

ESTTA Tracking number: **ESTTA1319408**  
Filing date: **10/31/2023**

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	EMMANUEL ZUÑIGA SANCHEZ		
Entity	Individual	Incorporated or registered in	MEXICO
Address	PEREDO NUMERO 9 COLONIA BARRIO SAN FRANCISCO JONACATEPEC, MR 62930 MEXICO		
Attorney information	THOMAS D FOSTER TDFOSTER - INTELLECTUAL PROPERTY LAW 11622 EL CAMINO REAL, SUITE 100 SAN DIEGO, CA 92130 UNITED STATES Primary email: foster@tdfoster.com 858-922-2170		
Docket no.	7237.012-00		

#### Registration subject to cancellation

Registration no.	6429309	Registration date	07/20/2021
Register	Principal		
Registrant	COMERCIALIZADORA NATURISTA DE MEXICO S. DE R.L. DE C.V. E CARRANZA, COL EL RETOÑO, DEL IZTAPALAPA CIUDAD DE MEXICO, CP09440 MEXICO		

#### Goods/services subject to cancellation

Class 005. First Use: Aug 4, 2020 First Use In Commerce: Aug 4, 2020 All goods and services in the class are subject to cancellation, namely: Herbal teas for medicinal purposes
Class 030. First Use: Aug 4, 2020 First Use In Commerce: Aug 4, 2020 All goods and services in the class are subject to cancellation, namely: Herbal teas for food purposes

#### Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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#### Marks cited by petitioner as basis for cancellation

U.S. application no.	97071803	Application date	10/13/2021
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Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	CHPPNZ CHUPA PANZA JENGIBRE PIÃ#A + LINAZA TÃ# BASE DE RAÃ#Z DE JENGIBRE, PIÃ#A, LINAZA Y CANELA		
Design mark			
Description of mark	<p>The mark consists of the wording "CHPPNZ" written in a blue stylized font in the middle of five horizontal stripes stretched from one side to the other, one under the other, alternating the colors gold and purple. Below the wording there are the words "CHUPA PANZA", "written in a blue stylized font, each letter having white shadows, and the words "JENGIBRE" and the wording "PIÃ#A + LINAZA" written below the words "CHUPA PANZA", in a white stylized font and superimposed on a blue curved rectangle. On the right lower part of the design there is a graphic representation of a brown ginger with three cut yellow slices and four green leaves, two on each side, with a straight black line starting from the bottom left and going until the margin. On the right of the ginger there is a graphic representation of a white cup, having inside gold tea and on the bottom right four brown graphic representations of cinnamon sticks with a green mint flower on top. On the lower left part of the design, there are the words "TÃ# BASE DE RAÃ#Z", "DE JENGIBRE, PIÃ#A," and "LINAZA Y CANELA" written one under the other in a red stylized font. All of the above is placed on a rectangular yellow label.</p>		
Goods/services	<p>Class 005. First use: First Use: None First Use In Commerce: None  Anti-inflammatory gels; Anti-inflammatory ointments; Dietetic beverages adapted for medical purposes; Food supplements; Meal replacement shakes adapted for medical use; Medicated lotions for skin and body; Medicated soaps; Medicinal herbal extracts for medical purposes; Medicinal herbal preparations; Medicinal infusions for treating constipation; Medicinal tea; Mentholated ointment for medical use; Vitamin preparations all of the foregoing made in whole or significant part of Ginger, pineapple, flax, ginger root and Cinnamon</p>		

U.S. application no.	90896074	Application date	08/23/2021
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	CHUPA PANZA GEL DE JENGIBRE 100% NATURAL		
Design mark			
Description of mark	<p>The mark consists of the wording "CHUPA PANZA" written in a brown stylized font, under which there is the wording "GEL DE JENGIBRE" written in a light brown surrounded by a brown shadow. The wording is placed over an image of pink ginger with green leaves on the upper right part, and three slices of yellow ginger in the left part. On the right side of the image, there is the wording "100% NATURAL" written one under the other in a brown stylized font. The entire design is flanked by two human torsos, in the left part being a pink hand pitching the hips fat above a white skirt, and in the right side is person with pink skin measuring the waist with a yellow tape measure above a white skirt. The entire design is placed on a white background that is not a part of the mark.</p>		
Goods/services	<p>Class 005. First use: First Use: None First Use In Commerce: None  Dietetic infusions for medical use; Food supplements; Medicated lotions for body; Medicinal tea; Slimming tea for medical purposes all of the foregoing made in whole or significant part of ginger</p>		

U.S. application	90800313	Application date	06/29/2021
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no.			
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	CHUPA PANZA GEL DE JENGIBRE 100% NATURAL		
Design mark			
Description of mark	<p>The mark consists of the wording "CHUPA PANZA" written in a brown stylized font, under which there is the wording "GEL DE JENGIBRE" written in a light brown surrounded by a brown shadow. The wording is placed over an image of a ginger appearing in pink with green leaves on the upper right part, and three slices of yellow ginger in the left part. On the right side of the image, there is the wording "100% NATURAL" written one under the other in a brown stylized font. The entire design is flanked by two human torsos, in the left part being a pink hand pitching the hips fat above a white skirt, and in the right side is person with pink skin measuring the waist with a yellow tape measure above a white skirt. The entire design is placed on a white background that is not a part of the mar.</p>		
Goods/services	<p>Class 030. First use: First Use: None First Use In Commerce: None Tea; Fruit teas; Herbal infusions; Instant tea; Mixes for making tea; Tea-based beverages; Tea extracts; Tea for infusions all of the foregoing made in whole or significant part of ginger</p>		

