

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

KRISTALL CLASSICS, INC., a )  
Nevada corporation, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
THE DIAMONDS OF RUSSIA, LTD., )  
a California corporation, )  
 )  
Registrant. )  
\_\_\_\_\_ )

Cancellation No. \_\_\_\_\_  
Reg. No. 2,728,636  
Dated: June 24, 2003

76275014

CERTIFICATE OF MAILING

The undersigned declares under the penalty of perjury the within PETITION FOR CANCELLATION (IN TRIPLICATE) AND FILING FEE were forwarded to BOX FEE - TTAB, Commissioner of Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, by depositing same with the United States Postal Service as first class mail, postage prepaid, this 7<sup>th</sup> day of July, 2005.

07/14/2005 SWILSON1 00000032 2728636

01 FC:6401

300.00 OP

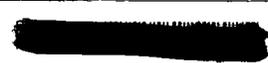
  
\_\_\_\_\_  
SHERYL R. CONAWAY

PETITION FOR CANCELLATION

BOX FEE - TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir:

Petitioner, KRISTALL CLASSICS, INC., is a Nevada corporation having its principal place of business in Los Angeles, California. Petitioner believes that it is or will be damaged by Registration No. 2,728,636 and hereby petitions to cancel same.



The grounds for cancellation are as follows:

1. The Registrant's application was filed by a predecessor-in-interest, Gemdiam Corporation, on June 22, 2001 for the mark CLEARLY SUPERIOR KRISTALL THE DIAMONDS OF RUSSIA & Design in International Class 14 to designate precious metals and their alloys and goods in precious metals or coated therewith, specifically, jewelry, precious gemstones, rings, bracelets, earrings, necklaces, pendants, cuff links, horological and chronological instruments, namely, clocks, watches and chronometers, and ashtrays and powder compacts made of precious metals, the application having been designated as Application Serial No. 76/275,014, said application maturing into Registration No. 2,728,636 on June 24, 2003.

2. On or about March 20, 2002, Gemdiam Corporation assigned all rights, title and interest in and to Application Serial No. 76/275,014 to Kristall Jeweler, Inc., a New York corporation.

3. On or about November 16, 2004, Kristall Jeweler, Inc. assigned all rights, title and interest in and to Registration No. 2,782,636 to The Diamonds of Russia, Ltd., a Delaware corporation.

4. On January 29, 2003, Kristall Jewelers, Inc. instituted an action in the United States District Court for the Central District of California against Petitioner, said action being identified by the Court as Kristall Jewelers, Inc. v.

Kristall Classics, Inc., Case No. CV03-860-CJC(VBKx), said action relating to ownership of the KRISTALL trademark (hereinafter referred to as the "Kristall Litigation").

5. On or about September 3, 2004, the Kristall Litigation was dismissed, with prejudice, based upon a written agreement between the parties, the pertinent portion thereof providing:

(a) All rights, title and interest in and to the trademark KRISTALL & Design (Registration No. 2,676,728) together with the good will of the business symbolized by the mark, were assigned by Kristall Jeweler, Inc. to Petitioner, a copy of the Assignment and the Recordation Form Cover Sheet therefor being attached hereto as Exhibit A;

(b) Kristall Jewelers, Inc. would take all steps necessary to change its corporate name from Kristall Jewelers, Inc. to The Diamonds of Russia Ltd.; and

(c) Kristall Jewelers, Inc. would take all steps necessary to abandon Registration No. 2,728,636.

6. That neither Kristall Jewelers, Inc. nor The Diamonds of Russia, Ltd. took any steps that were necessary to abandon Registration No. 2,728,636.

7. Petitioner is likely to be damaged by the continued registration of CLEARLY SUPERIOR KRISTALL THE DIAMONDS OF RUSSIA in that a likelihood of confusion exists between Petitioner's mark and that of the Registrant. That since long prior to any of the acts complained of in this Petition, Petitioner has continu-

ously used the mark KRISTALL and formatives thereof to conduct its business and Petitioner's continued and legal use of said mark will be impaired by the continued registration of the CLEARLY SUPERIOR KRISTALL THE DIAMONDS OF RUSSIA mark.

**WHEREFORE**, Petitioner respectfully prays that the Petition for Cancellation be sustained and Registration No. 2,728,636 obtained by Registrant be cancelled.

The requisite filing fee is enclosed herewith.

Please address all correspondence to MICHAEL A. PAINTER, ESQ. of ISAACMAN, KAUFMAN & PAINTER, A Professional Corporation, with offices at 8484 Wilshire Boulevard, Suite 850, Beverly Hills, California 90211 (323) 782-7700.

