

ESTTA Tracking number: **ESTTA1352716**
Filing date: **04/16/2024**

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	ALAN WRENCH LLC		
Entity	Limited Liability Company	Incorporated or registered in	Florida
Address	906 W PLYMOUTH STREET TAMPA, FL 33624 UNITED STATES		
Attorney information	ERIK M PELTON ERIK M. PELTON & ASSOCIATES, PLLC 111 PARK PLACE ARLINGTON, VA 22046 UNITED STATES Primary email: uspto@tm4smallbiz.com 703-525-8009		
Docket no.			

Registration subject to cancellation

Registration no.	6356200	Registration date	05/18/2021
Register	Principal		
Registrant	Hong Kong City Toys Factory Limited ROOM 701-5, SILVERCORD TOWER 1 30 CANTON ROAD KOWLOON HONG KONG		

Goods/services subject to cancellation

Class 028. First Use: Oct 14, 2020 First Use In Commerce: Oct 14, 2020
All goods and services in the class are subject to cancellation, namely: Dolls, doll clothing, and doll accessories

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	2024-04-16 POPPYSEED Petition to Cancel.pdf(125524 bytes)
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Signature	/ErikMPelton/
Name	Erik M. Pelton
Date	04/16/2024

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

ALAN WRENCH LLC
Petitioner,

v.

Hong Kong City Toys Factory Limited
Registrant.

Cancellation No. _____

Registration No. 6,356,200

Mark:

POPPYSEED

PETITION FOR CANCELLATION

In the matter of Trademark Registration No. 6,356,200 for POPPYSEED, issued on May 18, 2021, Petitioner ALAN WRENCH LLC (“Petitioner”), a Florida limited liability company, believes that it is and will continue to be damaged by the registration issued for “Dolls, doll clothing, and doll accessories” in International Class 28 and hereby petitions to cancel the registration of said trademark. The grounds for cancellation are set forth herein.

1. Petitioner is a limited liability company organized and existing under the laws of State of Florida and having its principal place of business at 906 W Plymouth Street, Tampa, Florida 33624.

2. Since at least November 1, 2017, Petitioner and any predecessors in interest have offered baby products, namely, wooden baby gyms, wooden activity gyms, wooden baby gym toys, and play mats in United States commerce under its POPPYSEED PLAY.

3. Petitioner is the owner of pending application Serial No. 97/612,356, filed on September 29, 2022, for POPPYSEED PLAY. *See* TSDR printout attached as Exhibit A.

4. Application Serial No. 97/612,356 was filed based on use of the mark in commerce in connection with “Wooden baby gyms; Wooden activity gyms for infants and

toddlers; Wooden baby gym toys, namely wooden baby gyms; Play mats namely linen round mat and extra padded round play mat.”

5. Petitioner’s application to register POPPYSEED PLAY has been refused based on an alleged likelihood of confusion with POPPYSEED (the “Registered Mark”) mark in Registration No. 6,356,200 (the “Subject Registration”).

6. The goods identified in the Subject Registration and subject to this petition are “Dolls, doll clothing, and doll accessories” in International Class 28 (the “Petitioned Goods”).

7. Petitioner is entitled to a statutory cause of action in this matter.

8. Upon information and belief, Registrant has discontinued use of the mark POPPYSEED for all of the goods in the Subject Registration for at least three consecutive years or, alternately, for a period of non-use less than three years with an intent not to resume use, and thereby abandoned the mark within the meaning of Section 45 of the United States Trademark Act of 1946, 15 U.S.C. § 1127.

9. The Subject Registration should be cancelled because it is not used with any of the Petitioned Goods in commerce as required by Section 1(a) of the Trademark Act, having been abandoned by Registrant.

Petitioner hereby appoints Erik M. Pelton, a member in good standing of the Bars of the State of New Jersey (admitted in 1999; Bar No. 1999-04577) and the District of Columbia; Olivia M. Muller, a member of the Bar of the State of Colorado; Chelsea N. Kaminski, a member of the Bar of the District of Columbia; and Denisse F. Garcia, a member of the Bar of the State of Pennsylvania, of ERIK M. PELTON & ASSOCIATES, PLLC, 111 Park Place, Suite 1A, Falls Church, Virginia 22046, to act as attorneys in the matter of the Petition identified above, to prosecute said Petition, to transact all business in the Patent and Trademark Office, and in the

United States courts connected with the Petition, to sign its names to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

The fees required by § 2.6(a)(17) are submitted herewith.

