

ESTTA Tracking number: **ESTTA195114**

Filing date: **02/27/2008**

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	Kiss Nail Products, Inc.		
Entity	Corporation	Citizenship	New York
Address	57 Seaview Blvd. Port Washington, NY 11050 UNITED STATES		

Attorney information	Diane Marcovici Plaut Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES dplaut@frosszelnick.com		
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### Registration Subject to Cancellation

Registration No	2941060	Registration date	04/19/2005
Registrant	Finanz St. Honore, B.V. 470 Oakhill Road Mountaintop, PA 187072112 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 003. First Use: 2002/03/28 First Use In Commerce: 2002/03/28 All goods and services in the class are cancelled, namely: (Based on Use in Commerce)) nail-care products, namely, artificial nail tips, nail-care preparations, fingernail gel activating preparations, nail glues, acrylic preparations, artificial nail tips with custom fashion designs, artificial nail tips decorated with crystals, artificial fingernails, adhesives for use with nail-care treatments, artificial nail-removal preparations, nail enamels, cuticle and nail treatment preparations
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	RUNWAY Petition for Cancellation (F0235441).PDF ( 3 pages )(339786 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/diane plaut/
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Name	Diane Marcovici Plaut
Date	02/27/2008

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

In re Registration No. 2,941,060  
Trademark: RUNWAY  
Registered: April 19, 2005

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**Kiss Nail Products, Inc.** :  
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 Petitioner, :  
 :  
 - against - :  
 :  
**Finanz St. Honore, B.V.** :  
 :  
 Registrant. :  
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**PETITION FOR CANCELLATION**

Kiss Nail Products, Inc. ("Petitioner"), a corporation organized and existing under the laws of the state of New York, located at 57 Seaview Blvd., Port Washington, New York 11050, believes that it will be damaged by the continued registration of U.S. Reg. No. 2,941,060, issued on April 19, 2005 to Finanz St. Honore, B.V. ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(3).

As grounds therefore, Petitioner alleges as follows:

1. Petitioner is the owner of a pending Section 1(b) application for the mark RUNWAY NAILS, Application Serial No. 77/405,330, filed on February 25, 2008.
2. On information and belief, use of the mark RUNWAY has been discontinued with intent not to resume such use. Thus, Registrant has abandoned its trademark.

3. Petitioner will be damaged by the continuing registration of the mark in the registration at issue because the registration may interfere with Petitioner's right to use and/or register the mark RUNWAY NAILS under or in connection with its recently filed application for said mark, namely, Application Serial No. 77/405,330.

WHEREFORE, Petitioner requests that Registration No. 2,941,060 be canceled.

Please charge our Deposit Account No. 230825 \$300 for the cancellation fee. Should the amount be insufficient, or should any additional fee be required in connection with this application, please charge our deposit account with any deficiency.

Dated: New York, New York  
February 27, 2008

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By:   
Diane Marcovici Plaut  
Attorneys for Petitioner  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition for Cancellation is being served by first-class mail upon Registrant Finanz St. Honore, B.V., 470 Oakhill Road, Mountaintop, Pennsylvania 18707 and 720 South Powerline Road, Deerfield Beach, Florida 33442, this 27<sup>th</sup> day of February, 2008.

  
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Diane Marcovici Plaut