

TTAB

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

In the Matter of Registrations Nos: 2,125,612 and 2,125,611
Date of Issue: December 30, 1997



C&G Lingerie, Inc.,
Petitioner
v.
Collection Conrad C., Inc.
Registrant.

Cancellation No.:

BOX TTAB/FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

PETITION FOR CANCELLATION

C&G LINGERIE, Inc., a corporation organized and existing under the laws of Canada, located and doing business at 5800 Saint Denis Street, Suite 1001, Montreal, Quebec, H2S 3L5 Canada believes that it will be damaged by Registrations Nos. 2,125,612 and 2,125,611 as they relate to goods in Class 25, namely ladies' jackets, skirts, pants, shorts, blouses, t-shirts, camisoles, dresses, vests, sweaters, shawls and coats and hereby petitions to cancel the registration of the marks CONRAD C. COLLECTION and CONRAD C. WEEKEND for these goods.

As grounds therefore, it is alleged that:

1. Petitioner has adopted and continuously used the trademark CONRAD, since at least as early as 1952 and 1989 in U.S. interstate commerce to the present in connection with the sale of a variety of articles of clothing in international class 25.
2. Petitioner has filed pending federal trademark application serial no. 76/380460 covering the trademark CONRAD for bathrobes, dusters, housecoats, hostess robes, pajamas, night shirts, chemises, underwear, slippers, undershirts, tank tops, night gowns, peignoirs, coats, peignoir sets consisting of negligees and night gowns and night jackets, slack and short outfits, bathing robes and sundresses. A copy of this application is appended to this petition as Exhibit "A."
3. Registrations No. 2,125,612 and 2,125,611 sought to be cancelled, is for the trademarks CONRAD C. COLLECTION and CONRAD C. WEEKEND respectively and are registered for use in connection with a variety of clothing articles. Such goods are closely related and in some instances identical to those of Petitioner.

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4. There is no issue as to priority of use. Petitioner's use of its trademark is long prior to the first dates of use of the Registrant, i.e. July 1, 1992 for registration number 2,125,612 and July 1, 1996 for registration number 2,125,611.
5. Petitioner has expended considerable effort and expense in promoting its trademark CONRAD and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Petitioner by such mark. Petitioner has an exceedingly valuable goodwill established in its mark.
6. If the Registrant is permitted to retain the registrations sought to be cancelled, and thereby, the *prima facie* exclusive right to use in commerce the marks CONRAD C. COLLECTION and CONRAD C. WEEKEND on the identical goods sold by Petitioner, confusion in trade is likely to result from any concurrent use of Petitioner's mark and those of the Registrant all to the great detriment of Petitioner, who has expended considerable sums and effort in promoting its mark.
7. Purchasers are likely to consider the goods of the Registrant sold under the marks CONRAD C. COLLECTION and CONRAD C. WEEKEND as emanating from Petitioner, and purchase such goods as those of the Petitioner, resulting in loss of sales to Petitioner.
8. Concurrent use of the marks by the Registrant and Petitioner may result in irreparable damage to Petitioner's reputation and goodwill, if the goods sold by the Registrant are inferior, since purchasers are likely to attribute the source of the Registrant's goods to the Petitioner.
9. If the Registrant is permitted to retain the registrations sought to be cancelled, a cloud will be placed on Petitioner's title in and to its trademark, CONRAD, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the great injury of Petitioner.

WHEREFORE, Petitioner deems that it is or will be damaged by Registrations Nos. 2,125,612 and 2,125,611 and petitions for cancellation thereof as they relate to goods in International Class 25.

A duplicate Petition for Cancellation is being filed herewith, along with the filing fee required in §2.6(a)(16).

The undersigned, Petitioner in the above-entitled cause, hereby appoints Jorge Espinosa, Esq., of the law firm Sandler, Travis & Rosenberg, P.A., a member of the Bar of the State of Florida, its attorney with full power of substitution and revocation, to prosecute this cancellation proceeding, and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

C&C LINGERIE, INC.

By: _____

Signature

Sydney L. Linsky
Name and Title

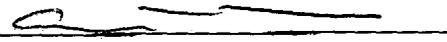
President

CITY OF MONTREAL

PROVINCE OF QUEBEC

} ss:

Sydney Wilansky being duly sworn, deposes and says that he/she is President of Petitioner Corporation and is authorized to execute this document on behalf of said corporation; that he has read and signed the same and knows the contents thereof, and the same is true of his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, he believes them to be true.


Signature

Subscribed and sworn to before me this 3rd day of June, 2002.

Theresa Martin
Commissioner of Oaths for
the District of Montreal

TERESA MARTIN
• 122.854
COMMISSIONER FOR OATHS
DISTRICT OF MONTREAL

SANDLER, TRAVIS & ROSENBERG, P.A.

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▼ BOARD CERTIFIED INTERNATIONAL LAW

June 18, 2002



06-18-2002

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Trademark Trial and Appeal Board
Commissioner for Trademarks
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via express mail overnight to sender

Petition for Cancellation
Registrations Nos. 2,125,612 and 2,125,611

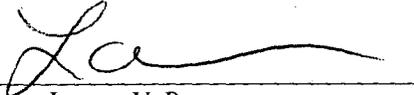
Dear Sirs:

Enclosed please find the originally signed Petition for Cancellation noted above, together with a duplicate copy thereof. Also enclosed please find a check in the amount of \$600 to cover the requisite filing fees of such a Petition seeking cancellation of two registrations owned by the same party.

Upon your receipt of the attached, please forward a notification of proceeding institution to the undersigned as soon as possible. We have also attached a self-addressed stamped postcard to verify your timely receipt of the attached instrument.

Should you have any questions or concerns, please feel free to contact the undersigned directly.

Respectfully submitted,
Sandler, Travis & Rosenberg, P.A.

By: 

Lauren V. Perez
IPR Trade Advisor

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