

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

In the Matter of Trademark Registration No. 2,350,558

75364058

For the Mark SIGNATURE

Date Registered: May 16, 2000



CKC Holdings, Inc., )  
)  
Petitioner, )  
)  
v. )  
)  
Visa International Service Association, )  
)  
Registrant )  
)  
\_\_\_\_\_ )

05-16-2005  
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #11

PETITION FOR CANCELLATION

Petitioner CKC HOLDINGS, INC. (also known as CKC COMMUNICATIONS, LLC), a California corporation, whose business address is 8360 Melrose Avenue, 3<sup>rd</sup> Floor, Los Angeles, California, 90069, believes that it may be damaged by Registration No. 2,350,558 and hereby petitions to cancel the same. As grounds for cancellation, Petitioner alleges that:

1. Petitioner, CKC HOLDINGS, INC. (also known as CKC COMMUNICATIONS, LLC), is a California corporation located in Los Angeles California. Petitioner provides financial services to merchants, namely merchant account services in the nature of credit and debit card services, electronic processing of payment data, and credit reporting services.

2. Upon information and belief, Registrant Visa International Service Association is a Delaware corporation with its principal place of business at 900 Metro Center Blvd., Foster City, CA 94404.

3. At least as early as September 12, 1997, Petitioner adopted and began using the mark SIGNATURE (the "Mark") in commerce in connection with providing the financial services described in paragraph 1. Petitioner has continued to use that Mark in commerce since at least September 12, 1997, and still uses that Mark. Petitioner has extensively advertised and promoted the SIGNATURE Mark in connection with its financial services.

4. Petitioner has expended considerable effort to promote its financial services business using the SIGNATURE Mark. Petitioner has provided services in connection with the SIGNATURE Mark throughout the United States. As a result of Petitioner's success, the SIGNATURE Mark has become well-known in the financial services industry in the United States. Petitioner has made extensive use of the SIGNATURE Mark, and the Mark has become associated with Petitioner in the minds of merchants purchasing financial services such as those provided by Petitioner.

5. As a result of the extensive use of the SIGNATURE Mark by Petitioner, Petitioner has developed and now possesses significant trademark rights in and to the SIGNATURE Mark. These rights constitute a valuable business asset of Petitioner.

6. On July 25, 2003, Petitioner applied to register the SIGNATURE Mark with the United States Patent and Trademark Office in International Class 36 for "[f]inancial services, namely merchant account services, in the nature of credit and debit card services, electronic processing of payment data, and credit reporting services." In a

Notice of Publication dated August 25, 2004, the Commissioner of Trademarks stated that the Mark appeared to be entitled to registration. On September 14, 2004, the Mark was published in the *Official Gazette*.

7. The mark registered under Registration No. 2,350,558 ("Registrant's Mark") comprises the words VISA SIGNATURE. Registrant's Mark issued from an application filed on September 26, 1997. The identification of goods recited in Registrant's Mark states "[b]anking services, namely credit card, debit card, charge card, electronic payment card, prepaid card, point-of-sale card, cash advance card and stored-value-card services; deposit access services; electronic funds transfer services; automatic teller machine services" in International Class 36. In its application, Registrant identified the date of first use of the mark as March 20, 1998.

8. On March 14, 2005, Registrant filed a Notice of Opposition opposing registration of Petitioner's Mark. In the Opposition, Registrant claims that if Petitioner's Mark is registered, "confusion in trade resulting in damage and injury to Visa International would be caused and would result by reason of the similarity between Applicant's SIGNATURE and Design mark and Visa International's marks." Petitioner does not believe that its Mark and that of Registrant are confusingly similar. However, if a likelihood of confusion does exist between the two marks, then Petitioner will be damaged by such confusion.

9. Petitioner has been using the SIGNATURE Mark since well prior to the date of first use of the Registrant's Mark and also since well prior to September 26, 1997, the date on which Registrant filed the application that matured into Registration No. 2,350,558. As a result, as between Petitioner's Mark and Registrant's Mark, Petitioner's

Mark has priority, and thus is entitled to be registered in the United States Patent and Trademark Office.

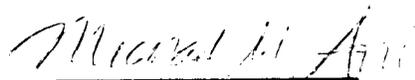
10. Petitioner does not believe that there is a likelihood of confusion between Petitioner's Mark and Registrant's Mark. However, if Petitioner's Mark and Registrant's Mark are confusingly similar, Petitioner is being damaged by the continued registration of the mark shown in Registration No. 2,350,558. Therefore, Registration No. 2,350,558 should be canceled under Section 2(d) of the Lanham Act.

WHEREFORE, Petitioner prays that this petition be sustained and that Registration No. 2,350,558 be cancelled. The \$300.00 statutory cancellation filing fee will be paid electronically concurrently with the filing of this Petition.

Date: May 13, 2005

Respectfully submitted,

DOLL & AMIR LLP



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CKC HOLDINGS, INC. (also known as  
CKC COMMUNICATIONS, LLC)

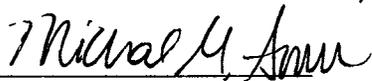
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Date of Deposit: May 14, 2005

I hereby certify that this Petition for Cancellation, in duplicate, for cancellation of Registration No. 2,350,558, dated May 13, 2005, is being deposited with Federal Express on the date of deposit indicated above, and is addressed to:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514



Michael M. Amir,  
Counsel for Petitioner CKC Holdings, Inc. (also known as CKC Communications, LLC)