

ESTTA Tracking number: **ESTTA1157350**

Filing date: **09/03/2021**

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	RareBeauty Cosmetics, LLC		
Entity	Partnership	Citizenship	USA
Composed Of:	KeSheena Heard, US Citizen		
Address	1 GLENLAKE PARKWAY NE SUITE 650 ATLANTA, GA 30328 UNITED STATES		

Correspondence information	KESHEENA HEARD OWNER RAREBEAUTY COSMETICS, LLC 1 GLENLAKE PARKWAY NE SUITE 650 ATLANTA, GA 30328 UNITED STATES Primary Email: kesheenaheard@rarebeautycosmetics.com 7085413171
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**Registration Subject to Cancellation**

Registration No.	6222233	Registration date	12/15/2020
Registrant	RARE BEAUTY, LLC 222 N. PACIFIC COAST HIGHWAY EL SEGUNDO, CA 90245 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 003. First Use: 2020/09/03 First Use In Commerce: 2020/09/03 All goods and services in the class are subject to cancellation, namely: Cosmetics, namely, color cosmetics; eyeshadow; blush; facial concealer; foundation; skin bronzer; face powder; eyebrow colors; eyeliner; mascara; lipstick; lipgloss; lip balm; makeup primers; cosmetic facial blotting papers
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Deceptiveness	Trademark Act Sections 14(3) and 2(a)

Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
Other	Common law use in the U.S. prior to the applicant's filing date at the USPTO.

### Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RareBeauty Cosmetics		
Goods/Services	Cosmetics, lipsticks, lip gloss, eyeliners, mascaras, eyeshadows, lip-liners, face primers, skin bronzers, eyebrow colors, face powders, and makeup services.		

Attachments	Rare Beauty USPTO Cancellation.pdf(21752 bytes )
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Signature	/KeSheena D Heard/
Name	KeSheena D Heard
Date	09/03/2021

## PETITION FOR CANCELLATION

1. Petitioner RareBeauty Cosmetics, is an Illinois Limited Liability Company with a principal address at 750 S Homan Ave, Chicago, IL. 60624 and an online website at [www.rarebeautycosmetics.com](http://www.rarebeautycosmetics.com), believes it will be damaged Registration No. 6222233 for the mark RARE BEAUTY and herby petitions, to cancel the mark.
2. Petitioner files this Petition for Cancellation because registrant's mark, RARE BEAUTY is likely to confuse the public, or to cause mistake, and to deceive by suggesting that Registrants goods are associated with Petitioner business, RareBeauty Cosmetics.
3. Upon information and belief, Registrant was not using mark in connection with any of the identified goods or services in International Class 3; specifically cosmetic products and/or makeup services on or before the filing of date of November 20, 2017.
4. Upon information and belief, Registrant's did not have a bona fide use in commerce with connection to cosmetic products and/or makeup application on or before the filing date of September 3, 2020.
5. Upon information and belief, registrant knew that its statements regarding mark, RARE BEAUTY was false at the time the statements were made.
6. Upon information and belief, at the time the Registrant filed the application to register the mark, registrant did not have a bona fide intent to use the mark in connection with cosmetic products or makeup application.
7. Petitioner date of use in commerce establishes priority under the common law use in the U.S.
8. Upon information and belief, Registrant did not use its website or any other website or social media to advertise or market products or services under the mark RARE BEAUTY until November of 2020.

Please address all correspondence to:  
KeSheena Heard  
1 Glenlake Parkway NE  
Suite 650  
Atlanta, GA. 30328  
[kesheenaheard@rarebeautycosmetics.com](mailto:kesheenaheard@rarebeautycosmetics.com)