

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	ARSIS JEWELRY CO., LIMITED		
Entity	Corporation	Incorporated or registered in	China
Address	ROOM 104, 1/F, ENTERPRISE BUILDING, 228-238 QUEEN'S ROAD CENTRAL HONGKONG, 999077 CHINA		
Attorney information	WENZHU YU ANJIE BROAD LAW FIRM NO.19 DONGFANGDONGLU, CHAOYANG DISTRICT BEIJING, 106000 CHINA Primary email: wency_yu@anjielaw.com Secondary email(s): trademark@anjielaw.com 108567599		
Docket no.			

Registration subject to cancellation

Registration no.	6061038	Registration date	05/26/2020
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	Arcis Holdings Pty Ltd SUITE 2, LEVEL 1, 1160 HAY STREET WEST PERTH WA 6005 AUSTRALIA		

Goods/services subject to cancellation

Class 014. First Use: None First Use In Commerce: None

Goods and services in the class that are subject to cancellation: Articles of jewellery, namely, necklaces, pendants, bracelets, cufflinks; jewellery charms; jewellery of precious metals; jewellery products, namely, necklaces, pendants, bracelets, cufflinks; jewellery and precious stones; jewellery watches; leather jewellery; lockets; medallions; neck chains; necklaces; custom jewellery; personal jewellery; ring bands; rings; cufflinks; gold jewellery; wall clocks; key chains of precious metals; decorative key fobs; key rings coated with precious metals; key rings of precious metals; key rings with fobs made of leather; key rings with fobs made of metal; key rings with fobs made of plastic; key rings with fobs or trinkets attached; items of jewellery, namely, necklaces, pendants, bracelets, cufflinks; split rings of precious metal for keys; tie chains; tie clasps; tie clips; tie fasteners; tie pins; jewellery; jewellery boxes; jewellery cases; jewellery chains

Grounds for cancellation

No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Sections 14(1) and 1(a), (c), and (d)
Abandonment	Trademark Act Section 14(3)
Fraud on the USPTO	Trademark Act Section 14(3); In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Related proceedings	U.S. Application Serial No. 98008395 for the mark ARSIS
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Attachments	Petition to Cancel _ US Reg. No. 6061038.pdf(101285 bytes)
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Signature	/Wenzhu Yu/
Name	Wenzhu Yu
Date	02/26/2025

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

ARSIS JEWELRY CO., LIMITED)	
)	
Petitioner,)	
)	
v.)	
)	Reg. No. 6061038
ARCIS HOLDINGS PTY LTD.)	
)	
Registrant.)	

PETITION TO CANCEL

ARSIS JEWELRY CO., LIMITED (“Petitioner”) is or will be damaged by the continued registration of the mark ARCIS, which is set forth in registration Reg. No. 6061038 (the "Registered Mark"), owned by ARCIS HOLDINGS PTY LTD.(“Registrant”), and hereby requests cancellation of the same.

As grounds for the petition, Petitioner, by its attorneys, avers as follows:

1. Petitioner is the owner of pending application Serial no. 98834278 for the mark ARSIS in International Trademark Classes 014.
2. Petitioner's application to register its Registered Mark has been refused based on an alleged likelihood of confusion with the Registered Mark.
3. Petitioner has standing to bring this action and will be damaged by continued registration of the Registered Mark.
4. Registrant filed an application to register its ARCIS Mark in connection with, in relevant part of this petition, “Articles of jewellery, namely, necklaces, pendants, bracelets, cufflinks; jewellery charms; jewellery of precious metals; jewellery products, namely, necklaces, pendants, bracelets, cufflinks; jewellery and precious stones; jewellery watches; leather jewellery; lockets; medallions; neck chains; necklaces; custom jewellery; personal

jewellery; ring bands; rings; bands for watches; clocks and watches, electric; pendant watches; pocket watches; presentation boxes for watches; presentation cases for watches; sports watches; fashion jewellery; stop watches; straps for watches; watches; watches for sporting use; wrist straps for watches; wrist watches; cufflinks; horological apparatus, namely, parts for watches and clocks; horological goods, namely, watches, wristwatches, and clocks; gold jewellery; time keeping devices, namely, clocks, watches and stopwatches; wall clocks; key chains of precious metals; decorative key fobs; key rings coated with precious metals; key rings of precious metals; key rings with fobs made of leather; key rings with fobs made of metal; key rings with fobs made of plastic; key rings with fobs or trinkets attached; items of jewellery, namely, necklaces, pendants, bracelets, cufflinks; split rings of precious metal for keys; tie chains; tie clasps; tie clips; tie fasteners; tie pins; jewellery; jewellery boxes; jewellery cases; jewellery chains” in International Class 014, on a Section 66(a) filing basis.

