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Filing date: **04/20/2005**

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 requests to cancel indicated registration.

Petitioner Information

Name	Hong Kong City Toys Factory Limited		
Entity	Corporation	Citizenship	British Virgin Islands
Address	Room 701-5, Silvercord Tower 130 Canton Road Kowloon, HONG KONG		

Attorney information	Todd Braverman, Esq. Bryan Cave LLP 1290 Avenue of the Americas New York, NY 10104 UNITED STATES nysupto@bryancave.com Phone:212-541-2064		
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Registration Subject to Cancellation

Registration No	2610719	Registration date	08/20/2002
Registrant	Kacha International, Inc. 241 North New York Ave P.O. Box 2815 Winter Park, FL 327902815 UNITED STATES		
Goods/Services Subject to Cancellation	Class 028. First Use: 20001015, First Use In Commerce: 20020103 Goods/Services: toys, namely dolls		

Attachments	TruetoLife-Petition to Cancel.pdf (6 pages)
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Signature	/tjbraverman/
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Name	Todd Braverman, Esq.
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Date	04/20/2005
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of: U.S. Registration No. 2,610,719
Mark: TRUE TO LIFE
Registration Date: August 20, 2002

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Hong Kong City Toys Factory Limited, : Cancellation No.:
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Petitioner, : :
: :
v. : :
: :
Kacha International, Inc. : :
: :
Registrant. : :
: :
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Commissioner for Trademarks
Trademark Trial & Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION TO CANCEL

Petitioner, Hong Kong City Toys Factory Limited, a British Virgin island corporation, having a principal place of business at Room 701-5, Silvercord Tower 1 30 Canton Road Kowloon, Hong Kong, believes that it has been damaged and will continue to be damaged by U.S. Registration No. 2,610,719, and hereby petitions to cancel the same.

As grounds of this Petition, it is alleged that:

1. Petitioner is the owner of the trademark TRUE TO LIFE for dolls, doll playsets, doll clothing and doll accessories.

2. Registrant, Kacha International, Inc., a Florida corporation, believed to have its principal place of business at 241 North New York Ave, P.O. Box 2815, Winter Park, FL 32790-2815, is the owner of record of the mark TRUE TO LIFE, U.S. Registration No. 2,610,719, for “toys, namely dolls,” in International Class 28, filed on November 9, 2000 and registered on August 20, 2002.

3. Registrant’s claimed first use of the mark TRUE TO LIFE anywhere is listed as October 15, 2000.

4. Registrant’s claimed first use in commerce for the mark TRUE TO LIFE is listed as January 3, 2002.

5. Petitioner commenced business operations in 1979 and has become the largest manufacturer of basic dolls worldwide. Petitioner distributes dolls to almost every country in the world.

6. Sometime in May, 1998, Petitioner commenced use of the mark TRUE TO LIFE on dolls, doll clothing, doll playsets and doll accessories in interstate commerce.

7. Petitioner has adopted and continuously used the trademark TRUE TO LIFE, since at least as early as May 1998 to the present, on or in connection with the sale of dolls, doll clothing, doll playsets and doll accessories in International Class 28.

8. Petitioner filed a used-based trademark application with the United States Patent and Trademark Office (“USPTO”) for the mark TRUE TO LIFE on March 4, 2005, for “dolls, doll clothing, doll playsets and doll accessories,” in International Class 28. The application was assigned U.S. Application Serial No. 78/580,011.

9. Petitioner is also the owner of U.S. Supplemental Registration No. 2,551,263 for the mark RECIEN NACIDO COMO LOS DE VERDAD, for “dolls, doll clothing

and doll accessories” filed on December 3, 1999 and registered on March 19, 2002. The English translation of "RECIEN NACIDO COMO LOS DE VERDAD" is “true to life new born.”

10. The mark RECIEN NACIDO COMO LOS DE VERDAD was first used anywhere sometime in March, 1999.

11. The mark RECIEN NACIDO COMO LOS DE VERDAD was first used in interstate commerce sometime in March, 1999.

12. Petitioner has provided its dolls under the mark TRUE TO LIFE throughout the United States since at least as early as May, 1998. Petitioner has expended considerable efforts and sums in advertising and promoting Petitioner’s mark TRUE TO LIFE in connection with Petitioner’s dolls and related goods. As a result of these sales, efforts and monetary expenditures, Petitioner’s mark TRUE TO LIFE has developed an exceedingly valuable goodwill throughout the United States and Petitioner’s mark enjoys substantial consumer recognition.

13. Petitioner’s Mark is a distinctive trademark which, through its substantial consumer recognition and its extensive and substantially exclusive use by Petitioner in the United States, is exceptionally well known and famous both within Petitioner’s particular market segment and among the consuming public throughout the United States.

14. Petitioner has expended considerable efforts and expense in promoting its trademark TRUE TO LIFE and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the dolls and related goods sold by Petitioner by such mark. Petitioner has an exceedingly valuable goodwill established in its mark TRUE TO LIFE.

15. The trademark sought to be cancelled, TRUE TO LIFE, the subject of U.S. Registration No. 2,610,719, is identical to Petitioner's prior used trademark TRUE TO LIFE, the subject of pending U.S. Application Serial No. 78/580,011, and is for goods nearly identical to Petitioner's goods.

16. There is no issue as to priority of use. Petitioner's date of first use and first use in commerce are long prior to the first date of use of the mark TRUE TO LIFE by the Registrant, *i.e.*, October 15, 2000 and Registrant's filing date for the application which matured into U.S. Registration No. 2,610,719, *i.e.*, November 9, 2000.

17. If Registrant is permitted to retain the registration sought to be cancelled, and thereby, the *prima facie* exclusive right to use in commerce the mark TRUE TO LIFE on the related goods sold by Petitioner, confusion in the trade is likely to result from any concurrent use of Petitioner's mark and that of the Registrant all to the great detriment of Petitioner, who has expended considerable sums and efforts in promoting its mark.

18. Purchasers are likely to consider the goods of the Registrant sold under the mark TRUE TO LIFE as emanating from Petitioner, and purchase such goods as those of the Petitioner, resulting in loss of sales to Petitioner.

19. Concurrent use of the mark 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 Registrant's goods to the Petitioner.

20. If Registrant is permitted to continue to maintain its invalid registration, it may be deemed incontestable after five (5) years from the date of registration, and Registrant would thereby obtain an incontestable right to the use of its mark in commerce.

21. Furthermore, Registrant is also using the mark TRUE TO LIFE so as to misrepresent the source of the goods on or in connection with which the mark TRUE TO LIFE is used.

22. If Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to its TRUE TO LIFE mark, and on Petitioner's right to enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the injury of Petitioner.

WHEREFORE, Petitioner prays that Registration No. 2,610,719 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

This Petition is filed electronically via the U.S. Patent & Trademark Office Electronic System for Trademark Trials and Appeals in accordance with 37 C.F.R. § 2.111-2.115. The official filing fee of \$300 was charged to the firm's deposit account, Deposit Account No. 02-4467.

Petitioner hereby appoints Erik W. Kahn and Todd Braverman, all attorneys and members of the bar of the State of New York, whose post office address is Bryan Cave LLP, 1290 Avenue of the Americas, New York, New York 10104, to act as attorney for Petitioner herein, with full power to prosecute said Petition, to transact all relevant business with the USPTO, Trademark Trial and Appeal Board and in the United States Courts and to receive all official communications in connection with this Petition.

Dated: April 20, 2005
New York, New York

Respectfully submitted,

By: /tjbraverman/

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Attorneys for Petitioner,
Hong Kong City Toys Factory Limited