

ESTTA Tracking number: **ESTTA288118**

Filing date: **06/05/2009**

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	Parfums Christian Dior		
Entity	Corporation	Citizenship	France
Address	33 avenue Hoche Paris, 75008 FRANCE		

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzlj.com Phone:212 813-5920		
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### Registration Subject to Cancellation

Registration No	2793521	Registration date	12/16/2003
International Registration No.	NONE	International Registration Date	NONE
Registrant	USTJANOWSKI epouse POILANE, Irene 51, Rue de Varenne 75007 Paris, FRANCE		

### Goods/Services Subject to Cancellation

Class 003. All goods and services in the class are cancelled, namely: TOILET SOAPS; PERFUMERY NAMELY, PERFUMES, TOILET WATERS, ESSENTIAL OILS; COSMETICS NAMELY, SKIN CREAMS, SKIN LOTIONS, MILKS FOR THE FACE AND THE BODY, FACE CLEANING CREAM, NOURISHING BALMS, NAMELY, SHAVING BALM, FACE REFRESHING LOTIONS , NAMELY, AFTER SHAVE LOTIONS, AFTER SUN LOTIONS, SHAVING LOTION, SKIN LOTION AND SUNTAN LOTION, SUN CREAMS, SELF-TANNING LOTION, MOISTURIZING CREAM, MAKE-UP REMOVER, LIPSTICKS, NAIL VARNISHES, HAIR LOTIONS
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation for EAU DU FORT (F0466979).PDF ( 2 pages )(307933 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	/dwe/
Name	David Ehrlich
Date	06/05/2009

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

In re Registration No. 2,793,521  
Registered December 16, 2003  
Mark: EAU DU FORT

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Parfums Christian Dior,	:	
	:	Cancellation No. _____
Petitioner,	:	
	:	
v.	:	
	:	
Irene Ustjanowski epouse Poilane,	:	
	:	
Registrant.	:	
-----X		

**PETITION FOR CANCELLATION**

Petitioner believes that it will be damaged by the continued existence of the above registration 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. On information and belief, use of the mark “in commerce” (in the U.S.) either has been discontinued with intent not to resume such use or never began at all. Thus, Registrant has abandoned its trademark.
2. Petitioner has filed an application to register EAU FORTE and intends to use that mark.
3. Petitioner will be damaged by the continuing registration of the mark in the registration at issue because the registration has been cited as a bar to Petitioner’s application.

WHEREFORE, Petitioner requests that the registration be canceled.

Dated: New York, New York  
June 5, 2009

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: \_\_\_\_\_

  
David Ehrlich  
Attorneys for Petitioner  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
(Ref.: PCDR USA TC-0903781)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by airmail on the Registrant, Irene Ustjanowski epouse Poilane, 51, Rue de Varenne, 75007 Paris, France on this 5<sup>th</sup> day of June 2009.

  
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David Ehrlich