

ESTTA Tracking number: **ESTTA86137**

Filing date: **06/20/2006**

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	Digress Ventures LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	3500 South DuPont Highway Dover, DE 19901 UNITED STATES		

Attorney information	John L. Welch Foley Hoag LLP 155 Seaport Boulevard Boston, MA 02210 UNITED STATES jwelch@foleyhoag.com Phone:617-832-1000
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Registration Subject to Cancellation

Registration No	2569622	Registration date	05/14/2002
International Registration No.	NONE	International Registration Date	NONE
Registrant	Belce-Kennedy, Christian 38, chemin de la Remettaz 1255 Veyrier, SWITZERLAND		
Goods/Services Subject to Cancellation	Class 030 Goods/Services: sandwiches and chocolates		

Attachments	Petition for Cancellation 2569622.pdf (3 pages)(77593 bytes)
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Signature	/johnlwelch/
Name	John L. Welch
Date	06/20/2006

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

_____)	
Digress Ventures, LLC,)	
)	
Petitioner,)	
)	Cancellation No.
v.)	
)	
Christian Belce-Kennedy,)	Registration No.
)	2,569,622
Respondent.)	
_____)	

PETITION FOR CANCELLATION

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Digress Ventures LLC, a limited liability company organized under the laws of the State of Delaware, having a business address of 3500 South DuPont Highway, Dover, Delaware 19901 ("Petitioner") believes that it will be damaged by Registration No. 2,569,622 for the mark LE SWITCH, and hereby petitions to cancel said registration.

The grounds for this petition are as follows:

1. Respondent is the owner of U.S. Registration No. 2,569,622 for the mark LE SWICH for "sandwiches and chocolates." That registration issued on May 14, 2002.

2. Petitioner is the owner of U.S. Trademark Application Serial No. 78/767,346 for the mark SWICH PRESSED SANDWICHES for "ready-to-eat sandwiches for consumption on or off the premises." In an Official Action dated June 13, 2006, the PTO Examining Attorney refused registration of Petitioner's mark on the ground of alleged confusingly similarity with the mark of U.S. Registration No. 2,569,622. Without conceding the correctness of that refusal to register, Petitioner will request suspension of its application in view of the filing of this petition for cancellation.

3. On information and belief, Respondent has abandoned said registered mark LE SWICH for "sandwiches and chocolates" by failing to commence use of said mark with regard to said goods with no intent to commence use, or by discontinuing use of said mark with regard to said goods with no intent to resume use.

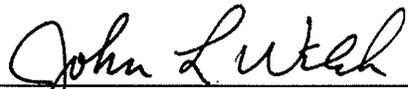
4. Petitioner is likely to be damaged by continuance of said registration covering said goods, and Petitioner's use of its mark and its right to registration thereof will be impaired

by the continued registration of said mark of Respondent for said goods.

* * * * *

WHEREFORE, Petitioner prays that Registration No. 2,569,622 be cancelled and that this Petition for Cancellation be sustained. The filing fee for this Petition for Cancellation in the amount of \$300.00 is enclosed. Please charge any additional fees to our deposit account no 06-1446.

Digress Ventures, LLC



John L. Welch
Foley Hoag LLP
155 Seaport Boulevard
Boston, MA 02210
617/832-1000