiers for babies; Teething rings incorporating baby rattles		

U.S. Application No.	88634609	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 0 First Use In Commerce: 0 Baby bottle sterilizers; Child safe protective covers for bathtub spouts; Electric vaporizers for household purposes; Electric warmers for feeding bottles; Toilet trainer seats, namely, smaller training seats for attachment to full-size toilets and toilet seats for training purposes; Electric heaters for babies' bottles; Heaters, electric, for feeding bottles; Toilet bowls for children; Toilet seat adaptors for children in the nature of a plastic device that is specially adapted to rest on a toilet seat; Toilet seats for children		

U.S. Registration No.	6118908	Application Date	01/28/2020
Registration Date	08/04/2020	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2013/11/18 First Use In Commerce: 2013/11/18		

	Child restraints for vehicle seats; Child safety harnesses for vehicle seats; Children's safety belts for use in vehicles; Cup holders for use in automobiles; Cup holders for use in vehicles; Cup holders for vehicles; Seat safety harnesses for motor cars; Stroller covers; Stroller hoods; Aftermarket automobile accessories, namely, car interior organizer bags, nets and trays specially adapted for fitting in vehicles; Baby strollers; Bags adapted for strollers; Blankets specially adapted for baby strollers; Canopies for baby strollers; Car interior organizer bags specially adapted for fitting in vehicles; Covers for baby strollers; Fitted car seat covers; Fitted stroller mosquito nets; Fitted covers for children's car seats; Vehicle seat cushions; Vehicle seat protectors
--	---

U.S. Registration No.	6259435	Application Date	02/03/2020
Registration Date	02/02/2021	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Baby books; Illustrations; Prints; Art prints; Art prints on canvas; Children's books; Children's activity books; Children's interactive educational books; Color prints; Flip books; Graphic prints; Graphic prints and representations; Memory boxes, namely, cardboard boxes containing cardboard cards for displaying and storing babies and children keepsakes and mementos; Pictorial prints; Picture books; Printed stories in illustrated form; Story books		

U.S. Application No.	88634611	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 0 First Use In Commerce: 0 Baby bouncers; Baby changing mats; Baby changing platforms; Baby walkers; Booster seats; Bottle racks; Clothes hangers; Bath seats for babies; Cots for babies; Cribs for babies; Furniture primarily of metal, namely, mirrors, bed frames, dining tables, coffee tables, end tables, desks, display cases, shelving, dog gates, and baby gates; Hangers for clothes; High chairs for babies; Non-metal safety gates for babies, children, and pets; Plastic bottle caps for storing powdered nutritional supplements and for dispensing those supplements into the bottle; Playpens for babies; Portable baby bath seats for use in bath tubs		

U.S. Application No.	88634612	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 021. First use: First Use: 0 First Use In Commerce: 0 Baby bathtubs; Combs; Electric tooth brushes; Electric toothbrush replacement handles and recharging docks sold as a unit; Hair brushes; Hair, nail and tooth brushes; Hairbrushes; Infant bathtubs; Plastic bath racks; Plastic bathtubs for children; Potties for children; Tooth brushes; Toothbrush cases; Toothbrush head covers; Toothbrush holders; Dental care kit comprising toothbrushes and floss; Electric toothbrush replacement heads; Electric toothbrushes; Electrical toothbrushes; Finger toothbrushes; Finger toothbrushes for babies; Hair combs; Home dental care product for babies and children's gums and teeth, namely, finger brushes; Inflatable bath tubs for babies; Interdental brushes for cleaning the teeth; Manual toothbrushes; Oral care kit comprising toothbrushes and floss; Portable potties for children; Powder applicator sold empty for holding and dispensing baby powder; Stands for portable baby baths; Tooth brushes, non-electric; Toothbrushes; Toothbrushes, electric
----------------	--

U.S. Application No.	88634614	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 022. First use: First Use: 0 First Use In Commerce: 0 Bath toy organizers in the nature of net bags secured by suction cups; Multi-strand lanyard used to attach a child's toys, bottles, books, sippy cup and other similar items to a stroller, car seat, high chair, store cart or other similar apparatus; Tethers in the nature of polypropylene straps that are secured with suction cups to an object for holding children's utensils and toys		

