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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	C.D. Peacock Holdings L.L.C.		
Entity	Limited Liability Company	Citizenship	Delaware
Address	100 North Wilkes-Barre Boulevard Wilkes-Barre, PA 18702 UNITED STATES		

Attorney information	Jason M. Drangel Epstein Drangel Bazerman & James, LLP 60 East 42nd Street, Suite 820 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:(212) 292-5390		
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Registration Subject to Cancellation

Registration No	3040270	Registration date	01/10/2006
Registrant	Duen Hongsai Apt 6 932 Cabrillo St San Francisco, CA 941183663 UNITED STATES		
Goods/Services Subject to Cancellation	Class 014. First Use: 2002/02/00 , First Use In Commerce: 2002/02/00 Goods/Services: jewelry		

Attachments	cdd.pdf (5 pages)(106014 bytes)
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Signature	/William C. Wright/
Name	William C. Wright
Date	03/22/2007

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2. The House of Peacock first opened its doors on February 9, 1837, the same year Chicago (population 4,000) was incorporated as a city. In 1889, the name was changed to C.D. Peacock. As the city grew, C.D. Peacock expanded along with it. Each store was designed to be a showplace for the finest jewelry, watches, and gifts.
3. The magnificent brass doors from C.D. Peacock in the world-famous Palmer House are legendary. The oldest guild jeweler in the Chicago area, Petitioner's tradition of commitment to quality and service continues.
4. Petitioner sells its goods and provides its services at five (5) retail store locations in Illinois and throughout the U.S. by catalog and phone.
5. All jewelry, watches and gifts are sold with tags, labels or packaging displaying the C.D. PEACOCK, PEACOCK and/or Peacock Design trademarks.
6. Petitioner also markets a popular line of PEACOCK jewelry. The Peacock jewelry line has been extremely popular. The line of jewelry is best known for THE PEACOCK DIAMOND, with a value of close to \$500,000. It has been highly publicized.
7. Petitioner, its jewelry, watches and gifts and retail stores selling same, are widely known by the public and in the trade as being a source of quality goods and services. Petitioner caters discreetly to athletes, entertainers and other celebrities from Chicago and all parts of the United States. As a result, the Peacock Trademark has become associated by the public as indicating

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Petitioner as the source of quality jewelry. The Peacock Trademark is distinctive and famous.

8. Petitioner owns U.S. Registration No. 2,248,423 for C.D. PEACOCK for “jewelry for personal wear and adornment . . .” in Class 14, with a date of first use of 1871. The registration is valid and incontestable.

9. Petitioner owns U.S. Registration No. 2,077,243 for Peacock Logo for “retail store services for jewelry and jewelry related goods” in Class 42, with a date of first use of 1993. The registration is valid and incontestable.

10. Petitioner filed an application for C.D. PEACOCK, Ser. No. 77/132,758 for “retail store services in the field of jewelry, watches, diamonds and gifts” in Class 42, with the U.S. Patent and Trademark Office.

11. Petitioner is the prior user of the trade name C.D. Peacock and has continuously used the aforementioned trade name in commerce since at least as early as 1889.

4. Petitioner has acquired significant and valuable goodwill in the Peacock Trademarks, as a trademark, service mark and trade name.

5. Respondent is believed to be the owner of record of the United States trademark registration of PKOK, Reg. No. 3,040,270, for jewelry in Class 14, dated January 10, 2006, claiming a date of first use of February, 2002.

6. Respondent’s trademark is similar to Petitioner’s Peacock Trademark and trade name in sound, appearance and meaning.

7. The respective goods and services of Petitioner and Respondent are the same and/or closely related.

- 1 8. Respondent's use and registration of PKOK is likely to cause confusion,
2 mistake or deception of the American public as to Petitioner's Peacock
3 Trademark and trade name, the marks, the goods and services, and the
4 source of origin thereof.
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- 6 9. Through Petitioner's long term use, advertisement and promotion of the
7 Peacock Trademark, the Peacock Trademark has become distinctive and
8 famous. Upon information and belief, any use by Registrant of PKOK in the
9 United States will occur after Petitioner's Peacock Trademark has become
10 distinctive and famous. Registrant's PKOK trademark is likely to tarnish the
11 positive associations of Petitioner's famous Peacock Trademark.
12 Registrant's PKOK trademark is likely to cause dilution of the distinctive
13 quality of Petitioner's well-known Peacock Trademark.
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- 15 10. Respondent's aforementioned registration of its PKOK trademark is
16 inconsistent with Petitioner's right to use and register its Peacock
17 Trademark and is also inconsistent with Petitioner's right to use the Peacock
18 Trademark as a trademark, service mark and trade name, and said
19 registration may be used in an unfair manner by Respondent as a basis for
20 threatening Petitioner's lawful use of its aforementioned Peacock
21 Trademark.
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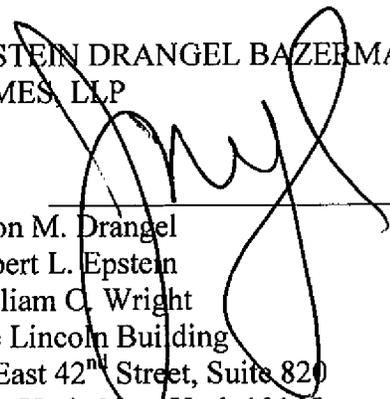
25 WHEREFORE, Petitioner prays for cancellation of United States trademark registration of
26 PKOK, Reg. No. 3,040,270, and also requests that it be granted such further relief as the
27 Trademark Trial and Appeal Board may deem necessary and just.
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Respectfully submitted,

EPSTEIN DRANGEL BAZERMAN &
JAMES, LLP

Dated: 3/22/07.

By: 

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