WHEREFORE, Petitioner prays that Registration No. 6,356,200 be cancelled for the Petitioned Goods.

Dated this 16th day of April, 2024.

Respectfully Submitted,

Chelsea N. Kaminski

Chelsea N. Kaminski
ERIK M. PELTON & ASSOCIATES, PLLC®
uspto@tm4smallbiz.com
703-525-8009

Attorney for Petitioner

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

ALAN WRENCH LLC
Petitioner,

v.

Hong Kong City Toys Factory Limited
Registrant.

Cancellation No. _____

Registration No. 6/356,200

Mark:

POPPYSEED

PETITION FOR CANCELLATION

EXHIBIT A

Generated on: This page was generated by TSDR on 2024-04-16 16:43:50 EDT

Mark: POPPYSEED PLAY

POPPYSEED PLAY

US Serial Number: 97612356

Application Filing Date: Sep. 29, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A final Office action refusing registration has been sent (issued) because the applicant neither satisfied nor overcame all requirements and/or refusals previously raised. The applicant may respond by filing (1) a request for reconsideration; and/or (2) an appeal to the Trademark Trial and Appeal Board. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Oct. 17, 2023

Mark Information

Mark Literal Elements: POPPYSEED PLAY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "PLAY"

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Wooden baby gyms; Wooden activity gyms for infants and toddlers; Wooden baby gym toys, namely wooden baby gyms; Play mats namely linen round mat and extra padded round play mat

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 01, 2017

Use in Commerce: Nov. 01, 2017

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ALAN WRENCH LLC
Owner Address: 906 W PLYMOUTH ST.
TAMPA, FLORIDA UNITED STATES 33624
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erik M. Pelton

Attorney Primary uspto@tm4smallbiz.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Erik M. Pelton
Name/Address: ERIK M. PELTON & ASSOCIATES, PLLC
PO BOX 100637
ARLINGTON, VIRGINIA United States 22210

Phone: 703-525-8009

Correspondent e- uspto@tm4smallbiz.com
mail:

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jan. 08, 2024	APPLICATION EXTENSION GRANTED/RECEIPT PROVIDED	
Jan. 08, 2024	APPLICATION EXTENSION TO RESPONSE PERIOD - RECEIVED	
Oct. 17, 2023	NOTIFICATION OF FINAL REFUSAL EMAILED	
Oct. 17, 2023	FINAL REFUSAL E-MAILED	
Oct. 17, 2023	FINAL REFUSAL WRITTEN	
Sep. 26, 2023	TEAS/EMAIL CORRESPONDENCE ENTERED	
Sep. 26, 2023	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 26, 2023	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 17, 2023	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Jul. 17, 2023	NON-FINAL ACTION E-MAILED	
Jul. 17, 2023	NON-FINAL ACTION WRITTEN	
Jul. 14, 2023	ASSIGNED TO EXAMINER	
Mar. 08, 2023	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Oct. 17, 2022	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 03, 2022	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: LAPTER, ALAIN J

Law Office LAW OFFICE 105
Assigned:

File Location

Current Location: TMEG LAW OFFICE 105 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Oct. 17, 2023

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Applicant: Poppyseed Play LLC

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [7989/0414](#)

Pages: 3

Date Recorded: Feb. 22, 2023

Supporting Documents: [assignment-tm-7989-0414.pdf](#)

Assignor

Name: [POPPYSEED PLAY LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
Execution Date: Feb. 18, 2023
State or Country Where Organized: UTAH

Assignee

Name: [ALAN WRENCH LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: FLORIDA
Address: 906 W PLYMOUTH ST.
TAMPA, FLORIDA 33624

Correspondent

Correspondent Name: ERIK M. PELTON & ASSOCIATES, PLLC
Correspondent Address: 111 PARK PLACE
FALLS CHURCH, VA 22046

Domestic Representative - Not Found