U.S. Registration No.	6103679	Application Date	09/27/2019
Registration Date	07/14/2020	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Baby blankets; Burp cloths; Diaper changing pads not of paper; Diaper changing cloths for babies; Sleeping bags for babies		

U.S. Application No.	88634618	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 0 First Use In Commerce: 0		

	Children's towels		
U.S. Application No.	88634623	Application Date	09/27/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NUBY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 028. First use: First Use: 0 First Use In Commerce: 0  Baby gyms; Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Baby swings; Mobiles for children; Play balls; Toy animals; Toy animals and accessories therefor; Toy jewelry; Toy stuffed animals; Toy vehicles; Bath toys; Bathtub toys; Carry bags sold filled with children's toys; Children's multiple activity toys; Crib mobiles; Crib toys; Decorative toy mobiles and plush toys for children made of felt; Infant toys; Infant action crib toys; Infant development toys; Musical toys; Plastic character toys; Play mats containing infant toys; Plush toys; Plush toys with attached comfort blanket; Soft sculpture plush toys; Squeezable squeaking toys; Squeeze toys; Stuffed toy animals; Stuffed toy bears; Stuffed toys; Stuffed and plush toys; Toy mobiles; Toy musical boxes; Two and three dimensional positionable toy figures sold as a unit with other toys; Water toys; Water squirting toys; Water-squirting toys</p>		

Attachments	Newbe - US Cancellation - Reg No - Petition - Final.pdf(242243 bytes )
-------------	--

Signature	/Robert M. Chiaviello, Jr./
Name	Robert M. Chiaviello, Jr.
Date	03/03/2021



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

In the Matter of Registration No. 5,801,066

For the Mark: NEWBE

Registered: 09 July 2019

ADMAR INTERNATIONAL, INC.,	)	
	)	Cancellation No. _____
Petitioner,	)	
	)	
v.	)	
	)	
SHENZHEN SHANQUANMEI	)	
E-COMMERCE CO., LTD.,	)	
	)	
Respondent.	)	
	)	
_____	)	

Admar International, Inc., **Petitioner**, a corporation organized and existing under the laws of Delaware with a principal place of business at 3030 Aurora Avenue, Monroe, LA 71201, believes that it has been and will continue to be damaged by U.S. Trademark Registration No. 5,801,066 for the mark NEWBE, and hereby petitions for cancellation of the NEWBE registration pursuant to Section 14(1) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064(1).

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is in the business of owning and licensing intellectual property.
2. Petitioner is the owner of the six U.S. Trademark Registrations and eight U.S. Trademark Applications for the word mark NUBY in the various international classes, including

international class 7, and for the various goods and services as set out in the chart attached as Exhibit A.

3. Petitioner has licensed the NUBY word mark in interstate commerce in the United States to Luv n' care, Ltd., continuously since January 1, 1998 for use in connection with the sale and distribution of products falling within international class 7. All good will associated with the use of the NUBY mark accrues to the benefit of Petitioner.
4. As a result of the widespread, continuous, and exclusive use of the NUBY mark on products falling within international class 7 to identify Petitioner as their ultimate source, Petitioner owns valid and subsisting federal statutory and common law rights to the NUBY mark.
5. Petitioner's NUBY mark is distinctive to both the consuming public and Petitioner's trade.
6. Petitioner and Petitioner's licensee have expended substantial time, money and resources marketing and promoting products falling within international class 7 sold under the NUBY mark throughout the United States including the use of point of purchase materials, displays and social media.
7. The products falling within international class 7 Petitioner has licensed under the NUBY mark are of high quality encompassing attractive and unique product designs and are constructed of high quality materials using state of the art manufacturing. Petitioner has at all times exercised control over the quality of the products licensed for use under the NUBY mark to insure that they are of the highest quality.
8. Upon information and belief, **Respondent**, Shenzhen Shanquanmei E-Commerce Co., Ltd., a China limited company with an address of B17-104, Overseas Friendship Building Yingchun Road, Nanhu Street, Luohu Dist. Shenzhen, China 518000 is the current listed

