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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	bitop AG		
Entity	joint stock company	Incorporated or registered in	Germany
Address	STOCKUMER STRAÑE 28 WITTEN, 58453 GERMANY		
Attorney information	ROBERT S. BRODER COLLARD & ROE, P.C. 1077 NORTHERN BLVD. ROSYLN, NY 11676 UNITED STATES Primary email: rbroder@collardroe.com Secondary email(s): olga@collardroe.com, law@collardroe.com 5163659802		
Docket no.	040842		

Registration subject to cancellation

Registration no.	5098374	Registration date	12/13/2016
Register	Principal		
Registrant	ECTO, LLC 5350 ORCHARD STREET WEST, SUITE 201 UNIVERSITY PLACE, WA 98467 UNITED STATES		

Goods/services subject to cancellation

Class 003. First Use: Jun 15, 2015 First Use In Commerce: Jun 15, 2015 All goods and services in the class are subject to cancellation, namely: Non-medicated topical formulations for the treatment of various skin conditions, namely, preparations for the treatment of anti-aging, acne, folliculitis, dry skin, rosacea, melasma, and scars
Class 005. First Use: Jun 15, 2015 First Use In Commerce: Jun 15, 2015 All goods and services in the class are subject to cancellation, namely: Medicated topical formulations for various skin conditions, namely, preparations for the treatment of anti-aging, acne, folliculitis, dry skin, rosacea, melasma, scars and inflammation; non-medicated topical formulations for the treatment of inflammation

Grounds for cancellation

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)
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Attachments	Ecto Cancellation 120324.pdf(126713 bytes)
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Signature	/rsb/
Name	Robert S. Broder
Date	12/03/2024

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

bitop AG

Petitioner,

v.

ECTO, LLC

Registrant.

Cancellation No.

Mark: ECTO

Registration No: 5098374

Reg. Date: December 13, 2016

PETITION FOR CANCELLATION

Pursuant to 15 U.S.C. § 1064, 37 C.F.R. § 2.111(b) and TBMP § 309.03(d), bitop AG (hereinafter “Petitioner”), a joint stock company of Germany with an address of Stockumer Straße 28, 58453 Witten, Germany, believes that it is and will continue to be damaged by the continued registration of U.S. Registration No. 5098374 for the mark **ECTO** (the “**ECTO** Mark”), registered on December 13, 2016 (the “**ECTO** Registration”), and owned by ECTO, LLC (hereinafter “Registrant”), a limited liability company organized under the laws of Washington, with an address of 5350 Orchard Street West, Suite 201, University Place, WA 98467 and hereby petitions to cancel the **ECTO** Registration.

As grounds for cancellation, Petitioner alleges that:

1. Registrant is the owner of the **ECTO** Registration (Registration No: 5098374).
2. The goods in the **ECTO** Registration (“the Registered Goods”) are:

Non-medicated topical formulations for the treatment of various skin conditions, namely, preparations for the treatment of anti-aging, acne, folliculitis, dry skin, rosacea, melasma, and scars in International Class 03.

Medicated topical formulations for various skin conditions, namely, preparations for the treatment of anti-aging, acne, folliculitis, dry skin, rosacea, melasma, scars and inflammation; non-medicated topical

formulations for the treatment of inflammation in International Class 03.

3. Petitioner is the owner of U.S. Trademark Application Serial No. 79406369 for the mark **ECTOCARE** (the “**ECTOCARE** Application”).

4. The goods in the **ECTOCARE** Application are:

Chemical substances, chemical materials and chemical preparations and natural elements, in particular biological preparations for industrial or scientific use; biological preparations for industrial use; biological preparations for scientific use; biological substances [other than for medical or veterinary use]; chemical humectants; chemical substances as adsorbents for inhalation gases; filtering materials of chemical substances; filtering materials of mineral substances; gases for use with aerosols; preservatives for pharmaceutical preparations in International Class 01.