Respectfully submitted,

ISAACMAN, KAUFMAN & PAINTER  
A Professional Corporation

By: 

Michael A. Painter

MAP:src  
Dated: July 7, 2005  
8484 Wilshire Boulevard, Suite 850  
Beverly Hills, California 90211  
(323) 782-7700

EH450559371US

Form PTO-1594 (Rev. 06/04)  
OMB Collection 0651-0027 (exp. 6/30/2005)

U.S. DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

RECORDATION FORM COVER SHEET  
TRADEMARKS ONLY

To the Director of the U. S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)/Execution Date(s):

KRISTALL JEWELER, INC.

- Individual(s)
- General Partnership
- Corporation-State
- Other
- Association
- Limited Partnership

Citizenship (see guidelines) New York Corp.

Execution Date(s) August 26, 2004

Additional names of conveying parties attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Security Agreement
- Other
- Merger
- Change of Name

2. Name and address of receiving party(ies)

Additional names, addresses, or citizenship attached?  Yes  No

Name: KRISTALL CLASSICS, INC.

Internal

Address:

Street Address: 611 W 6th Street

City: Los Angeles

State: CA

Country: U.S.A. Zip: 90017

- Association Citizenship
- General Partnership Citizenship
- Limited Partnership Citizenship
- Corporation Citizenship Nevada
- Other Citizenship

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)

4. Application number(s) or registration number(s) and identification or description of the Trademark.

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2,676,728

Additional sheet(s) attached?  Yes  No

C. Identification or Description of Trademark(s) (and Filing Date if Application or Registration Number is unknown):

KRISTALL & Design

5. Name & address of party to whom correspondence concerning document should be mailed:

Name: Michael A. Painter

Internal Address:

Isaacman, Kaufman & Painter

Street Address: 8484 Wilshire Blvd.  
Suite 850

City: Beverly Hills

State: CA Zip: 90211

Phone Number: 323-782-7700

Fax Number: 323-782-7744

Email Address: painter@ikplaw.com

6. Total number of applications and registrations involved:

1

7. Total fee (37 CFR 2.6(b)(6) & 3.41) \$ 40.00

- Authorized to be charged by credit card
- Authorized to be charged to deposit account
- Enclosed

8. Payment Information:

a. Credit Card Last 4 Numbers \_\_\_\_\_  
Expiration Date \_\_\_\_\_

b. Deposit Account Number 16-0070

Authorized User Name Michael Painter

9. Signature:



Signature

Michael A. Painter

Name of Person Signing

December 20, 2004

Date

Total number of pages including cover sheet, attachments, and document: 3

Documents to be recorded (including cover sheet) should be faxed to (703) 306-5995, or mailed to:  
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

A S S I G N M E N T

WHEREAS, KRISTALL JEWELER, INC., of 9601 Wilshire Boulevard, Suite 730, Beverly Hills, California, 90212 is a corporation organized and existing under the laws of the State of New York ("Assignor"), has adopted, used and registered the trademark KRISTALL & Design, Registration No. 2,676,728;

WHEREAS, KRISTALL CLASSICS, INC., of 611 West Sixth Street, Suite 1800, Los Angeles, California 90017, a corporation organized under the laws of the State of Nevada, ("Assignee"), is desirous of acquiring said mark and the registration thereof;

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, KRISTALL JEWELER, INC. does hereby assign unto the said KRISTALL CLASSICS, INC., all rights, title and interest in and to the said mark and registration, together with the good will of the business symbolized by the mark.

KRISTALL JEWELER, INC.

By:

  
Title: *President*

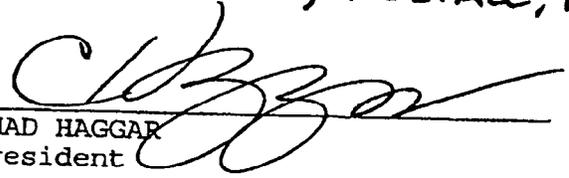
Dated: 26 AUGUST 2004

POWER OF ATTORNEY

Assignee hereby appoints MICHAEL A. PAINTER, ESQ. of ISAACMAN, KAUFMAN & PAINTER, A Professional Corporation, with offices at 8484 Wilshire Boulevard, Suite 850, Beverly Hills, California 90211, (323)782-7700, with full power of substitution, the power of appointment of an associate attorney, and the power of revocation, to record this Assignment, to transact all business in the Patent and Trademark Office in connection therewith and to receive all documents.

KRISTALL CLASSICS, INC. ; KRISTALL, INC

By:

  
CHAD HAGGAR  
President

Dated: *Dec 19, 2004*

MAP-TM-5266