owner of Registration No. 5,801,066 for the mark NEWBE in connection with Beverage preparation machines, electromechanical; Bicycle assembling machines; Brushes for vacuum cleaners; Car washing installations; Carpet cleaning machines, namely, carpet extractors; Central vacuum cleaning installations; Cleaning appliances utilizing steam; Disintegrators for chemical processing; Dust exhausting installations for cleaning purposes; Dust filters and bags for vacuum cleaners; Dust removing installations for cleaning purposes; Electrically-powered steam cleaning device comprising a hose and nozzle and a vapor-producing chamber that is attached to a water source; Embossing machines; Gas operated welding machines; Glass-working machines; Hoists; Hoses for vacuum cleaners; Ignition devices for motors of land vehicles; Injection plastic molding machines; Lifting jacks other than hand-operated; Loading and unloading machines; Machines for cleaning surfaces using high pressure water; Metalworking machine tools; Paper trimming machines for commercial or industrial use; Parquet wax-polishers, electric; Pigs for cleaning pipes; Power operated lifts for moving, parking and storing land vehicles; Power-operated polishers; Power-operated spray guns; Power-operated sprayers; Power machines and attachments, namely, jack hammers; Robotic vacuum cleaners; Rubber processing machines; Snow plows; Sparking plugs for internal combustion engines; Suction nozzles for vacuum cleaners; Vacuum cleaner attachments for disseminating perfumes and disinfectants; Vacuum cleaners; Vehicle parts, namely, engine cases; Vehicle washing installations slings for carrying infants, infant carriers worn on the body and their component parts, namely, straps and braces in International Class 7. That trademark registration, based on an application filed on August 31, 2017, was issued on July 9, 2019.

9. Petitioner's NUBY mark has priority over Respondent's mark because Petitioner's first-use date of the NUBY mark predates the filing, first use and first use in commerce dates of Respondent's application for Registration No. 5,801,066 or any other date on which the Respondent may rely for purposes of priority.
10. Respondent's mark when spoken or used verbally is so like Petitioner's NUBY mark as to be likely to cause confusion, mistake, or deceive consumers into believing that Respondent's goods and services originate from, are sponsored or endorsed by or are somehow associated with Petitioner.
11. The goods and services covered by Respondent's Trademark Registration No. 5,801,066 are used in connection with products identical to the products falling within international class 7 Petitioner offers under its NUBY mark.
12. Respondent's Trademark Registration No. 5,801,066 is unrestricted as to consumers or trade channels. As such, it is presumed that Respondent's goods and services identified in the challenged registration are sold to ordinary consumers of products falling within international class 7 using Petitioner's mark and travel in all ordinary trade channels through which Petitioner's licensee sells its products falling within international class 7 under the NUBY mark.

**GROUND FOR CANCELLATION –  
PRIORITY AND LIKELIHOOD OF CONFUSION**

13. Respondent's registration should be cancelled because it consists of a mark which is verbally identical to Petitioner's previously used NUBY mark as to be likely, when used in connection with Respondent's goods and services, to cause confusion, mistake, or deception, and to cause damage to Petitioner thereby.

WHEREFORE, Petitioner respectfully requests that its cancellation be sustained, and the

Respondent's Trademark Registration No. 5,801,066 be cancelled.

Respectfully submitted this 3<sup>rd</sup> day of March 2021,

*/s/Robert M. Chiaviello Jr.*

Robert M. Chiaviello, Jr.

NubyLaw

New York Bar No. 2148687

Texas Bar No. 04190720

Louisiana Bar No. 37370

3030 Aurora Avenue

Monroe, LA 71201

(318) 410-4012

[bobc@nuby.com](mailto:bobc@nuby.com)

Attorney for Petitioner Admar International, Inc.

