

ESTTA Tracking number: **ESTTA133085**

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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	JacquelineAlexander		
Entity	Individual	Citizenship	CANADA
Address	26 SOI 10 SUKHUMVIT ROAD BANGKOK, 10110 THAILAND		

Attorney information	Jane Eckels Davis Wright Tremaine LLP 1501 Fourth Avenue, Suite 2600 Seattle, WA 98101 UNITED STATES janeeckels@dwt.com Phone:(206) 628-7655
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Registration Subject to Cancellation

Registration No	2627767	Registration date	10/01/2002
Registrant	Nakamura, Choon 794 So. Standford Avenue Los Angeles, CA 90021 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 1996/09/00 , First Use In Commerce: 1996/12/00 Goods/Services: Clothing, namely, tops, bottoms, underwear, headwear and footwear		

Attachments	Petition for Cancellation 2627767.pdf (2 pages)(68518 bytes)
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Signature	/jane eckels/
Name	Jane Eckels
Date	03/30/2007

thongs and athletic footwear” in International Class 25, which is currently pending under Serial No. 78/630932.

3. The Examining Attorney has refused registration of Petitioner’s mark under Section 2(d) on grounds that it is likely to cause confusion with Respondent’s Registration No. 2,627,767 for “NOODLES”.

4. Although Petitioner believes confusion is not likely between its mark and that of Respondent, the Examining Attorney’s citation of Respondent’s registration will damage Petitioner by preventing registration of its own proposed mark “NOODLES ONLY NOODLES AND HER ELEPHANT FRIENDS SHOULD WEAR IVORY & Design.”

5. Respondent, upon information and belief, believes that Respondent is not using and has abandoned the mark “NOODLES” and its registration should therefore be cancelled pursuant to Section 14(3) (15 U.S.C. §1064(3)).

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that Registration No. 2,627,767 be cancelled.

Please direct all communications to Jane Eckels of Davis Wright Tremaine LLP, 1501 Fourth Avenue, Suite 2600, Seattle, Washington 98101-1688.

DATED this 30th day of March, 20007.

Respectfully submitted,

Jacqueline Alexander



Jane Eckels
DAVIS WRIGHT TREMAINE LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101
(206) 622-3150

Attorneys for Petitioner