

ESTTA Tracking number: **ESTTA1199292**

Filing date: **03/28/2022**

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	Mija Clean, LLC		
Entity	limited liability company	Citizenship	Illinois
Address	221 NORTH MADISON STREET HINSDALE, IL 60521 UNITED STATES		

Attorney information	JOSEPH T. NABOR FITCH, EVEN, TABIN & FLANNERY, LLP 120 S. LASALLE STREET SUITE 2100 CHICAGO, IL 60603 UNITED STATES Primary email: trademark@fitcheven.com Secondary email(s): jtnabo@fitcheven.com 312-577-7000		
Docket no.	21345-150426		

**Registration subject to cancellation**

Registration no.	6532271	Registration date	10/19/2021
Register	Principal		
Registrant	Mija, LLC 2979 23RD ST. SAN FRANCISCO, CA 94110 UNITED STATES		

**Goods/services subject to cancellation**

<p>Class 003. First Use: Sep 9, 2019 First Use In Commerce: Sep 9, 2019 All goods and services in the class are subject to cancellation, namely: Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams</p>
--

**Grounds for cancellation**

Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir.)
--------------------	--

	2009)
--	-------

Attachments	Petition for Cancellation MIJA 003.pdf(563225 bytes )
-------------	---

Signature	/Joseph T. Nabor/
-----------	-------------------

Name	Joseph T. Nabor
------	-----------------

Date	03/28/2022
------	------------

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

In the matter of Trademark Registration No. 6532271  
Trademark MIJA

Mija Clean, LLC.,	)	
	)	
Petitioner,	)	Cancellation No.
	)	
v.	)	
	)	
MIJA, LLC,	)	
	)	
Respondent.	)	

PETITION FOR CANCELLATION

Petitioner, Mija Clean, LLC., an Illinois Limited Liability Company conducting business at 221 North Madison Street, Hinsdale, Illinois 60521 (hereinafter, “Petitioner”), believes that it is or will be damaged by Registration No. 6532271 for the mark MIJA specifying “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams” in International Class 03.

Petitioner respectfully requests cancellation of Registration No. 6532271, issued October 19, 2021, on the following grounds:

1. Petitioner, on January 7, 2021, filed a trademark application identified as Application No. 90452598 to register the mark MIJA on the Principal Register for “shampoos” in International Class 03

2. During the examination of Petitioner’s Application No. 90452598, the Patent and Trademark Office cited Registration No. 6532271 for the MIJA mark as a likely potential source of confusion and, therefore, Application No. 90452598 has been refused registration which refusal is currently pending.

3. Upon information and belief, Respondent, on October 19, 2020, filed an application under Section 1(b) for Registration of the mark MIJA and on June 15, 2021, the U.S. Patent and Trademark Office issued a Notice of Allowance of that application for the following goods: “Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams ” in International Class 03. On July 28, 2021, Respondent filed a Statement of Use in which it declared under oath that the mark was in use on all the goods identified in the Notice of Allowance. That then pending Application was granted registration to the Principal Register on October 19, 2021 for all the goods specified in the Notice

of Allowance. A copy of Registration No. 6532271 is attached to this Petition. *See Exhibit A.* The records of the Patent and Trademark Office report the owner of Registration No. 6532271 as being Mija LLC, a Delaware Limited Liability Company with an address 2979 23<sup>rd</sup> Street, San Francisco, California 941110 (“Respondent”).

4. The subject Registration was issued in the U.S. less than five (5) years prior to the filing of this Petition.

5. Petitioner has notified Mr. Vivek Vaidya of the Bend Law Group of its concerns in a letter emailed to Mr. Vaidya on March 17, 2022. Mr. Vaidya has acknowledged receipt of that letter but has not otherwise responded to the undersigned in substance.

6. Petitioner has been using its MIJA mark in U.S. commerce for shampoos and has a continued bona fide intent to obtain registration of its Application No. 90452598 which efforts are being prevented by the continued registration of Reg. No. 6532271.

7. On information and belief, Respondent’s registration was obtained fraudulently in that at the time of filing a formal application for the MJA mark, it claimed to have a bona fide intention to use the mark in interstate commerce in connection with the all the goods identified in the application and no such use on all the specified goods was intended.

8. On information and belief, Respondent’s registration is *void ab initio* as it was obtained without an intention to use the mark in interstate commerce for all of the goods identified in Registration No. 6532271.

9. On information and belief, Respondent had not used the mark MIJA on all the goods specified in the Notice of Allowance issued in connection with its Application No. 90263714 and it filed a false declaration with the U.S. Patent and Trademark Office with its Statement of Use in which it declared under oath that it had used the mark on all the goods identified in the Notice of Allowance.

10. Based on the foregoing, Petitioner is being damaged by the continued registration of Registration No. 6532271 on the Principal Register. Therefore, Mija Clean, LLC. petitions to cancel the registration of Respondent's MIJA mark.

**REQUEST FOR RELIEF**

WHEREFORE, based on the foregoing causes of action, Petitioner, Mija Clean, LLC., respectfully requests that Registration No. 6532271 for the mark MIJA be cancelled in its entirety, and that Petitioner be awarded such further relief as the Board deems just and proper.

Respectfully submitted,

March 28, 2022

/Joseph T. Nabor/

Joseph T. Nabor  
Kerianne A. Strachan  
FITCH, EVEN, TABIN & FLANNERY LLP  
120 South LaSalle, Suite 2100  
Chicago, Illinois 60603

Telephone 312.577.7000  
Facsimile 312.577.7007

*Attorneys for Petitioner*

# **Exhibit A**



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#)**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Mon Mar 28 03:47:22 EDT 2022

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TSDR](#)[ASSIGN Status](#)[TTAB Status](#)*( Use the "Back" button of the Internet Browser to return to TESS)***MIJA****Word Mark** MIJA**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Face oils; perfumery; essential oils; hair care products, namely, shampoos, conditioners, hair cleaning preparations, hair styling spray, hair styling gels and sprays, hair coloring and dyeing preparations; beauty care preparations, namely, non-medicated balms for use on skin, lips, hair, body lotions; face toner; non-medicated skin care preparations and serums, namely, face gels, face creams, face mist, skin oils, skin lotions; non-medicated anti-wrinkle skin care preparations and serums; Topical skin care preparation, namely, non-medicated preparation for the treatment of fine lines and wrinkles and skin surface irregularities; skin moisturizers used as cosmetics; beauty care products, namely, make-up, skin moisturizers, lip balms, lip sticks, body washes, body scrubs, skin toners, beauty creams; body creams. FIRST USE: 20190909. FIRST USE IN COMMERCE: 20190909**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 90263714**Filing Date** October 19, 2020**Current Basis** 1A**Original Filing Basis** 1B**Published for Opposition** April 20, 2021**Registration Number** 6532271**International Registration Number** 1594504**Registration Date** October 19, 2021**Owner** (REGISTRANT) Mija, LLC LIMITED LIABILITY COMPANY DELAWARE 2979 23rd St. San Francisco CALIFORNIA 94110**Attorney of Record** Jamie Shelden**Prior Registrations** 5933706**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE



---

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

---

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)