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Filing date: **10/21/2008**

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	Illustrated Escapes, Inc.		
Entity	Corporation	Citizenship	Florida
Address	4602 35th Street Suite 400 Orlando, FL 32811 UNITED STATES		

Attorney information	Mark Lebow Young & Thompson 209 Madison Street Suite 500 Alexandria, VA 22314 UNITED STATES mlebow@young-thompson.com Phone:703-521-2297		
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Registration Subject to Cancellation

Registration No	3336244	Registration date	11/13/2007
Registrant	Slootskin, Zhennya 230 Sackett Street 2L Brooklyn, NY 11231 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2003/12/20 First Use In Commerce: 2006/06/01
All goods and services in the class are cancelled, namely: Shirts, shorts, hats, pants, shoes, socks, sweaters, sweatshirts, T-shirts, scarves and bandanas

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Applicant does not own the mark

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78969197	Application Date	09/07/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GOIN' COASTAL		

Design Mark	GOIN' COASTAL
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/01/01 First Use In Commerce: 2003/01/01 Mouse pads Class 020. First use: First Use: 2001/09/01 First Use In Commerce: 2001/09/01 Non-metal and non-leather key chains Class 025. First use: First Use: 2001/09/01 First Use In Commerce: 2001/09/01 T-shirts

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GOIN' COASTAL		
Goods/Services	Clothing, apparel, gifts items, trinkets, key chains, mouse pads, bumper stickers, window decals, cling decals, clocks, signs, coat racks, key racks, coffee mugs, glassware, travel mugs, koozies, coasters, towels, mouse pads, note cards, luggage tags, auto tags and frames, party supplies and related goods		

Attachments	78969197#TMSN.jpeg (1 page)(bytes) 2008-10-21 Petition for Cancellation.pdf (8 pages)(37270 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	/ml/
Name	Mark Lebow
Date	10/21/2008

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

ILLUSTRATED ESCAPES, INC.,

Petitioner,

v.

ZHENNYA SLOOTSKIN,

Respondent.

Cancellation No.

Registration No. 3336244

PETITION FOR PARTIAL CANCELLATION

Petitioner, ILLUSTRATED ESCAPES, INC., is a Florida corporation with a principal place of business located at 4602 35th Street, Orlando, Florida 32811.

Respondent, ZHENNYA SLOOTSKIN, is an individual and a U.S. citizen with an address of 230 Sackett Street, 2L, Brooklyn, New York 11231.

Petitioner believes that it will be damaged by the continued present registration of the mark GOING COASTAL as depicted in U.S. Registration No. 1686497 for goods in International Classes 25 and hereby petitions for partial cancellation of the same.

As grounds for cancellation, Petitioner alleges the following:

I - Priority and Likelihood of Confusion

1. Petitioner has used the mark GOIN' COASTAL in commerce on or in connection with a variety of goods, including clothing, since as early as September 1, 2001 and, in any event, prior to any use of the mark GOING COASTAL by Respondent.

2. Petitioner intends to continue use of the mark GOIN' COASTAL in commerce on or in connection with its various goods, including clothing.

3. Petitioner has developed extensive goodwill in the United States with respect to its GOIN' COASTAL mark.

4. As a result of the expenditure of substantial sums for promotional activities and advertising and/or by virtue of the high quality of its goods, Petitioner has garnered a valuable reputation for its GOIN' COASTAL mark.

5. As a result of the above uses, Petitioner has developed substantial common law rights in its GOIN' COASTAL mark.

6. Petitioner owns U.S. Application Serial No. 78969197 ("the Application") for the mark for various goods including "t-shirts" in Class 25.

7. The examining attorney assigned to the Application has refused registration based on likelihood of confusion with U.S. Registration No. 3336244 ("the Registration") in the name of Petitioner.

8. The filing date of June 8, 2005 for the Registration and the alleged first use in commerce date of June 1, 2006 for the mark in the Registration are both subsequent to Petitioner's earliest date of use being as early as September 1, 2001.

9. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to June 1, 2006.

10. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to January 1, 2006.

11. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection

with the goods described in the Registration prior to January 1, 2005.

12. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to January 1, 2004.

13. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to January 1, 2003.

14. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to January 1, 2002.

15. Upon information and belief, Respondent did not use the mark GOING COASTAL in commerce (or otherwise make proper use analogous to trademark use) on or in connection with the goods described in the Registration prior to January 1, 2001.

16. Based on the allegations in paragraphs 8 - 15 above, priority is not an issue.

17. The mark GOING COASTAL as depicted in the Registration is closely similar in appearance, sound, connotation and/or commercial impression to the mark GOIN' COASTAL in the Application.

18. The goods described in the Registration are identical, overlapping and/or related to the goods described in the Application.

19. Respondent's use of the mark GOING COASTAL on or in connection with the goods described in the Registration interferes with Petitioner's use of its GOIN' COASTAL mark and is likely to cause the public to believe that the goods of Respondent originate with Petitioner, or vice versa, or that Respondent is owned or controlled by or in some manner affiliated or associated with Petitioner, or vice versa, and is otherwise likely to cause confusion, cause mistake or deceive.

II - Respondent Does Not Own The Mark

20. Petitioner repeats and realleges the allegations set forth in Paragraphs 1 through 19 herein.

21. Upon information and belief, at the time Respondent filed her application (leading to the Registration) on June 8, 2005, she was not the owner of the mark GOING COASTAL.

22. Upon information and belief, Respondent is just one of multiple officers in a New York domestic not-for-profit corporation "Going Coastal, Inc.," which incorporated on or about May 6, 2003 and which claims to have owned the mark GOING COASTAL as depicted in the Registration since at least as early as its incorporation and, in any event, prior to the time the application for registration of the mark in the Registration was filed by Respondent.

23. Because Respondent was not the owner of the mark GOING COASTAL at the time the application for registration of the mark in the Registration was filed on June 8, 2005, the application and, therefore, the Registration, is void *ab initio*.

WHEREFORE, Petitioner prays this proceeding will be sustained in favor of Petitioner and that Registration No. 1686497 will be partially cancelled as to Class 25.

Payment in the amount of \$300 is made herewith in order to cover the government fee associated with the petition.

Petitioner has appointed Mark Lebow, an attorney admitted to practice in Florida and New York, and Robert J. Patch, Andrew J. Patch, Benoît Castel, Thomas W. Perkins, Eric Jensen, Roland E. Long, Jr., Douglas Rigler, Jeffrey Goerhing, and Jeffrey Snay, who are attorneys admitted to practice in Virginia, all of whom are affiliated with the firm Young & Thompson, 209 Madison St, Suite 500, Alexandria, VA 22314 as its duly authorized agents and attorneys in the matter of this opposition, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts in connection with this opposition, to sign all papers which may be hereinafter filed in connection with this opposition, and to receive all communications relating to this opposition.

Respectfully submitted,

/Mark Lebow/
Mark Lebow
Attorney for Petitioner
Young & Thompson
209 Madison St., Suite 500
Alexandria, Virginia 22314
Tel: (703) 521-2297

October 21, 2008

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Opposition was served by U.S. mail, postage prepaid, to Heather Heft, Esq., Stroock & Stroock & Lavan LLP, 180 Maiden Lane, New York, NY 10038-4982 this 21st day of October 2008.

/Yuka Kobayashi/
Yuka Kobayashi