U.S. application no.	90714888	Application date	05/17/2021
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	RETO CHUPAPANZA		
Design mark			
Description of mark	<p>The mark consists of the stylized wording "RETO" written in a red, above the word "CHUPAPANZA" written in a yellow surrounded by a black stylized shadow. Above the wording there is a mascot with pink skin, which has a red hat with white lines, a black, red and white mouth, a red scarf around its neck, a green and yellow vest, a green and yellow belt, and yellow and black gloves. The white outside the design is just transparent background and is not claimed as a feature of the mark.</p>		
Goods/services	<p>Class 005. First use: First Use: None First Use In Commerce: None Balms for medical purposes; Dietary supplemental drinks; Dietetic infusions for medical use; Massage gels for medical purposes; Meal replacement drink mixes adapted for medical use; Medical preparations for slimming purposes; Medicated lotions for body; Medicated soap; Medicinal tea; Mentholated ointment for medical use; Slimming pills</p>		

Attachments	7237.012-00 20231031 CANCELLATION PETITION.pdf(124793 bytes )
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Signature	/Thomas D. Foster/
Name	Thomas D. Foster
Date	10/31/2023

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

ZUÑIGA SANCHEZ, EMMANUEL Petitioner,	)	Cancellation No. _____
	)	
	)	
v.	)	In the Matter of U.S. Trademark Registration No.: 6429309 Mark: CHUPA PANZA Date Registered: July 20, 2021
	)	
COMERCIALIZADORA NATURISTA DE MEXICO S. DE R.L. DE C.V. Registrant.	)	
	)	
	)	

**PETITION FOR CANCELLATION**

Emmanuel Zuniga Sanchez (hereinafter "Petitioner"), a Mexican citizen markets in the United States his CHUPA PANZA brand of Anti-inflammatory gels; Anti-inflammatory ointments; Dietetic beverages adapted for medical purposes; Food supplements; Meal replacement shakes adapted for medical use; Medicated lotions for skin and body; Medicated soaps; Medicinal herbal extracts for medical purposes; Medicinal herbal preparations; Medicinal infusions for treating constipation; Medicinal tea; Mentholated ointment for medical use; Vitamin preparations all of the foregoing made in whole or significant part of Ginger, pineapple, flax, ginger root and Cinnamon; and his CHUPA PANZA brand of Dietetic infusions for medical use; Food supplements; Medicated lotions for body; Medicinal tea; Slimming tea for medical purposes all of the foregoing made in whole or significant part of ginger and his RETO CHUPAPANZA brand of Balms for medical purposes; Dietary supplemental drinks; Dietetic infusions for medical use; Massage gels for medical purposes; Meal replacement drink mixes adapted for medical use; Medical preparations for slimming purposes; Medicated lotions

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for body; Medicated soap; Medicinal tea; Mentholated ointment for medical use; Slimming pills. Mr. Sanchez has a principal place of business at Peredo Numero 9 Colonia Barrio San Francisco Jonacatepec, Morelos Mexico 62930. He believes that he is damaged and will continue to be damaged by U.S. Registration No. 6429309, issued July 20, 2021, for the mark CHUPA PANZA, to COMERCIALIZADORA NATURISTA DE MEXICO S. DE R.L. DE C.V. (hereinafter “Registrant”), a Mexican corporation which has a principal place of business at E Carranza, Col El Retoño, Del Iztapalapa Ciudad de Mexico MEXICO CP09440. Petitioner hereby petitions to cancel this same registration pursuant to 15 U.S.C. § 1064.

As grounds in support of its Petition for Cancellation, Petitioner asserts as follows:

**Petitioner’s Long-Standing Use of CHUPA PANZA as a Trademark**

1. Petitioner has for many years, and long prior to any date for first use upon which Registrant can rely, adopted, and continuously used the “CHUPA PANZA” name and trademark (“Petitioner’s Mark”) in the United States of America on Anti-inflammatory gels; Anti-inflammatory ointments; Dietetic beverages adapted for medical purposes; Food supplements; Meal replacement shakes adapted for medical use; Medicated lotions for skin and body; Medicated soaps; Medicinal herbal extracts for medical purposes; Medicinal herbal preparations; Medicinal infusions for treating constipation; Medicinal tea; Mentholated ointment for medical use; Vitamin preparations all of the foregoing made in whole or significant part of Ginger, pineapple, flax, ginger root and Cinnamon; Dietetic infusions for medical use; Food supplements; Medicated lotions for body; Medicinal tea; Slimming tea for medical purposes all of the foregoing made in

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