Body care preparations; body cleansing and body care preparations; eye and nail care preparations; eye gel pads for cosmetic purposes; eye compresses for cosmetic purposes; eye care preparations, not for medical purposes; eye gels; eye creams; eye gel masks; tanning creams and lotions; skin tightening creams; creams for the prevention of wrinkles; anti-wrinkle creams; moisturizing creams; moisturizing gels; age retardant gels; facial gels; facial creams; facial lotions; facial packs; facial cleansing preparations; facial washes [cosmetics]; facial masks; skin care preparations for wrinkle reduction; hand milks; hand creams; hand lotions; hand cures for skin care; hand lotions, not for medical purposes; skin clarifying lotions, not for medical purposes; cosmetic lotions for strengthening fingernails; cosmetic preparations for wrinkle reduction for application to the face; cosmetic creams for firming skin around eyes; cosmetic facial scrubs; lotions for cosmetic purposes; lotions for cellulite reduction; lotions for aromatherapy; age retardant lotions; lotions for the eyes; lotions against eye wrinkles; shaving lotions; lotions for strengthening fingernails; lotions for use after sunbathing; lotions for application to the skin; body mask lotions; lotions for facial and body care; body and beauty care preparations in the form of lotions; cosmetic preparations for facial care; non-medicated stimulating lotions for the skin; non-medicated cleansing preparations for intimate hygiene; preparations for improving the under-eye area; perfumed lotions [toilet preparations]; beauty care preparations for the face; tissues impregnated with cosmetic lotions; toning lotions for the face, body and hands; vaginal douches for intimate cleansing or deodorizing purposes; all the foregoing goods for purely cosmetic purposes in International Class 03.

Eye drops; collyrium and medicated eye washes; anti-inflammatory gels; anti-inflammatory preparations; anti-inflammatory ointments; anti-inflammatory sprays; hygiene preparations and articles; hygiene preparations and articles, in particular medical hygiene preparations; lubricating gels for personal use; silicone-based lubricants for personal use; water-based lubricants for personal use; preparations for use in vaginal lubrication; hygienic lubricants; personal sexual lubricants; inhalants; solutions for medical use for irrigation of the nasal passages; throat lozenges;

medicated body gels; medicated body powders; medicated body creams; medicated hand washes; medicated face washes; medicated and disinfectant soaps and detergents; medicated hand lotions; medicated mouth rinses; medicated ointments for use on the skin; medicated ointments for use on the mucous membrane; medicated ointments for use in the eye; medicated sprays; medicated throat sprays; medicated dressings, medical plasters and receptacles for applying medicines; hand creams for medical use; eye pads for medical use; pharmaceutical preparations for ophthalmic use; topical pharmaceutical preparations; intimate cleansing preparations for medical use; preparations for ocular lubrication; nasal decongestants; nasal sprays; nasal drops; nasal drops for the treatment of allergies; pharmaceutical preparations and substances with anti-inflammatory properties; pharmaceutical preparations for the prevention of allergies; solutions for contact lenses; cleaning preparations for contact lenses; contact lense wetting solutions; pharmaceutical throat sprays; cleansing solutions for medical purposes; sprays for reducing swelling of the nasal mucous membrane; sprays for use in the throat; sprays in aerosol form for use on the skin; vaginal douches for medical purposes; vaginal moisturizers; all the foregoing goods for purely medical purpose in International Class 05.

Medical and veterinary apparatus and instruments; medical and veterinary apparatus and instruments, in particular dosage dispensers for medical use; eye baths; eye wash cups for medical purposes; eye drop guides; humidifying apparatus for medical use; humidifiers for use with respiratory therapy apparatus; nasal irrigators, electric; electric vaporisers for administering steam inhalants; power operated sprayers for medical purposes; chambers for inhalers; inhalers; apparatus for administering drugs by inhalation; inhalers for medical purposes [sold empty]; inhalers for the evaporation of para-medical substances; medical apparatus for facilitating the inhalation of pharmaceutical preparations; inhalers for medical use; nasal douches; nasal irrigators, non-electric; cooling sprays for medical purposes; nebulisers for medical purposes; sprayers [hand-operated] for medical use; applicators for pharmaceutical preparations in International Class 10.

5. On or about October 28, 2024, Petitioner received an Office Action from the United States Patent and Trademark Office refusing registration of its **ECTOCARE** Application based on a likelihood of confusion with Registrant's **ECTO** Mark, under Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and TMEP § 1207.01 *et seq.*

6. Petitioner has standing to bring this action given that its **ECTOCARE** Application (Serial No: 79406369) has been refused registration based on Registrant's **ECTO** Registration (Reg. No: 5098374).

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