

ESTTA Tracking number: **ESTTA1156005**

Filing date: **08/27/2021**

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	OLEON		
Entity	naamloze vennootschap	Citizenship	Belgium
Address	ASSENEDESTRAAT 2 EVERGEM, 9940 BELGIUM		

Attorney information	BROOKS R. BRUNEAU FISHERBROYLES, LLP 100 OVERLOOK CENTER SECOND FLOOR PRINCETON, NJ 08540 UNITED STATES Primary Email: Brooks.Bruneau@fisherbroyles.com Secondary Email(s): docketing@fisherbroyles.com, denise.mcculloch@fisherbroyles.com 609 454-6772		
Docket Number	04774.T920US		

Registration Subject to Cancellation

Registration No.	2900665	Registration date	11/02/2004
Registrant	KENKO INTERNATIONAL, INC. 6984 BANDINI BLVD. LOS ANGELES, CA 90040 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2002/12/04 First Use In Commerce: 2002/12/04 All goods and services in the class are subject to cancellation, namely: Dietary and Nutritional Supplements
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	JAPAN GREENWAVE PETITION FOR CANCELLATION.pdf(134125 bytes)
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Signature	/brooks r. bruneau/
Name	Brooks R. Bruneau

Date	08/27/2021
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OLEON,	:	
	:	Cancellation No.:
Petitioner	:	Registration No.: 2900665
	:	Filing Date: December 3, 2002
v.	:	Registration Date: November 2, 2004
	:	Mark: JAPAN GREENWAVE
KENKO INTERNATIONAL, INC.,	:	
	:	
Respondent.	:	
	:	
	:	
	:	

PETITION FOR CANCELLATION

In the matter of U.S. Registration No. 2900665 for the mark JAPAN GREENWAVE owned by Kenko International, Inc. (“Respondent”), a corporation of the State of California with a business address of 6984 Bandini Blvd., Los Angeles California 90040, registered in connection with “dietary and nutritional supplements” in Class 5, OLEON, a naamloze vennootschap (nv) of Belgium with an address of Assenedestraat 2 Evergem Belgium 9940 (hereinafter “Petitioner”) believes it will be damaged by the continued registration of the JAPAN GREENWAVE mark, and hereby petitions for its cancellation in its entirety.

As grounds for this Petition to Cancel, it is alleged as follows:

1. Petitioner seeks to register the mark “GREENWAVE” under U.S. Trademark Application Serial No. 90287000 in Class 1 and Class 5.

2. On March 31, 2021, the Examining Attorney issued an Office Action to Petitioner denying registration of GREENWAVE in Class 5 under Trademark Act Section 2(d) citing Respondent’s U.S. Registration No. 2900665 for the mark JAPAN GREENWAVE.

3. As a result, the United States Trademark Office has created the issue of a likelihood of confusion between Petitioner’s GREENWAVE trademark in Class 5 and Respondent’s JAPAN GREENWAVE mark in Class 5, and thereby created standing for Petitioner in this cancellation action because Petitioner cannot register its GREENWAVE mark due to the current refusal.

4. Based upon information and belief, Respondent has not made, and is not making, any bona fide commercial use of the JAPAN GREENWAVE mark in U.S. commerce in connection with the dietary and nutritional supplements listed in U.S. Registration No. 2900665.

5. Petitioner respectfully asserts that Respondent has abandoned the JAPAN GREENWAVE mark, in U.S. commerce, in connection with dietary and nutritional supplements as listed in U.S. Registration No. 9000665 with no use of the mark in U.S. commerce in connection with those goods for more than three years, and with no intention to resume use of the mark in connection with those goods in U.S. commerce.

WHEREFORE, Petitioner requests this Petition to Cancel be granted on the grounds of abandonment pursuant to Trademark Act Section 14(3), and U.S. Registration No. 2900665 be stricken from the Principal Register.

Respectfully submitted:

OLEON
Petitioner

Date: August 27, 2021

BY: /Brooks R. Bruneau/
Brooks R. Bruneau, Esq.
Attorney for Petitioner
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Second Floor
Princeton, NJ 08540
Tel: 609-454-6772

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this Petition for Cancellation was electronically filed with the Trademark Trial and Appeal Board this 27th day of August, 2021.

/Brooks R. Bruneau/
(Signature)
August 27, 2021
(Date of Signature)