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EXPRESS MAIL CERTIFICATE

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Date of Deposit February 14, 2005. I hereby certify that this paper
or fee is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 CFR 1.10
on the date indicated above and is addressed to the Commissioner
for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

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Christina Matthews
Print
Christina Matthews
Signature

February 14, 2005

Via Express Mail

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Trademark Registration Nos. 2364754 and 2364755
Mark: **STARLETTE and STARLETTE & Design**
Class: 25
Our Ref. No. 4937-0100-M203

Dear Sir/Madam:

We enclose herewith:

1. Petition to Cancel
2. Check in the amount of \$600; and
3. Postcard receipt.

This request is being submitted in triplicate as required by 37 CFR § 2.102(d). Please stamp the enclosed postcard to acknowledge receipt.

Respectfully submitted,

Christina Matthews
Christina Matthews

Enclosures



02-16-2005

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

GIRLFRIEND ENTERPRISES, INC.,

Petitioner,

-v-

JASCO APPAREL, INC. (by assignment),

Respondent.

Cancellation No. _____

Reg. Nos. 2364754 and
2364755

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22202-3513

PETITION TO CANCEL

Girlfriend Enterprises, Inc., a corporation organized under the laws of the State of New York and doing business at c/o Frankfurt Kurnit Klein & Selz, PC, 488 Madison Avenue, New York, New York 10022 ("Petitioner"), believes that it will be damaged by the continuing registration of the marks reflected in Registration Nos. 2364754 and 2364755 in International Class 25 and hereby petitions to cancel the same.

Petitioner is filing the cancellation as a consolidated proceeding due to the fact that the parties are the same, the registrations sought to be cancelled by Petitioner are substantially similar, and Petitioner is challenging the registrations on identical grounds. Accordingly, these proceedings may be presented on the same record and briefs without appreciable inconvenience or confusion. See Helene Curtis Industries v. Suave Shoe Corp., 13 USPQ2d 1618 (TTAB 1989).

As grounds for cancellation, it is alleged as follows:

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1. Petitioner has been using the mark STARLET BY STAR JONES in commerce since at least as early as October 2003 in connection with footwear, hosiery, socks and belts. Such use has been valid and continuous since the date of first use and has not been abandoned.
2. Petitioner has two applications pending with the United States Patent and Trademark Office in International Class 25 for the mark STARLET BY STAR JONES for “[b]elts, footwear, hosiery, socks” (Serial No. 76/536079) and “[c]lothing namely blouses, blazers, coats, dresses, jackets, overalls, pants, shirts, shorts, skirts, leggings, slacks, sleepwear, loungewear, lingerie, robes, sweaters, suits, t-shirts, tops, bathing suits, undergarments, gloves, caps, hats, head bands, head wear, scarves, kerchiefs” (Serial No. 76/536080) (“Petitioner’s Applications”).
3. Respondent is the alleged owner of Registration Nos. 2364754 and 2364755 for the marks STARLETTE and STARLETTE (Design) for “women’s clothing, namely, tops, shirts, pants, blouses, skirts, jumpers, rompers, shorts, jumpsuits, jackets, headwear and lingerie” in International Class 25 (the “Registered Marks”).
4. Upon information and belief, Respondent is not using the Registered Marks in Class 25 in connection with clothing and has abandoned the Registered Marks due to nonuse.
5. Upon information and belief, Respondent has abandoned the Registered Marks by discontinuing its use of said marks with no intention to resume use.

6. Accordingly, Registration Nos. 2364754 and 2364755 should be cancelled pursuant to 15 U.S.C. § 1064(3).
7. Petitioner is likely to be damaged by continuance of said registrations in that Petitioner has been using the mark STARLET BY STAR JONES in interstate commerce and its legal use of said mark will be impaired by the continued registration of said abandoned marks of Respondent.
8. In addition, Petitioner is being damaged by the continued registration of the Registered Marks in that Petitioner's Applications have been rejected on the basis of Respondent's Registered Marks.

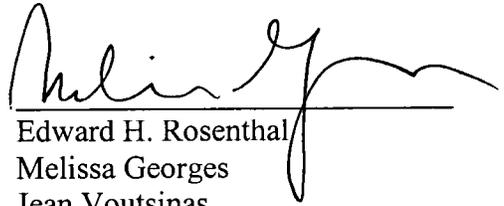
WHEREFORE, Petitioner requests that Registration Nos. 2364754 and 2364755 be cancelled.

A duplicate copy of this Petition to Cancel along with the required fees are enclosed herewith.

Respectfully submitted,

Dated: February 14, 2005

By:



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Melissa Georges
Jean Voutsinas
Frankfurt Kurnit Klein & Selz, PC
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Attorneys for Petitioner