5. On information and belief, Respondent operates an online retail store through Amazon.com which is accessible at the URL https://www.amazon.com/stores/Arcis/page/F78E51AD-2F14-4B45-9990-4EA46D6E0D65?ref_cm_sw_r_ud_sf_stores_8AZ51WQE9DXAR569BQ39 (the “Arcis Amazon Page”).

6. As of February 18, 2025, the Arcis Amazon Page shows only these goods offered for sale: Travel bags, Tuxedo sets, Belts, Men’s Suspenders, Journals, Cardholder wallets.

7. On information and belief, Registrant does not sell or offer to sell or in any way use its goods in the United States except through the Arcis Amazon Page.

8. On information and belief, Registrant has not and does not presently actually sell in commerce all the goods listed in the Subject Registration.

FIRST CLAIM--FRAUD

9. Petitioner repeats and realleges the statements in paragraphs 1-8 above as if fully set forth herein.

10. On information and belief, at the time that Registrant filed the application that matured into the Subject Registration, Registrant had not actually sold in commerce all of the goods listed in the application that became the Subject Registration.

11. On information and belief, Registrant's declaration within the application for the Registered Mark was fraudulently made because Registrant had not actually sold in commerce all goods listed in the application that became the Subject Registration and because Registrant knew at the time it made the declaration that it was false.

12. Registrant committed fraud during the prosecution of its application for registration of the Subject Registration because of its false declarations knowingly made at the time the application to register the Registered Mark was filed.

13. Because the Subject Registration was obtained based on knowingly fraudulent statements made by Registrant, the Subject Registration is subject to cancellation as to all goods.

SECOND CLAIM-LACK OF USE AND ABANDONMENT

14. Petitioner repeats and realleges the statements in paragraphs 1-13 above as if fully set forth herein.

15. On information and belief, as of the filing date of Registrant's application that became the Subject Registration for the ARCIS marks, Registrant had not actually used the Registered Mark in commerce in connection with the following goods: Articles of jewellery, namely, necklaces, pendants, bracelets, cufflinks; jewellery charms; jewellery of precious metals; jewellery products, namely, necklaces, pendants, bracelets, cufflinks; jewellery and precious stones; jewellery watches; leather jewellery; lockets; medallions; neck chains; necklaces; custom jewellery; personal jewellery; ring bands; rings; cufflinks; gold jewellery; wall clocks; key chains of precious metals; decorative key fobs; key rings coated with

precious metals; key rings of precious metals; key rings with fobs made of leather; key rings with fobs made of metal; key rings with fobs made of plastic; key rings with fobs or trinkets attached; items of jewellery, namely, necklaces, pendants, bracelets, cufflinks; split rings of precious metal for keys; tie chains; tie clasps; tie clips; tie fasteners; tie pins; jewellery; jewellery boxes; jewellery cases; jewellery chains" in International Class 014. (the "Unused ARCIS Goods").

16. On information and belief, Registrant does not presently use the Registered Mark in commerce in connection with any of the Unused ARCIS Goods.

17. The Subject Registration should be cancelled as to the Unused ARCIS Goods because it is not used in commerce as required by Section 1(a) of the Trademark Act.

18. On information and belief, Registrant has abandoned the Registered Mark as to the Unused ARCIS Goods because Registrant does not sell in commerce any Unused ARCIS Goods in connection with the Registered Mark and has no intention to do so in the future.

WHEREFORE, Petitioner prays that Registration No. 6277537 be cancelled as to the Unused ARCIS Goods.

Dated: February 18, 2025

Respectfully submitted,

/s/ Wenzhu Yu

Wenzhu Yu

Beijing Anjie Broad Law Firm

19/F, Tower D1, Liangmaqiao Diplomatic
Office Building,

No. 19 Dongfangdonglu, Chaoyang District,
Beijing 100600, P.R.China

tel: +86 10 8567 5976

Wency_yu@anjielaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Cancel has been served on Registrant's attorney at the e-mail of record: nixonptomail@nixonvan.com.

Dated: February 18, 2025

Respectfully submitted,

/s/ Wenzhu Yu

Wenzhu Yu

Beijing Anjie Broad Law Firm

19/F, Tower D1, Liangmaqiao Diplomatic
Office Building,

No. 19 Dongfangdonglu, Chaoyang District,

Beijing 100600, P.R.China

tel: +86 10 8567 5976

Wency_yu@anjielaw.com