

ESTTA Tracking number: **ESTTA34312**

Filing date: **05/31/2005**

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	200 Kelsey Associates, LLC		
Entity	Limited Liability	Citizenship	New Jersey
Address	One Ramada Plaza Suite 100 New Rochelle, NY 10801 UNITED STATES		

Attorney information	Edmund J. Ferdinand, III Grimes & Battersby, LLP 488 Main Avenue Third Floor New Rochelle, CT 06851 UNITED STATES ferdinand@gandb.com Phone: 2038498300		
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Registrations Subject to Cancellation

Registration No	549924	Registration date	10/23/1951
Registrant	DELAN ENTERPRISES INCORPORATED 8 EVEREST DRIVE HACKETTSTOWN, NJ 07840 UNITED STATES		
Goods/Services Subject to Cancellation	Class U039 (International Class 025). First Use: 19410400, First Use In Commerce: 19410400 Goods/Services: WOMEN'S DRESSES		
Grounds for	The registered mark has been abandoned.		

Cancellation			
Registration No	937651	Registration date	07/11/1972
Registrant	DELAN ENTERPRISES INCORPORATED 8 EVEREST DRIVE HACKETTSTOWN, NJ 07840 UNITED STATES		
Goods/Services Subject to Cancellation	Class U039 (International Class 025). First Use: 19440400, First Use In Commerce: 19440400 Goods/Services: WOMEN'S DRESSES, PANT SUITS, PANTS, SHORTS, CULOTTES, BLOUSES, JACKETS, VESTS AND COATS		
Grounds for Cancellation	The registered mark has been abandoned.		

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Signature	/ejf/
Name	Edmund J. Ferdinand, III
Date	05/31/2005

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

*In the Matter of Registration Nos. 549,924 and 937,651
Registered on October 23, 1951 and July 11, 1972*

200 Kelsey Associates, LLC,

Petitioner,

v.

Delan Enterprises, Inc.,

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

In the matter of Registration Nos. 549,924 and 937,651 for the trademark JONATHAN LOGAN for use in connection with clothing in Int'l Class 25 owned by Delan Enterprises, Inc., 8 Everest Drive, Hackettstown, NJ 07840 ("Registrant"), 200 Kelsey Associates, LLC (hereinafter "Petitioner"), believes that it will be damaged by the maintenance of said registration on the Principal Register and hereby petitions for cancellation of same.

The grounds for cancellation are as follows:

1. Petitioner has filed U.S. Trademark Application Serial No. 78/469,921 with the U.S. Patent and Trademark Office seeking to register the trademark JONATHAN LOGAN for use in connection with clothing in Class 25 on the Principal Register. Registration of Petitioner's mark has been refused by reason of Registrant's aforesaid prior registration for the same mark. Petitioner will be unable to register said trademark for JONATHAN LOGAN so long as Registrant's trademark remains on the Register.

2. Upon information and belief, Registrant has abandoned the trademark JONATHAN LOGAN and has no intent to re-establish such use. Petitioner has conducted an investigation of Registrant and has determined that Registrant appears to have ceased using the mark in connection with clothing in Class 25 several years ago, and furthermore that Registrant has no intention of using the mark in the future.

3. In view of the evidence, Petitioner believes that Registrant has abandoned the trademark JONATHAN LOGAN without intent to re-establish such use. Petitioner believes it will be free to use its trademark JONATHAN LOGAN and to register same on the Principal Register only if Registration Nos. 549,924 and 937,651 are canceled.

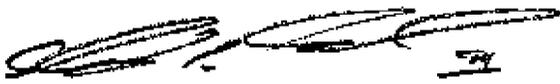
WHEREFORE, Petitioner believes that it is and will be damaged by said registration and hereby prays that said registration be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

The filing fee for this Petition of Cancellation in the amount of \$600.00 is enclosed herewith.

Dated: May 27, 2005

Respectfully submitted,

200 KELSEY ASSOCIATES, LLC

By: 

Edmund J. Ferdinand, III, Esq.
Attorneys for Petitioner
GRIMES & BATTERSBY, LLP
488 Main Avenue, Third Floor
Norwalk, Connecticut 06851
(203) 849-8300
Attorney Docket No. KAL076USL