

ESTTA Tracking number: **ESTTA1214716**

Filing date: **06/10/2022**

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	Supercell Oy		
Entity	limited liability company	Citizenship	Finland
Address	JÄTKÄSAARENLAITURI 1 HELSINKI, FI-00180 FINLAND		

Attorney information	KARIN F. SEGALL LEASON ELLIS LLP ONE BARKER AVENUE 5TH FLOOR WHITE PLAINS, NY 10601 UNITED STATES Primary email: segall@leasonellis.com Secondary email(s): forgione@leasonellis.com, lelitdocketing@leasonellis.com (914) 821-9072		
Docket no.	05839/619928		

**Registration subject to cancellation**

Registration no.	5629076	Registration date	12/11/2018
Register	Principal		
Registrant	SHENZHEN QIANHAI BAYMAY CROSS BORDER ECOMMERCE LIMITED ROOM 201, BLDG A, NO.1, QIANWAN 1ST RD QIANHAI SHENZHEN-HONG KONG CO-OP ZONE SHENZHEN, 518000 CHINA		

**Goods/services subject to cancellation**

Class 038. First Use: Sep 1, 2017 First Use In Commerce: Oct 1, 2017 All goods and services in the class are subject to cancellation, namely: Electronic message sending; News agency services for electronic transmission; Paging services; Providing access to databases; Providing internet chatrooms; Providing on-line forums for transmission of messages among computer users; Providing telecommunication channels for teleshopping services; Providing telecommunications connections to a global computer network; Teleconferencing services; Transmission of electronic mail
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**Grounds for cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation.pdf(122323 bytes )
Signature	/Karin Segall/
Name	Karin Segall
Date	06/10/2022

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

In the Matter of Registration No. 5,629,076  
Registered December 11, 2018

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Supercell Oy,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
Shenzhen Qianhai Baymay Cross Border Ecommerce Limited,	:	
	:	
Respondent.	:	
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**PETITION FOR CANCELLATION**

Supercell Oy (“Petitioner”), a limited liability company organized under the laws of Finland, having an address at Jätkäsaarenlaituri 1 FI-00180, Helsinki Finland, believes that it will be damaged by the continued existence of Registration No. 5,629,076 (the “Registration”) for the mark SUPERSELL & Design, issued December 11, 2018 and currently in the name of Shenzhen Qianhai Baymay Cross Border Ecommerce Limited (“Respondent”), a limited company organized under the laws of China, having an address at Room 201, Bldg A, No.1, Qianwan 1st Rd Qianhai Shenzhen-Hong Kong Co-op Zone, Shenzhen China 518000, and therefore petitions to cancel the same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. §1064(3).

As grounds for its cancellation, Petitioner, by its attorneys Leason Ellis LLP, alleges as follows:

1. On June 22, 2021, Petitioner applied under Serial No. 79/315,333 (the “Application”) to register the mark SUPERCELL for use with “providing access to databases; providing access to web sites; rental of access time to a computer database; transfer of data by telecommunications; transmission and streaming of data; providing access to on-line computer

databases in the field of computer games; providing an Internet website portal in the field of computer games and gaming; providing access to virtual reality based database in which users can interact through social games” in Class 38.

2. On February 28, 2022, the U.S. Patent and Trademark Office mailed an Office Action that, among other things, refused registration of the Application in Class 38 under Lanham Act Section 2(d) on the ground of alleged likelihood of confusion with the mark covered by the Registration.
3. The Registration is thus causing damage to Petitioner as it is preventing the Application from issuing to registration in Class 38.
4. The Registration issued on December 11, 2018 for the mark SUPERSELL & Design for use with the following services identified in Class 38: “Electronic message sending; News agency services for electronic transmission; Paging services; Providing access to databases; Providing internet chatrooms; Providing on-line forums for transmission of messages among computer users; Providing telecommunication channels for teleshopping services; Providing telecommunications connections to a global computer network; Teleconferencing services; Transmission of electronic mail.”
5. On information and belief, Registrant has not used the mark covered by the Registration for a period of three years.
6. On information and belief, Registrant has discontinued use of the mark covered by the Registration with intent not to resume use.
7. On information and belief, Registrant has abandoned the mark covered by the Registration such that the Registration should be cancelled pursuant to 15 U.S.C. §1064(c). Petitioner is and will be damaged by the continued registration of the mark at issue because it gives color

of exclusive statutory rights to Respondent notwithstanding its abandonment of the mark and has been cited as a bar to Petitioner's own Application.

**WHEREFORE**, it is respectfully requested that this cancellation action be sustained, and that Registration No. 5,629,076 be cancelled.

Date: June 10, 2022  
White Plains, New York

Respectfully submitted,

/Karin Segall/  
Karin Segall  
Nicholas E. Forgione

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*Attorneys for Petitioner*