



wine coolers, glass stoppers, and cut crystal glassware" in International Class 21 (hereinafter "Petitioner's Goods").

2. Upon information and belief, TOB International Marketing Corp. ("hereinafter "Respondent"), is a New York corporation located and doing business at 419 Broome Street New York, NY 10013. Respondent is the owner of record of U.S. Registration No. 3,231,740 for the mark VINTAGE MODERN for "clocks" in International Class 14, and U.S. Registration No. 3,292,390 for the mark VINTAGE MODERN for "lighting fixtures, namely, lamps" in International Class 11; "furniture, namely, chairs, tables, cabinets, desks, stools, chests, benches, mirrors, picture frames, decorative pillows and mattress cushions, decorative cushions, curtain rods, poles, hooks and finials, curtain rings, window blinds, window shades" in International Class 20; "dinnerware; plates, pitchers, bowls, teapots not of precious metal, cups, mugs, salt and pepper shakers, platters, ice buckets, casseroles, canister sets, cake plates, stemware, glasses, candle sticks and candle holders, not of precious metal, bathroom accessories, namely, soap dishes, liquid soap dispensers, cup holders, toothbrush holders, pails, facial tissue holders" in International Class 21; "bed and bath linens; drapery; table linens and kitchen linens; curtains; draperies and fabric window treatments; tapestries and fabric wall hangings" in International Class 24; and "rugs and carpets" in International Class 27 (hereinafter "Respondent's VINTAGE MODERN Marks").

3. Upon information and belief, Registrant did not use Registrant's VINTAGE MODERN Marks prior to December 20, 2005, the filing date for U.S. Application Serial No. 76/978,460 and March 14, 2005, the filing date for U.S. Application Serial No. 76/633,191.

4. Since long prior to the December 20, 2005 filing date of Application Serial No. 76/978,460 and the March 14, 2005 filing date of Application Serial No. 76/633,191 for Respondent's VINTAGE MODERN Marks, Petitioner has continuously used and is currently using Petitioner's VINTAGE Mark in connection with Petitioner's Goods in commerce in the United States.

5. Petitioner's VINTAGE mark was registered on October 12, 2004, prior to Registrant's application for any VINTAGE MODERN mark.

6. Consumers have come to know and recognize Petitioner's VINTAGE Mark and associate Petitioner's VINTAGE Mark with Petitioner and Petitioner's Goods.

7. Petitioner's Goods and Registrant's Goods are identical and/or highly similar.

8. Petitioner's Goods and Registrant's Goods are sold to identical consumers through identical channels of trade.

9. Registrant's VINTAGE MODERN Marks are virtually identical to Petitioner's VINTAGE Mark with the exception of the additional term MODERN, which is descriptive and/or generic and does not serve to distinguish Registrant's VINTAGE MODERN Marks from Petitioner's previously registered and used VINTAGE mark.

10. Registrant's VINTAGE MODERN marks so resemble Petitioner's VINTAGE mark as to be likely, when applied to Registrant's Goods, to cause confusion or mistake or to deceive person by creating the erroneous impression that Respondent's Goods originate with, or are associated with, Petitioner, or that Respondent's Goods are authorized, endorsed or sponsored by Petitioner.

11. The continued registration of U.S. Registration Nos. 3,231,740 and 3,292,390 is contrary to 15 U.S.C. § 1052(d) and will violate and diminish the prior and superior rights of Petitioner in Petitioner's VINTAGE Mark.

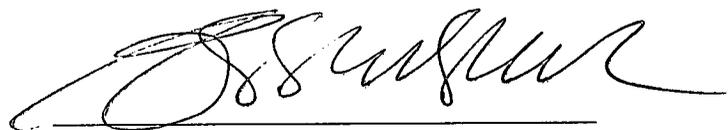
12. Petitioner has been and will continue to be damaged by the existence of U.S. Registration Nos. 3,231,740 and 3,292,390 because Registrant has obtained statutory rights in the VINTAGE MODERN mark in violation and derogation of the established prior rights of Petitioner in Petitioner's VINTAGE Mark, in violation of 15 U.S.C. § 1052(d).

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted, that Registrant's U.S. Registration Nos. 3,231,740 and 3,292,390 be canceled, and for any and all other relief the Trademark Trial and Appeal Board may deem just and proper.

The required fee is submitted herewith; please charge any additional fees that may be due in connection with the cancellation of the U.S. Registrations Nos. 3,231,740 and 3,292,390 to our Deposit Account No. 02-4800.

Respectfully submitted,

**WATERFORD WEDGWOOD PLC**



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Date: November 27, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing PETITION FOR CANCELLATION  
was served this 27<sup>th</sup> day of November, 2007 by first-class mail, postage prepaid, on:

Gregory K. Marks  
Katsky Korins LLP  
16th Floor  
605 Third Avenue  
New York NY 10158-0038

  
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Mary E. Harrison