# **EXHIBIT A**

## Nuby Word Mark Applications

Reg./Ser. Number	Class	Goods
88634179	3	<p>Baby bubble bath; Baby hair conditioner; Baby hand soap; Baby lotion; Baby oil; Baby oils; Baby powder; Baby powders; Baby shampoo; Baby sun creams; Baby wipes impregnated with cleaning preparations; Body cream; Body cream soap; Body creams; Body lotion; Body lotions; Body oil; Body oils; Body powder; Body scrub; Body scrubs; Body sprays; Body wash; Dish detergents; Face creams; Laundry detergent; Laundry detergents; Laundry fabric conditioner; Laundry soap; Lip balm; Lip balm; Lip cream; Moisturizing creams; Moisturizing creams; Moisturizing preparations for the skin; Shampoo-conditioners; Shampoos; Cases for baby wipes impregnated with cleaning preparations; Deodorants for body care; Disposable wipes impregnated with cleaning chemicals or compounds for industrial and commercial use; Face and body beauty creams; Face and body creams; Face and body lotions; Facial moisturizers; Hair shampoo; Hair shampoos and conditioners; Hand cleaning gels; Hand cleaners; Liquid laundry detergents; Liquid soaps for laundry; Lotions for face and body care; Moisturizing body lotions; Nasal cleaning preparations for personal sanitary purposes; Non-medicated lip balm that does not contain beeswax; Non-medicated lip balms; Non-medicated lip care preparations; Non-medicated balms for use on lips; Non-medicated herbal body care products, namely, body oils, salves, and lip balms; Non-medicated lotions for body; Non-medicated skin care preparation, namely, body mist; Non-medicated soaps for babies; Non-medicated soaps for babies; Powder laundry detergents; Pre-moistened towelettes impregnated with a detergent for cleaning; Scented body lotions and creams; Shampoos for babies; Skin moisturizer; Skin moisturizing gel; Skin care preparations, namely, body balm; Skin cleanser in liquid spray form for use as a baby wipe alternative; Tooth cleaning preparations</p>
6,097,906	5	<p>Aloe Vera gel for therapeutic purposes; Aloe Vera preparations for therapeutic purposes; Anti-bacterial soap; Anti-cough drops; Anti-inflammatories; Anti-inflammatory and antipyretic preparations; Anti-inflammatory gels; Anti-inflammatory ointments; Anti-inflammatory salves; Anti-inflammatory sprays; Anti-itch cream; Anti-itch ointment; Antibacterial hand lotions; Antibacterial hand soaps; Antibacterial handwash; Antibacterial handwashes; Antibacterial liquid soap; Antibacterial liquid soaps; Antibacterial skin soaps; Antibacterial soap; Antibacterial spray; Antibacterial wipes; Babies' diaper-pants; Babies' diapers; Babies' diapers of paper; Babies' napkin-pants; Babies' napkins; Babies' swim diapers; Baby diapers; Baby food; Baby foods; Breast pads; Calamine lotion; Disposable sanitizing wipes; Disposable training pants; Hemorrhoid preparations; Hemorrhoid preparations; Hemorrhoid treatment preparations; Hemorrhoidal ointments; Herbal supplements; Homeopathic supplements; Hydrocortisone cream; Infant cloth diapers; Infant diaper</p>

