

ESTTA Tracking number: **ESTTA1253338**

Filing date: **12/10/2022**

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	JAEI PRODUCTS		
Entity	LIMITED LIABILITY COMPANY	Citizenship	INDIANA
Address	5914 GATEWAY DR INDIANAPOLIS, IN 46254 UNITED STATES		
Attorney information	TREZANAY M. ATKINS TMALAW THE LAWYER FOR BRANDS 125 W. SOUTH STREET, #2674 INDIANAPOLIS, IN 46206 UNITED STATES Primary email: ip-docket@choosetma.com 317.550.0115 x2		
Docket no.	JaelProd-001		

Registration subject to cancellation

Registration no.	6086756	Registration date	06/23/2020
Register	Principal		
Registrant	Jael's Natural LLC D3 150 LIBERTY PARKWAY SPRING VALLEY, NY 10977 UNITED STATES		

Goods/services subject to cancellation

Class 003. First Use: Apr 10, 2019 First Use In Commerce: Apr 10, 2019
All goods and services in the class are subject to cancellation, namely: Bar soap; Bath soaps; Body lotions; Body wash

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Mark cited by petitioner as basis for cancellation

U.S. application no.	97588503	Application date	09/13/2022
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Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	JAEL		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Oct 1, 2013 First Use In Commerce: Oct 1, 2013 Cosmetic body care preparations, namely, creams, butters, cleansers, exfoliants, and masks; Cosmetic creams for skin care; Cosmetic nourishing creams; Cosmetic preparations for bath and shower; Cosmetic preparations for hair care; Cosmetic preparations for the hair and scalp; Lip balm; Facial cleansing grains; Non-medicated cleansers, namely, cleansing grains; Shea butter for cosmetic purposes; Skin cleansers		

Attachments	FINAL Petition to Cancel and Attachments JAEL.pdf(938947 bytes)
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Signature	/Trezanay M Atkins/
Name	Trezanay M Atkins
Date	12/10/2022

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

Jael Products LLC)	
)	
)	
Petitioner,)	
)	In the Matter of Registration
)	6,086,756
v.)	for the mark Jael's Natural
)	
)	
Jael's Natural LLC)	
)	
Registrant.)	

PETITION FOR CANCELLATION

Jael's Natural LLC ("Registrant"), a limited liability company organized under the laws of the State of New York and is listed in the records of the U.S. Patent and Trademark Office ("USPTO") as the registrant of U.S. Registration No. 6,086,756 (the "Registration") of Jael's Natural (the "Mark"), issued on June 23, 2020, for "Bar soap; Bath soaps; Body lotions; Body wash" in International Class 003.

Jael Products LLC ("Petitioner"), a limited liability company organized under the laws of the State of Indiana, is an e-commerce business that sells premium quality natural shea butter-based personal care products. Petitioner believes it is being and will be damaged by the continued registration of the Mark and hereby petitions to the U.S. Trademark Trial and Appeal Board to cancel the Mark pursuant to 15 U.S.C. § 1064 ("Petition for Cancellation").

As grounds for cancellation, Petitioner alleges the following:

FIRST CAUSE FOR CANCELLATION

(Registrant is Not the Prior, Senior User)

1. Commencing long prior to Registrant's filing date and use dates, Petitioner has engaged and continues to engage in providing personal care and bath products through its e-commerce platform.
2. Commencing long prior to Registrant's filing date and use dates, Petitioner has used, and Petitioner is now using Petitioner's mark, JAEL, in connection with personal care and bath products through its e-commerce platform.
3. On April 26, 2019, Registrant Jael's Natural LLC filed an application to register the mark "JAEL'S NATURAL," claiming it was first used at least as early as April 10, 2019, and first used in commerce at least as early as the same date, and is now in use in commerce.
4. Petitioner has used the Mark in question through its e-commerce platform from at least as early as October 2013.
5. Because of Petitioner's evidence of its prior use of the mark "JAEL" in International Class 003 for "Cosmetic body care preparations, namely, creams, butters, cleansers, exfoliants, and masks; Cosmetic creams for skin care; Cosmetic nourishing creams; Cosmetic preparations for bath and shower; Cosmetic preparations for hair care; Cosmetic preparations for the hair and scalp; Lip balm; Facial cleansing grains; Non-medicated cleansers, namely, cleansing grains; Shea butter for cosmetic purposes; Skin cleansers", the Mark was in prior use by Petitioner before Registrant used it in commerce.
6. The Registration creates a legal presumption that the Registrant has valid and exclusive rights in the Mark for goods identified in the Registration.

7. For the reasons set forth above, Registrant is not entitled to the Registration or to the legal presumptions that the Registration creates.

8. The continued presence of the Registration on the federal trademark register constitutes an obstacle to Petitioner's use of the term "JAEL" in future sales through its e-commerce platform as well as poses an obstacle to registration.

9. The Registration, thus, is causing injury and damage to Petitioner.

SECOND CAUSE FOR CANCELLATION

(Abandonment/Non-Use of Trademark)

10. Registrant's website appears to be inactive as they are no longer taking new orders. Attached as Attachment 1 is a true and correct screen capture of Registrant's website.

11. Registrant's social media accounts on both Facebook and Instagram also appear to be inactive. Attached as Attachment 2 is a true and correct screen capture of Registrant's respective social media accounts and most recent posts.

12. Upon information and belief, Registrant has discontinued use of the Mark in connection with all of the services identified in the registration for the Mark, and lacks a bona fide intention to resume use of the Mark in connection with these services in U.S. commerce.

13. Accordingly, Registrant has abandoned the Mark in connection with bar soap, bath soaps, body lotions, and body wash. Therefore, U.S. Registration No. 6,086,756 is subject to cancellation pursuant to 15 U.S.C. § 1064(3).

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