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Filing date: **12/03/2021**

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	Hi-Tech Pharmaceuticals, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	6015 UNITY DRIVE SUITE B NORCROSS, GA 30071 UNITED STATES		
Attorney information	GREGORY L. HILLYER HILLYER LEGAL, PLLC 5335 WISCONSIN AVENUE, N.W. SUITE 440 WASHINGTON, DC 20015-2052 UNITED STATES Primary Email: ghillyer@hillyerlegal.com Secondary Email(s): trademark@hillyerlegal.com 202-686-2884		
Docket Number			

Registrations Subject to Cancellation

Registration No.	4412175	Registration date	10/01/2013
Registrant	SUZHOU WIN HEALTH INTERNATIONAL CO., LTD ROOM 324, BUILDING A2 XINGHU ROAD NO. 218 SUZHOU INDUSTRIAL PARK, 215123 CHINA		

Goods/Services Subject to Cancellation

Class 001. First Use: 2013/03/28 First Use In Commerce: 2013/03/28 All goods and services in the class are subject to cancellation, namely: chemical compounds, namely, agmatine sulfate for use in the manufacture of dietary supplements and pharmaceuticals, and for use in research and development by biotechnology companies, universities and research institutions

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)		
Registration No.	4485251	Registration date	02/18/2014
Registrant	SUZHOU WIN HEALTH INTERNATIONAL CO., LTD ROOM 324, BUILDING A2 XINGHU ROAD NO. 218		

	SUZHOU INDUSTRIAL PARK, 215123 CHINA
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation_AGMAPURE_12-03-2021.pdf(122591 bytes)
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Signature	/Gregory L. Hillyer/
Name	Gregory L. Hillyer
Date	12/03/2021

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

Hi-Tech Pharmaceuticals, Inc.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
Suzhou Win Health International Co., LTD,)	
)	
Registrant.)	

PETITION TO CANCEL

Hi-Tech Pharmaceuticals, Inc. (“Petitioner”) hereby petitions to cancel the following trademarks owned by Suzhou Win Health International Co., LTD (“Registrant”):

<u>Mark</u>	<u>Reg. No.</u>	<u>Class: Goods</u>
AGMAPURE	4412175	001: Chemical compounds, namely, agmatine sulfate for use in the manufacture of dietary supplements and pharmaceuticals, and for use in research and development by biotechnology companies, universities and research institutions.
	4485251	001: Chemical compounds, namely, agmatine sulfate for use in the manufacture of dietary supplements and pharmaceuticals, and for use in research and development by biotechnology companies, universities and research institutions.

The grounds for cancellation are as follows:

1. Petitioner is a corporation organized and existing under the laws of the State of Georgia, having a place of business at 6015 Unity Drive, Suite B, Norcross, Georgia 30071. Petitioner manufactures, markets, sells, and distributes dietary and nutritional supplements.
2. Upon information and belief, Registrant is a corporation organized and existing under the laws of China.
3. On December 3, 2021, Petitioner filed an application for the trademark **AGMAPURE** for “Dietary and nutritional supplements; Natural extract sold as an essential

ingredient of dietary supplements; Standardized extract formulated with nutritional items for use as a dietary supplement,” in International Class 005. Petitioner’s trademark was assigned Application Serial No. 97155224.

4. Based on Petitioner’s research, information and belief, Registrant ceased use of the trademarks at U.S. Registration Nos. 4412175 and 4485251.

5. Based on Petitioner’s research, information and belief, Registrant does not have an intent to resume use of the marks.

6. On information and belief, any goodwill that may have been associated with the trademark at U.S. Registration Nos. 4412175 and 4485251 has been destroyed due to Registrant’s non-use of the mark in commerce.

7. Petitioner will be damaged by the continued registration of Registrant’s trademarks at U.S. Registration Nos. 4412175 and 4485251 because such registrations will be cited as a basis for refusal of Petitioner’s trademark application at Application Serial No. 97155224.

WHEREFORE, Petitioner prays for Registration Nos. 4412175 and 4485251 to be cancelled on the basis of abandonment, and this Petition granted in its favor.

Dated: December 3, 2021

Respectfully submitted,

/s/ Gregory L. Hillyer

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