		covers; Infant formula; Insect repellents; Insect repellents in pre-moistened towelette form; Insect-repellents; Kits comprised primarily of sanitizer gel and disinfecting wipes and also including sanitary masks, plastic gloves and hand cream used for germ prevention; Mentholated ointment for medical use; Mercurial ointments for medical use; Nail fungus treatment preparations; Non-medicated topical gel for the prevention and treatment of allergies; Non-medicated topical gel for the prevention and treatment of cold and flu; Nursing pads; Nutritional supplements; Nutritional supplements, namely, probiotic compositions; Pharmaceutical skin lotions; Preparations for repelling animals, birds and insects; Teething gels; Topical dermatological preparations that treat insect bites and stings; Topical first aid gel; Topical gel for medical and therapeutic treatment of diaper rash; Wearable insect repelling devices for attachment to clothing sold pre-filled with insect repelling preparations; Anti-insect spray; Bracelets impregnated with insect repellent; Breast-nursing pads; Dietary and nutritional supplements; Disposable baby diapers; Disposable swim diapers for children and infants; First aid kits; First aid kits for domestic or other non-professional use; Food for babies; Food for infants; Food for infants, namely, human breast milk; Gels, creams and solutions for dermatological use; Homeopathic anti-inflammatory ointment; In vitro gender prediction test kit; In-vitro ovulation prediction test kit for home use; Liquid herbal supplements; Liquid nutritional supplement; Medicated baby oils; Medicated baby powders; Medicated cream soap; Medicated creams for treating dermatological conditions; Medicated shampoos for babies; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated soaps for babies; Medicated supplements for foodstuffs for babies; Medicinal creams for skin care; Mineral nutritional supplements; Mosquito-repellent patches for babies; Multipurpose medicated antibiotic cream, analgesic balm and mentholated salve; Nappies as baby diapers; Natural herbal supplements; Ovulation test kits; Powdered milk for babies; Pregnancy test kits for home use; Preparations to prevent nail-biting and thumb-sucking; Tissues impregnated with antibacterial preparations; Topical analgesic creams
<b>88634601</b>	7	Electric food blenders; Electric food blenders; Electric food choppers; Electric food grinders; Electric food processors; Electric food slicers; Electric fruit peelers; Electric fruit presses; Electric fruit presses for household use; Electric fruit squeezers for household purposes; Electric juice extractors; Electric juicers; Electric mixers; Electric mixers for household purposes; Electrical juice extractors for fruit; Electrical squeezers for fruit and vegetable; Food processors, electric; Fruit presses, electric, for household purposes; Hand-held electric-powered food processors; Juice extractors, electric
<b>6,103,677</b>	8	Emery boards; Fingernail clippers; Flatware, namely, forks, knives, and spoons; Manicure sets; Nail clippers; Nail scissors; Tableware, namely, knives, forks and spoons; Disposable tableware, namely, knives, forks and spoons; Disposable tableware, namely, spoons; Forks and spoons being



		tableware; Forks being tableware; Knives being tableware; Knives, forks, and spoons being tableware; Spoons being tableware; Spoons made of precious metal being tableware
<b>2,335,700</b>	10	<b>Infant Pacifiers</b>
<b>6,103,678</b>	10	Babies' bottles; Baby bottle nipples; Baby bottle that plays sounds using wireless technology; Baby bottles; Baby feeding dummies; Baby feeding pacifiers; Baby nursers; Breast milk storage bottles; Breast pumps; Breast shields; Breast warmer pads for medical purposes; Dropper bottles for administering medication, sold empty; Droppers for administering medication, sold empty; Feeding bottle teats; Feeding bottles; Gum massaging instruments; Nasal aspirators; Nursing bottles; Pacifier clips; Pacifier cloth for attachment to infant pacifiers; Spoons for administering medicine; Teething rings; Thermometers for medical purposes; Thermometers for medical use; Bottle holders for holding babies' bottles, namely, holders for holding babies' bottles during feeding in the nature of flexible braces for wearing around the neck of the person holding a feeding baby; Bottle holders for holding babies' bottles, namely, holders for holding babies' bottles in the nature of rigid braces for clamping to babies' seats during feeding; Clinical thermometers; Clips for pacifiers; Cups adapted for feeding babies and children; Dishes adapted for feeding babies and children; Disposable baby bottle liners; Disposable feeding bottle teats; Disposable teats being pacifiers for babies; Dummies for babies; Ear thermometers; Fever thermometers; Gum massagers for babies; Infrared thermometers for medical purposes; Nipples for baby bottles; Pacifiers for babies; Pouches specially adapted for holding pacifiers; Teats being pacifiers for babies; Teething rings incorporating baby rattles
<b>88634609</b>	11	Baby bottle sterilizers; Child safe protective covers for bathtub spouts; Electric beverage heaters; Electric beverage warmers; Electric cup heaters; Electric food dehydrators; Electric food dehydrators for household purposes; Electric food warmers; Electric heater for infant food; Electric kettles; Electric kettles for household purposes; Electric plate warmers; Electric vaporizers for household purposes; Electric warmers for feeding bottles; Electrically-heated mugs; Toilet trainer seats, namely, smaller training seats for attachment to full-size toilets and toilet seats for training purposes; Electric heaters for babies' bottles; Heaters, electric, for feeding bottles; Toilet bowls for children; Toilet seat adaptors for children in the nature of a plastic device that is specially adapted to rest on a toilet seat; Toilet seats for children
<b>6,118,908</b>	12	Child restraints for vehicle seats; Child safety harnesses for vehicle seats; Children's safety belts for use in vehicles; Cup holders for use in automobiles; Cup holders for use in vehicles; Cup holders for vehicles; Seat safety harnesses for motor cars; Stroller covers; Stroller hoods; Aftermarket automobile accessories, namely, car interior organizer bags, nets and trays specially adapted for fitting in vehicles; Baby strollers; Bags adapted for strollers; Blankets specially adapted for baby strollers; Canopies for baby

