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Filing date: **02/08/2022**

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	Shenzhen Suhao Global Technology Co., Ltd.		
Entity	China Limited Company	Citizenship	China
Address	ROOM 210, BUILDING 1, ZHENXING YUNGU 233, BULONG RD, JINHUA STREET SHENZHEN, 518116 CHINA		
Attorney information	WEITAO CHEN FAAN LAW FIRM 3808 UNION STREET, SUITE 11A FLUSHING, NY 11354 UNITED STATES Primary email: chen@faan.com Secondary email(s): info@faan.com 7187662567		
Docket no.			

Registration subject to cancellation

Registration no.	6603209	Registration date	12/28/2021
Register	Principal		
Registrant	Wang, Huakun 5B013,NO.1,HUANAN AVENUE PINGHU STREET, LONGGANG DISTRICT SHENZHEN, 524300 CHINA		

Goods/services subject to cancellation

Class 016. First Use: Mar 26, 2021 First Use In Commerce: Mar 26, 2021 All goods and services in the class are subject to cancellation, namely: Adhesive foils stationery; Adhesive tapes for stationery or household purposes; Clips for name badge holders; Corrugated board and paper containers; Name badgeholders; Paper for medical examination tables; Plastic bags for wrapping and packaging; Plastic films for packaging; Plastic sheets, films and bags for wrapping and packaging; Printed advertising posters; Printed shipping labels; Retractable reels for name badge holders; Stickers; Tracing paper

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 due	Trademark Act Sections 14(1) and 1(a), (c), and (d)

Abandonment	Trademark Act Section 14(3)
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)

Mark cited by petitioner as basis for cancellation

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	VICLOON		
Goods/services	stickers, document folders, and pens		

Attachments	Vicloon.pdf(93834 bytes)
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Signature	/Weitao Chen/
Name	Weitao Chen
Date	02/08/2022

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

For the trademark “VICLOON”
Registration No. 6603209

Shenzhen Suhao Global Technology Co., Ltd.,)	Cancellation No.
)	
	Petitioner,)
v.)	
)	
Huakun Wang,)	
)	
	Registrant.)
)	
)	

Petitioner, Shenzhen Suhao Global Technology Co., Ltd., a Chinese limited company with office at Room 210, Building 1, Zhenxing Yungu, No. 233, Bulong Road (Buji Section), Shuijing Community Shangshuijing, Jihua Street, Longgang District, Shenzhen, Guangdong, China 518116 (“Petitioner”), hereby seeks cancellation of trademark Registration No. 6603209 for standard character mark “VICLOON” (hereinafter the Registrant’s Mark) owned by Huakun Wang (“Registrant”). Petitioner believes that it has been and will continue to be damaged by the Registration.

As grounds for Cancellation, Petitioner alleges as follows:

I. BACKGROUND ON Petitioner

1. Petitioner is the owner of the mark “VICLOON” and registered the “VICLOON” trademarks in many jurisdictions such as Europe, UK, and China. In the United States, the Petitioner used the Petitioner’s VICLOON Mark in commerce as early as 09/09/2020, for products in international class 16 and other classes, including but not limited to stickers, document folders, and pens. Petitioner has invested substantial sums of money in developing and marketing its products under Petitioner’s VICLOON Mark.

2. As a result of Petitioner's use and promotion of Petitioner's Mark, Petitioner's VICLOON Mark has come to distinguish Petitioner's products from the goods of others, and has become well-known and recognized by consumers to indicate the source of Petitioner's products. Petitioner has developed substantial goodwill among customers for Petitioner's VICLOON Mark.

II. Registrant AND THE APPLICATION

3. Upon information and belief, Registrant Huakun Wang is a Chinese individual with an address of 5B013, No.1, Huanan Avenue, Pinghu Street, Longgang District, Shenzhen CHINA 524300.
4. The application for Registrant's Mark was filed on 05/07/2021, based upon Registrant's claimed date of first use of said mark of 03/26/2021 with a specimen consisting of a screenshot of a website.
5. The application for Registrant's Mark contains the below statements:

The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;

The mark is in use 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; and

To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

...

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

COUNT 2. PRIORITY AND LIKELIHOOD OF CONFUSION

13. Petitioner incorporates by this reference all the foregoing paragraphs as if more fully set forth herein.
14. Registrant claims that the date of first use and use in commerce of the Registrant's Mark is 03/26/2021, while Petitioner uses the VICLOON mark in the United States at least as early as 09/09/2020. Petitioner's Mark has priority over Registrant's Mark.
15. Registrant's Mark and Petitioner's Mark share the same wording VICLOON. Registrant's Mark is registered under international class 016 for Registrant's Goods. Petitioner use its VICLOON for products in international class 16 and other classes, including but not limited to stickers, document folders, and pens. Registrant's Mark and Petitioner's Mark are confusingly similar, and will create likelihood of confusion in consumers' minds.
16. Petitioner's Mark shall be canceled according to Trademark Act Sections 14(1) and 2(d).

COUNT 3. REGISTRANT NOT RIGHTFUL OWNER OF MARK FOR IDENTIFIED GOODS OR SERVICES

17. Petitioner incorporates by this reference all the foregoing paragraphs as if more fully set forth herein.
18. Upon information and belief, Registrant, in its application to register the Registrant's Mark stated that it was the sole and exclusive owner of the VICLOON mark when it is not true.
19. Petitioner used the VICLOON mark in the commerce earlier than the Registrant, and is the rightful owner of the VICLOON mark.
20. Pursuant to Trademark Act Sections 14(1) and 1, Registrant's Mark shall not be canceled since Registrant is not the rightful owner of the mark for identified goods or services.

COUNT 4. ABANDONMENT

21. Petitioner incorporates by this reference all the foregoing paragraphs as if more fully set forth herein.
22. The Registrant was not using its VICLOON mark in connection with the Registrant's Goods at the time the Trademark Office issued the Registrant's Registration.

23. Registrant did not continuously use its VICLOON mark in the ordinary course of the U.S. trade for Registrant's Goods after the Registrant's Registration issued.
24. The Registrant did not sell any Registrant's Goods in the United States after the Registrant's Registration issued.
25. Pursuant to 15 USC 1127, non-use with intent not to resume such use will deem the mark to be abandoned. "Use" of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark. Intent not to resume may be inferred from circumstances.
26. Upon information and belief, Registrant was not using, and did not intend to resume use of its VICLOON mark in connection with the Registrant's Goods in the United States commerce.
27. Accordingly, Registrant abandoned its VICLOON mark in connection with the Registrant's Goods.

IV. CONCLUSION

WHEREFORE, Petitioner prays that judgment be entered canceling U.S. Trademark Registration No. 6603209, and for such other and further relief that the Board finds just and proper.

Dated: 02/08/2022

Respectfully submitted,

/Weitao Chen/

Weitao Chen

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing document has been served with Registrants' Attorney by forwarding said copy on 02/08/2022 via email to:

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Dated: 02/08/2022

By: /Weitao Chen/
Weitao Chen