

ESTTA Tracking number: **ESTTA1273991**

Filing date: **03/23/2023**

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	Natural Capital Exchange Inc.		
Entity	Corporation	Citizenship	Delaware
Address	2443 FILLMORE ST. #380-1418 SAN FRANCISCO, CA 94115 UNITED STATES		

Attorney information	BRIAN M. DAVIS VLP LAW GROUP LLP 5960 FAIRVIEW RD; SUITE 400 CHARLOTTE, NC 28210 UNITED STATES Primary email: bdavis@vlpawgroup.com Secondary email(s): trademarks@vlpawgroup.com 7042456515		
Docket no.			

Registration subject to cancellation

Registration no.	6344114	Registration date	05/11/2021
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	GIST Advisory Switzerland SA, c/o Pavan Sukhdev AVENUE PERDTEMPS 21 CH-1206 NYON SWITZERLAND		

Goods/services subject to cancellation

<p>Class 035. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Analysis of business and human resource data; research and information services relating to business; company business management; business administration; business management assistance, namely, commercial or industrial company management assistance; business management and organization consultancy</p>
<p>Class 036. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Financial research; financial research in the field of management of the impact of the activities of a company for man and the planet; investment management; provision of advice in relation to financial investment management</p>
<p>Class 042. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Technical research services, namely, conducting technical project studies in the field of environmental protection; Technical research services, namely, conducting research and technical project studies relating to the use of nat-</p>

ural energy; Technical research services, namely, conducting technical project studies in the field of carbon offsetting; providing information concerning research and technical project studies relating to the use of natural energy; providing technical advice relating to energy-saving measures; technical consultancy in the field of environmental science

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	NCX Petition to Cancel.pdf(133666 bytes)
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Signature	/Brian M. Davis/
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Name	Brian M. Davis
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Date	03/23/2023
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Natural Capital Exchange Inc.,

Cancellation No.: _____

Petitioner

US Reg. No.: 6,344,114

vs.

GIST Advisory Switzerland SA,

Respondent

Mark: NCX & Design

PETITION FOR CANCELLATION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Natural Capital Exchange Inc. ("Petitioner"), a corporation organized under the laws of Delaware with an address at 2443 Fillmore St. #380-1418, San Francisco California 94115, believes that it has been and will continue to be injured by the presence on the Principal Register of U.S. Registration No.: 6,344,114 for the mark NCX & Design for various services in International Classes 35, 36 and 42 (hereafter referred to as the "GIST Registration"). Accordingly, Petitioner hereby applies for cancellation of the GIST Registration.

According to the U.S. Patent and Trademark Office records, the name and address of the current owner of the GIST Registration is GIST Advisory Switzerland SA, ("Respondent"), a Société Anonyme organized under the laws of Switzerland with a listed address of Avenue Perdtemps 21, CH-1206 Nyon Switzerland.

As grounds for cancellation, Petitioner alleges:

1. Petitioner is the applicant for US Application Serial No. 90/889,353 for the mark NCX & Design filed on August 18, 2021 (the “Natural Capital Application”). The Natural Capital Application covers “forestry carbon marketplace exchange services” in International Class 36.
2. The GIST Registration has been cited as a conflict to the registration of the Natural Capital Application in a final Office Action that issued on September 27, 2022.
3. Upon information and belief, Respondent appears to have ceased use of its NCX & Design mark in the United States in the ordinary course of trade for at least the last three consecutive years, with no intent to resume use of the mark on the services covered by the GIST Registration namely “Analysis of business and human resource data; research and information services relating to business; company business management; business administration; business management assistance, namely, commercial or industrial company management assistance; business management and organization consultancy” in Int. Class 35; “Financial research; financial research in the field of management of the impact of the activities of a company for man and the planet; investment management; provision of advice in relation to financial investment management” in Int. Class 36 and “Technical research services, namely, conducting technical project studies in the field of environmental protection; Technical research services, namely, conducting research and technical project studies relating to the use of natural energy; Technical research services, namely, conducting technical project studies in the field of carbon offsetting; providing information concerning research and technical project studies relating to the use of natural energy; providing technical advice relating to energy-saving measures; technical consultancy in the field of environmental science” in Int. Class 42.
4. Upon information and belief, Respondent appears to have discontinued, or never began, all trademark use of its NCX & Design mark with no intent to resume such use in connection with the services covered by the GIST Registration.
5. Upon information and belief, Respondent has abandoned the mark that is the subject of the GIST Registration in the United States, as the term “abandonment” is defined in 15 U.S.C. § 1127, and therefore Petitioner requests cancellation of the GIST Registration pursuant to 15 U.S.C. § 1064(3).

6. As a result of the foregoing, Petitioner is and will be damaged by the continued presence of the GIST Registration on the Principal Register.

WHEREFORE, Petitioner prays that Registration Reg. No. 6,344,114 be canceled pursuant to 15 U.S.C. § 1064.

Respectfully submitted,

/Brian M. Davis/

Brian M. Davis

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