		strollers; Car interior organizer bags specially adapted for fitting in vehicles; Covers for baby strollers; Fitted car seat covers; Fitted stroller mosquito nets; Fitted covers for children's car seats; Vehicle seat cushions; Vehicle seat protectors.
<b>6,259,435</b>	16	Baby books, Illustrations, Prints, Art prints; Art prints on canvas, Children's books; Children's activity books; Children's interactive educational books; Color prints; Flip books; Graphic prints; Graphic prints and representations; Memory boxes; namely, cardboard boxes containing cardboard cards for displaying and storing babies and children keepsakes and mementos; Pictorial prints; Picture books, Printed stories in illustrated form; Story books.
<b>88634611</b>	20	Baby bolsters; Baby bouncers; Baby changing mats; Baby changing platforms; Baby head support cushions; Baby walkers; Booster seats; Bottle racks; Clothes hangers; Anti-roll cushions for babies; Bath seats for babies; Cots for babies; Cribs for babies; Dual-purpose cushions for supporting a feeding bottle and the head and neck of an infant; Furniture primarily of metal, namely, mirrors, bed frames, dining tables, coffee tables, end tables, desks, display cases, shelving, dog gates, and baby gates; Hangers for clothes; Head positioning pillows for babies; Head support cushions for babies; High chairs for babies; Non-metal safety gates for babies, children, and pets; Pillows used for cradling, supporting, propping and feeding babies not for medical or therapeutic purposes; Plastic bottle caps for storing powdered nutritional supplements and for dispensing those supplements into the bottle; Playpens for babies; Portable baby bath seats for use in bath tubs
<b>88634612</b>	21	Baby bathtubs; Bowls; Cleaning brushes for household use; Combs; Containers for household or kitchen use; Containers for household use; Containers for household use for enveloping and packaging domestic waste, including diapers and nappies, for storage and disposal, namely, sanitary waste disposal units comprising tubs or bins with or without reels or cassettes containing wrapping materials for enveloping waste; Cup lids; Cups; Cups and mugs; Cups, not of precious metal; Dish drying racks; Dishwashing brushes; Electric tooth brushes; Electric toothbrush replacement handles and recharging docks sold as a unit; Hair brushes; Hair, nail and tooth brushes; Hairbrushes; Infant bathtubs; Plastic bag holders for household use; Plastic bath racks; Plastic bathtubs for children; Plastic bottle with blown cavity insert sold empty; Plastic containers in the shape of fruits and vegetables for storing individual fruits and vegetables, and for extending the life of those fruits and vegetables; Plastic drink bottle identification tag; Plastic freezer pop forms; Plastic juice box holders; Plastic place mats; Plastic plates; Plastic water bottle holders and attached carabiner clip sold as a unit; Plastic water bottles sold empty; Potties for children; Sports bottles sold empty; Tooth brushes; Toothbrush cases; Toothbrush head covers; Toothbrush holders; Vegetable mashers; Bottle cleaning brushes; Dental care kit comprising toothbrushes and floss; Disposable gloves for home use; Double wall cups; Double wall cups with

