

ESTTA Tracking number: **ESTTA641527**

Filing date: **11/26/2014**

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 requests to cancel indicated registration.

Petitioner Information

Name	Lifelink Pharmaceuticals, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	1350 Commerce Drive Stow, OH 44224 UNITED STATES		

Attorney information	Rachel L. Steinlage MEYERS ROMAN FRIEDBERG & LEWIS 28601 CHAGRIN BLVD, SUITE 500 Cleveland, OH 44122 UNITED STATES rsteinlage@meyersroman.com Phone:216-831-0042		
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Registration Subject to Cancellation

Registration No	4252779	Registration date	12/04/2012
Registrant	LIFEHEALTH SCIENCE, LLC 1375 E. 9th Street, 28th Floor Cleveland, OH 44114 UNITED STATES		

Goods/Services Subject to Cancellation

Class 005. First Use: 2010/07/07 First Use In Commerce: 2010/07/07 All goods and services in the class are cancelled, namely: Dietary and nutritional supplements, all containing natural ingredients
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Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ZNATURAL		
Goods/Services	Dietary and nutritional supplements		

Attachments	Petition to Cancel (00608765xBFD02).pdf(19008 bytes) Exhibit A to Petition to Cancel (00604388xBFD02).pdf(480732 bytes) Exhibit B to Petition to Cancel (00604360xBFD02).pdf(2574493 bytes) Exhibit C to Petition to Cancel (00604377xBFD02).pdf(163086 bytes) Exhibit D to Petition to Cancel (00604397xBFD02).pdf(1066659 bytes) Exhibit E to Petition to Cancel (00604399xBFD02).pdf(622219 bytes) Exhibit F to Petition to Cancel (00604371xBFD02).pdf(2288045 bytes) Exhibit G to Petition to Cancel (00604378xBFD02).pdf(242204 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Rachel L. Steinlage/
Name	Rachel L. Steinlage
Date	11/26/2014

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

In the matter of Trademark Registration No. 4,252,779

For the mark: ZNatural

Registration Date: December 4, 2012

LIFELINK PHARMACEUTICALS, INC.)	CANCELLATION NO.:
)	
Petitioner,)	RE: REGISTRATION NO. 4,252,779
)	
vs.)	
)	
LIFEHEALTH SCIENCE, LLC)	
)	
Registrant.)	

PETITION TO CANCEL REGISTRATION NO. 4,252,779

In the matter of Trademark Registration No. 4,252,779 (the “Registration”), registered on December 4, 2012, and as grounds of cancellation, it is alleged that:

1. Lifelink Pharmaceuticals, Inc. (“Petitioner”) is an Ohio corporation with a principal place of business at 1350 Commerce Drive, Stow, Ohio 44224.
2. The name and address of the registrant is LifeHealth Science, LLC (“Registrant”), which is an Ohio limited liability company having a principal place of business at 1375 East Ninth Street, Suite 2800, Cleveland, Ohio 44114.
3. Petitioner has been, and continues to be, damaged by the Registration and hereby petitions to cancel the same.
4. Petitioner’s statement of standing and the grounds for cancellation are as follows:

I. PETITIONER'S STANDING

5. Petitioner is the owner of U.S. Patent No. 6,288,045 (the "Patent"), designated "Epithelial Cell Cancer Drug," which was issued on September 11, 2001.

6. The Patent contains certain information necessary for the production of the "Epithelial Cell Cancer Drug" containing the inorganic substance, zeolite (the "Product").

7. The Product is a nutraceutical, the purpose of which is to assist in the removal of toxic heavy metals from the human body.

8. Petitioner's nutraceuticals are the same as, or are closely related to, the goods that are recited in the Registration, which are "dietary and nutritional supplements, containing all natural ingredients."

9. Nutraceuticals are "dietary and nutritional supplements" and therefore, the goods that are listed in the Registration are the same as, or closely related to, Petitioner's goods, including the Product.

10. Petitioner began producing the Product in 2001.

11. In 2007, Petitioner began manufacturing and selling the Product under the trademark ZNatural ("Petitioner's Trademark"), as demonstrated by the marketing materials attached hereto as Exhibit A.

12. At least as early as 2007, Petitioner adopted and used Petitioner's Trademark in conjunction with sales of the Product.

13. Petition has continued to use Petitioner's Trademark, in its individual capacity and as licensor, and has never abandoned it.

14. In 2007, Petitioner sought to expand its production of the Product, and searched for a manufacturer and distributor to which it could license the Patent and Petitioner's Trademark.

15. On November 4, 2008, Petitioner licensed the Patent and Petitioner's Trademark to Trilogy Essentials International, Inc. ("Trilogy"), as evidenced by the license agreement attached as Exhibit B, under which Trilogy obtained joint ownership of Petitioner's Trademark.

16. When Trilogy failed to perform under its license agreement with Petitioner, Petitioner terminated the license agreement with Trilogy, as evidenced by the termination letter attached as Exhibit C.

17. As a result of the Termination Letter, full ownership of Petitioner's Trademark reverted to Petitioner under sections 1.9 and 4.1 of its license agreement with Trilogy.

18. By reason of the foregoing, Petitioner's use of the Trademark was prior in time to Registrant's application for registration.

19. In February 2010, Petitioner entered into a license agreement with Registrant (the "License Agreement"), under which Petitioner licensed the use of the Patent and Petitioner's Trademark to Registrant, a copy of which is attached as Exhibit D.

20. On November 10, 2011, without informing Petitioner, Registrant filed a section 1(a) application to register the mark "ZNatural" (the "Application"), a copy of which is attached as Exhibit E.

21. The Application claimed that Registrant was the owner.

22. At the time Registrant filed the Application, Registrant had actual knowledge of Petitioner's ownership of Petitioner's Trademark, by virtue of Registrant's status as Petitioner's licensee.

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