

ESTTA Tracking number: **ESTTA1301268**

Filing date: **08/02/2023**

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	Guangzhou Oliya Watch Industry Co., Ltd.		
Entity	Limited Company	Citizenship	China
Address	A071, NO.1, BAIXING STREET, ZHANXI ROAD, YUEXIU DISTRICT, GUANGZHOU CITY, GUANGDONG PROVINCE, 510050 CHINA		
Attorney information	P. JAY HINES MUNCY, GEISSLER, OLDS & LOWE, P.C. 121 S. ROYAL STREET ALEXANDRIA, VA 22314 UNITED STATES Primary email: mailroom@mg-ip.com 7036217140		
Docket no.	0138/0849CT		

**Registration subject to cancellation**

Registration no.	6957709	Registration date	01/17/2023
Register	Principal		
Registrant	Tang, Zhen ROOM 212, XINTANG ST PUBLIC COLLECTIVE UNIT, NO. 1933, HUAGUAN RD, TIANHE DIST, GUANGZHOU, GUANGDONG, 510000 CHINA		

**Goods/services subject to cancellation**

Class 014. First Use: Jun 7, 2022 First Use In Commerce: Jun 7, 2022 All goods and services in the class are subject to cancellation, namely: Wristwatches; Sports watches; Watches and clocks; Women's watches
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**Grounds for cancellation**

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)

Attachments	2023-08-02 Petition for Cancellation 4870-1525-1828 v.1.pdf(270790 bytes )
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Signature	/pjh/
Name	P. Jay Hines
Date	08/02/2023

Our Ref.: 0138/0849CT

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

Mark: OLIYA

Registration No.: 6957709

Issued: January 17, 2023

	)	
	)	
Guangzhou Oliya Watch Industry Co., Ltd.	)	
	)	
Petitioner,	)	
	)	Cancellation No.
v.	)	
	)	
Tang, Zhen	)	
	)	
	)	
Respondent.	)	
	)	
	)	
_____	)	

## PETITION FOR CANCELLATION

Petitioner, Guangzhou Oliya Watch Industry Co., Ltd. ("Petitioner"), believes that it is being damaged, and will be damaged, by Respondent's registration of the mark OLIYA shown in Registration No. 6957709 (the "Registration" herein) and hereby petitions to cancel the same. As grounds for this Cancellation, Petitioner alleges that:

1. Petitioner is a limited company organized and existing under the laws of China located and doing business at A071, No.1, Baixing Street, Zhanxi Road, Yuexiu District, Guangzhou City, Guangdong Province, China 510050.

### COUNT I: LACK OF OWNERSHIP AND FRAUD

2. OLIYA is a well-known watch brand in China. Its products are sold through its website at [www.oliya.cn](http://www.oliya.cn) and through the following third party interactive sites: <https://shop35173572.taobao.com/?spm=2013.1.0.0.26202228itguUQ#/> and <https://www.jd.com/hprm/1316e16a2fd1b382b1c6.html>.

3. Petitioner owns trademark Registrations in China and International Registration No. 1658607 based on one of the Chinese records and designating Korea, Malaysia, Thailand Switzerland, Germany, France, Italy and Russia.

4. On information and belief, Respondent, due to his location in the same city as

Petitioner, where it has multiple retail stores, knew at the time of filing the application that matured to Registration No. 6957709 that Petitioner owned, used and applied for registration of the mark OLIYA in China long prior to Respondent's filing date in the United States of July 7, 2022.

5. The address of Respondent is the same address as the company address and store address of Petitioner in Guangzhou where Petitioner has been operating for many years.

6. Respondent knew at the time of filing its application Serial No. 97493634 that it was not the owner of the mark OLIYA.

7. The specimens of record filed with application Serial No. 97493634 are photos of Petitioner's watches.

8. Respondent fraudulently represented to the USPTO in its application of July 7, 2022 that it was the owner of the mark sought to be registered and that the specimens submitted were his specimens of use. This amounts to fraud on the Office pursuant to section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3) and amounts to an obvious bad faith filing for rights to which Respondent was not entitled.

9. Respondent knew at the time of filing its said application that it was not the owner of the mark OLIYA and therefore the application was *void ab initio* based on lack of ownership.

10. The registration of Respondent's mark threatens great and irreparable damage to Petitioner's interests and rights in its name and mark OLIYA.

WHEREFORE, Petitioner believes that it is being damaged, and will be damaged, by the continuing registration of the mark shown in Registration No. 6957709, and respectfully requests that the cancellation be sustained and that the Registration be cancelled.

The required fee of \$600.00 is being paid online via credit card. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Petitioner's Deposit Account No. 503828.

Petitioner hereby appoints P. Jay Hines and the attorneys of the law firm of Muncy, Geissler, Olds & Lowe, P.C., with offices at 4000 Legato Road, Suite 310, Fairfax, Virginia 22033, to act as attorneys for the Petitioner herein, with full power to prosecute said Cancellation, and to transact all relevant business with the Trademark Trial and Appeal Board.

It is requested that communications be conducted with the below attorney who is authorized to receive all official communications in connection with this Petition for Cancellation:

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C.  
4000 Legato Road, Suite 310  
Fairfax, Virginia 22033

Respectfully submitted,

Date: August 2, 2023

By: /s/ P. Jay Hines

P. Jay Hines

Angel Roman Campos

Muncy, Geissler, Olds & Lowe, P.C.  
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Email: mailroom@mg-ip.com  
Attorneys for Petitioner

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2023, I caused a true and correct copy of Petitioner's Petition for Cancellation to be served by email to [jamesliulawoffices@gmail.com](mailto:jamesliulawoffices@gmail.com); [yirk0022ap@outlook.com](mailto:yirk0022ap@outlook.com); [jamesliulaw@gmail.com](mailto:jamesliulaw@gmail.com) .

JIANYIN LIU  
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          /s/ P. Jay Hines            
P. Jay Hines