		<p>lids; Double wall cups with lids and straws; Drinking cups; Drinking cups for children and parts and fittings therefor, namely, drinking cups for children sold as a unit with non-insulated lids; Drinking cups for infants and parts and fittings therefor, namely, valves and lids sold as a unit; Drinking cups sold with lids therefor; Drinking bottles for sports; Drinking cups for babies and children; Drinking cups for babies and children and parts and fittings therefor, namely, cups for babies and children sold as a unit with valves and lids; Drinking straws for babies and children; Electric toothbrush replacement heads; Electric toothbrushes; Electrical toothbrushes; Finger toothbrushes; Finger toothbrushes for babies; Hair combs; Heat-insulated containers for beverages; Heat-insulated containers for household use; Home dental care product for babies and children's gums and teeth, namely, finger brushes; Inflatable bath tubs for babies; Insulated containers for food or beverage for domestic use; Insulated containers for food or beverages; Interdental brushes for cleaning the teeth; Manual toothbrushes; Multipurpose wiping cloth for use with infants and toddlers; Non-woven textile wipes for cleaning baby bottles and baby feeding equipment; Oral care kit comprising toothbrushes and floss; Paper and plastic cups; Place mats of plastic; Plastic cups; Plastic storage containers for domestic use; Plastic storage containers for household or domestic use; Plastic storage containers for household use; Portable potties for children; Portable beverage container holder; Portable plastic containers for storing household and kitchen goods; Powder applicator sold empty for holding and dispensing baby powder; Pre-moistened towelettes for cleaning; Re-usable or disposable plastic or silicone valves sold for use with training cups for babies and children; Recyclable flexible plastic pouches sold empty for holding water or nutritional liquids; Reusable plastic water bottles sold empty; Reusable self-sealing lids for household use for bowls, cups, containers and the storage of food; Reusable silicone food covers for household containers; Sippy cups; Stands for portable baby baths; Suction bowls; Tablemats of plastic; Thermal insulated containers for food or beverages; Thermally insulated containers for food; Tooth brushes, non-electric; Toothbrushes; Toothbrushes; Toothbrushes; Toothbrushes, electric; Training cups for babies and children; Training cups for infants</p>
<b>88634614</b>	22	<p>Bath toy organizers in the nature of net bags secured by suction cups; Multi-strand lanyard used to attach a child's toys, bottles, books, sippy cup and other similar items to a stroller, car seat, high chair, store cart or other similar apparatus; Tethers in the nature of polypropylene straps that are secured with suction cups to an object for holding children's utensils and toys</p>
<b>6,103,679</b>	24	<p>Baby bedding, namely, bundle bags, swaddling blankets, crib bumpers, fitted crib sheets, crib skirts, crib blankets, and diaper changing pad covers not of paper; Baby blankets; Burp cloths; Diaper changing pads not of paper; Diaper changing cloths for babies; Sleeping bags for babies</p>
<b>88634618</b>	25	<p>Babies' pants; Babies' trousers; Baby bibs not of paper; Baby bodysuits; Baby bottoms; Baby tops; Children's and infant's apparel, namely, jumpers,</p>

		overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' apparel treated with fire and heat retardants, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' cloth bibs; Children's cloth eating bibs; Children's headwear; Children's underwear; Bibs for babies, sleeved, not of paper; Body suits for babies or children; Bottoms as clothing for babies or children; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Coats for babies or children; Dresses for babies or children; Hats for infants, babies, toddlers and children; Headwear for babies or children; Jackets for babies or children; Knitted baby shoes; One-piece garments for children; Pajamas for babies or children; Pants for babies or children; Plastic baby bibs; Shirts for infants, babies, toddlers and children; Shirts for babies or children; Shoes for babies or children; Shorts for babies or children
<b>88634623</b>	28	Baby gyms; Baby multiple activity toys; Baby rattles; Baby rattles incorporating teething rings; Baby swings; Mobiles for children; Play balls; Toy animals; Toy animals and accessories therefor; Toy jewelry; Toy stuffed animals; Toy vehicles; Bath toys; Bathtub toys; Carry bags sold filled with children's toys; Children's multiple activity toys; Crib mobiles; Crib toys; Decorative toy mobiles and plush toys for children made of felt; Infant toys; Infant action crib toys; Infant development toys; Musical toys; Plastic character toys; Play mats containing infant toys; Plush toys; Plush toys with attached comfort blanket; Soft sculpture plush toys; Squeezable squeaking toys; Squeeze toys; Stuffed toy animals; Stuffed toy bears; Stuffed toys; Stuffed and plush toys; Toy mobiles; Toy musical boxes; Two and three dimensional positionable toy figures sold as a unit with other toys; Water toys; Water squirting toys; Water-squirting toys