

ESTTA Tracking number: **ESTTA29988**

Filing date: **04/07/2005**

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

<b>Proceeding</b>	91161582
<b>Party</b>	Plaintiff Cyrus Hakakian Cyrus Hakakian 241 West 37th Street, 12th Floor New York, NY 10018 UNITED STATES
<b>Correspondence Address</b>	Cathy E. Shore-Sirotin Lackenbach Siegel LLP One Chase Road Scarsdale, NY 10583 UNITED STATES cshore@lslp.com
<b>Submission</b>	Withdrawal of Opposition
<b>Filer's Name</b>	Cathy E. Shore-Sirotin
<b>Filer's e-mail</b>	cshore@lslp.com, tmefs@lslp.com
<b>Signature</b>	/cathy e. shore-sirotin/
<b>Date</b>	04/07/2005
<b>Attachments</b>	SCAN0778_000.pdf ( 7 pages )

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

_____ )	
CYRUS HAKAKIAN, )	<b>Opposition No.:</b> 91/161,582
)	
<b>Opposer,</b> )	<b>Serial No.:</b> 76/546,211
)	<b>Filing Date:</b> September 16, 2003
<b>v.</b> )	<b>Mark:</b> CYRUS
)	<b>Int'l Class:</b> 3
SPPC PARIS BLEU, )	<b>Published:</b> June 8, 2004
)	
<b>Applicant.</b> )	
_____ )	

**RESPONSE TO LETTER DATED MARCH 24, 2005  
REGARDING WITHDRAWAL OF OPPOSITION WITHOUT PREJUDICE**

**Via Electronic System For Trademark Trials And Appeals (ESTTA)**

Attn: Angela Campbell, Paralegal Specialist  
Commissioner For Trademarks  
United States Patent And Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

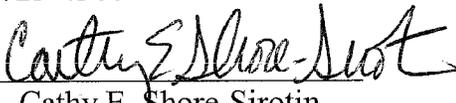
In response to the letter dated March 24, 2005, from the Trademark Trial and Appeal Board and in accordance with the telephone voice message received from Ms. Campbell (in response to Opposer's Attorneys telephone voice message), attached please find a redacted version of the Settlement Agreement between Opposer and Applicant, signed by Applicant, in which Applicant consents in writing to Opposer's "voluntary dismissal, without prejudice, of the Opposition." See p. 2, ¶ 3.

In accordance with Trademark Rule 2.106(c), 37 C.F.R. §2.106(c), Opposer hereby withdraws its opposition to registration of Serial No.76/546,211, without prejudice, with the written consent of Applicant.

Dated: April 7, 2005

Respectfully submitted,

**LACKENBACH SIEGEL LLP**  
Lackebach Siegel Building  
One Chase Road  
Scarsdale, NY 10583  
(914) 723-4300

By:   
Cathy E. Shore-Sirotin

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the within document was served on counsel for Applicant, James K. Coons, Esq. by first class mail, postage prepaid, this 7th day of April 2005, addressed to Applicant's attorneys, as follows:

James K. Coons, Esq.  
Hutchinson, Cox, Coons, DuPriest, Orr & Sherlock P.C.  
200 Forum Building  
777 High Street  
Eugene, Or 97401-2782

  
Cathy E. Shore-Sirotin

## SETTLEMENT AGREEMENT

This Settlement Agreement (the "Agreement") is made and entered into as of February \_\_\_\_, 2005 (the "Effective Date") by and between Cyrus Hakakian ("Cyrus"), an individual with a business address at Beyond Inc., 241 West 37<sup>th</sup> Street, 12<sup>th</sup> Floor, New York, NY 10018, and SPPC Paris Bleu ("SPPC"), a corporation organized under the laws of France, with a business address at 11, rue Margueritte, 75017 Paris, France.

### RECITALS

A. WHEREAS, Cyrus is the owner of the mark CYRUS (stylized) for use in connection with "men's and ladies' clothing; namely, shirts, pants, jackets, shorts, skirts, scarves, ties, hats, underwear, stockings, socks, shoes" in International Class 25, and owns United States Trademark Registration No. 1,860,998 (the "Registration") therefor, with a date of first use of February 1993;

B. WHEREAS, Cyrus, based on his intent to use, is the owner of United States Trademark Application Serial No. 76/554,253 for the mark CYRUS (stylized) for use in connection with "cosmetics, hair and skin cleaning preparations, soaps perfumery, essential oils for personal use, hair lotions and conditioners, antiperspirants, skin creams, make-up, shampoo, nail polish," in International Class 3; "eye wear and accessories, eyeglass spectacles, spectacle glasses, spectacle frames, spectacle cases, cases for contact lenses, sun glasses and frames," in International Class 9; "jewelry, imitation jewelry, precious jewelry, watches," in International Class 14; "handbags," in International Class 018; "home furnishings, textile articles for the home, bed wear, bed covering, blankets, quilts, bed sheets, pillow cases, comforters, mattress pads and covers, bed ruffles, shams, curtains, drapes, towels, hand cloths, dish towels," in International Class 24; "men's, ladies' and children's clothing, namely, swim suits, lingerie, bras, panties, night gowns, hand bags, belts, men's wear and accessories, women's wear and accessories, children's wear and accessories, robes, day wear, night wear and loungewear," in International Class 25 (the "Hakakian Application");

C. WHEREAS, SPPC is the owner of United States Trademark Application Serial No. 76/546,211 for the mark CYRUS for use in connection with "perfumery" in International Class 3 (the "SPPC Application"), with a date of first use of April 2002;

D. WHEREAS, Cyrus filed a notice of opposition with respect to the SPPC Application with the United States Trademark Trial and Appeal Board ("TTAB"), Opposition No. 91/161,582 (the "Opposition");

**REDACTED**

**REDACTED**

NOW, **THEREFORE**, in consideration of the agreements set forth below, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Cyrus and SPPC (the "Parties") agree as follows:

**REDACTED**

3. Within ten (10) business days after receipt of the executed Agreement and the executed Joint Consent from SPPC, Cyrus will file appropriate documentation notifying the TTAB of Cyrus's voluntary dismissal, without prejudice, of the Opposition.

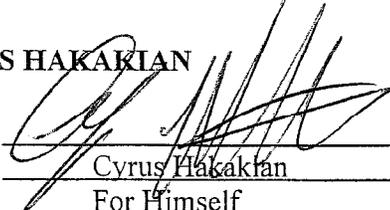
**REDACTED**

**REDACTED**

**REDACTED**

**IN WITNESS WHEREOF**, Cyrus and SPCC, by its duly authorized representative, have executed this Agreement:

CYRUS HAKAKIAN

By:   
Name: Cyrus Hakakian  
Its: For Himself  
Dated: This \_\_\_ day of \_\_\_\_\_, 2005

SPPC PARIS BLEU

By: \_\_\_\_\_  
Name: Mohamad Hilal Fawaz  
Its: Vice-President  
Dated: This 25 day of February, 2005



**SPPC - PARIS BLEU**  
Société Parisienne de Parfums et Cosmétiques  
S.A. au capital de 305.000 Euros  
11, Rue Marguerite - 75017 PARIS  
Tél. 01 44 15 14 14 - Fax 01 42 27 18 02  
E-mail : [sppc@wanadoo.fr](mailto:sppc@wanadoo.fr) - R.C.S. B 351 644 562 - APE 514 L