

ESTTA Tracking number: **ESTTA312845**

Filing date: **10/21/2009**

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 parties request to cancel indicated registration.

**Petitioner Information**

Name	Cartier International N.V.		
Entity	Limited Liability Company	Citizenship	Netherlands Antilles
Address	Scharlooweg 33 Curaçao, NETHERLANDS ANTILLES		

Name	Cartier NA		
Entity	Corporation	Citizenship	Delaware
Address	653 Fifth Avenue New York, NY 10022 UNITED STATES		

Attorney information	Caroline G. Boehm Kalow & Springut LLP 488 Madison Avenue 19 FL New York, NY 10022 UNITED STATES cboehm@creativity-law.com, ms@creativity-law.com, tbenschar@creativity-law.com		
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**Registration Subject to Cancellation**

Registration No	3143180	Registration date	09/12/2006
Registrant	Stuckey Diamond, Inc. Suite 370 952 Echo Lane Houston, TX 77024 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 014. First Use: 2004/09/30 First Use In Commerce: 2004/09/30 All goods and services in the class are cancelled, namely: loose diamonds and finished jewelry incorporating diamonds
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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Related Proceedings	Notice of Opposition filed 10/21/2009 by Petitioners against Registrant's application for a similar mark, ESTTA tracking no. ESTTA312844
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**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	1005286	Application Date	03/07/1974
Registration Date	02/25/1975	Foreign Priority Date	NONE
Word Mark	LOVE BRACELET		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1970/00/00 First Use In Commerce: 1970/00/00 JEWELRY-NAMELY, BRACELETS		

U.S. Registration No.	3637776	Application Date	05/07/2008
Registration Date	06/16/2009	Foreign Priority Date	NONE
Word Mark	LOVE		
Design Mark			
Description of Mark	The mark consists of a stylized version of the word "LOVE"		
Goods/Services	<p>Class 003. First use: soaps, perfumery, essential oils, cosmetics, hair lotions</p> <p>Class 009. First use: eyeglasses, sunglasses, eyeglass frames and cases, magnifying glasses, mobile phone straps</p> <p>Class 014. First use: goods of precious metals and coated therewith, namely, cuff-links, tie clips, rings, bracelets, earrings, necklaces, brooches, and key rings; watches, chronometers, clocks, watch straps, watch bracelets, boxes of precious metals for watches and jewelry</p> <p>Class 016. First use: money clips, pens, fountain pens, ball-point pens, pencils, mechanical pencils, felt-tip pens, roller ball pens, document markers, pouches, cases and boxes for writing instruments, writing inks and pen ink refills, diaries, calendars, paperweights, paper knives, pen and pencil holders</p> <p>Class 018. First use: leatherware, namely, briefcases, traveling luggage sets, unfitted vanity cases, and key cases, goods made of leather and imitations of leather, namely, attache-cases, wallets, handbags, backpacks, traveling bags, wheeled bags, trunks, suitcases, purses, name card cases, credit card cases, and pouches; umbrellas</p> <p>Class 025. First use: clothing, namely, bathing suits, coats, cummerbunds, dressing gowns, fur coats, hosiery, jackets, pullovers, pyjamas, robes, shirts, skirts, suits, sweaters, trousers, underwear, belts, braces, gloves, mufflers, scarves, shawls, ties, bow ties, boots, shoes, slippers, caps, and hats</p>		

Attachments	77467536#TMSN.jpeg ( 1 page )( bytes ) Cartier v. Stuckey Petition for Cancellation.pdf ( 5 pages )(113133 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	/CGB/
Name	Caroline G. Boehm
Date	10/21/2009

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

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Cartier International N.V. and Cartier, division  
of Richemont N.A., Inc.,

*Petitioners,*

v.

Cancellation No.:

Registration No.: 3,143,180

Stuckey Diamond, Inc.  
d/b/a The Stuckey Company,

Mark: LOVEMARK

*Registrant.*

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**PETITION FOR CANCELLATION**

Petitioners Cartier International N.V., a Limited Liability Company duly organized and existing under the laws of the Netherlands Antilles, with a principal place of business at Scharlooweg 33 Curaçao, Netherlands Antilles (“Cartier International”) and Cartier, division of Richemont North America, Inc., a corporation duly organized and existing under the laws of the State of Delaware, with a principal place of business at 653 Fifth Avenue, New York, NY 10022 (“Cartier NA”) (collectively “Petitioners”), believe they will be damaged by the continued registration of the mark LOVEMARK for “loose diamonds and finished jewelry incorporating diamonds” owned by Stuckey Diamond Inc. (“Registrant”) and hereby petition to cancel same pursuant to Section 14(3) of the Trademark Act of 1946, 15 U.S.C. §

1064(3).

As grounds therefore, Petitioners allege as follows:

1. Petitioners and their predecessors in interest have used the mark LOVE and variations thereof (collectively the “LOVE Mark”) in connection with jewelry since at least as early as 1970.

2. Petitioner Cartier International is the owner of the following relevant U.S. Trademark Registrations on the Principal Register in the United States Trademark Office for the LOVE Mark which registrations are valid and subsisting:

<b>MARK</b>	<b>REG. NO.</b>	<b>REG. DATE</b>	<b>GOODS</b> (some omitted)
<b>LOVE BRACELET</b>	1,005,286	February 25, 1975	Jewelry – namely, bracelets
<b>LOVE and Design</b>	3,637,776	June 16, 2009	Goods of precious metals and coated therewith, namely, cuff-links, tie clips, rings, bracelets, earrings, necklaces, brooches, and key rings; watches, chronometers, clocks, watch straps, watch bracelets, boxes of precious metals for watches and jewelry

3. Registration No. 1,005,286 is incontestable.
4. Petitioner Cartier NA is the exclusive licensee of the LOVE Mark in the United States and has extensively used the LOVE Mark on the identified goods in commerce

in the United States for many years.

5. By reason of the Petitioners' continued and exclusive use, promotion and advertising of the LOVE Mark for jewelry items in the United States and throughout the world, the LOVE Mark has become identified and recognized as an indicator of the source of the Petitioners' high quality luxury goods.

6. Petitioners' rights are superior and long prior in time to those of Registrant, Petitioner having commenced use of its mark many years prior to the time Registrant began use of its mark in commerce or applied for registration of same.

7. Further, given the similarity between the parties' respective marks and the great similarity and closeness of the goods, there is a high likelihood of confusion if Registrant is permitted to continue use of its mark as registered for the goods listed therein.

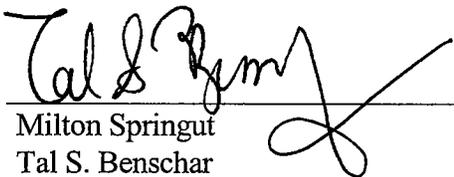
8. Registrant, if permitted to retain the registration herein sought to be cancelled and thereby retaining the prima facie exclusive right to the mark therein for the goods listed therein, will be in a position to cause annoyance and to harass Petitioners in selling their said goods and raise doubts as to the right of Petitioners to use their own marks.

WHEREFORE, Petitioner requests that this cancellation be sustained and that  
Registration No. 3,143,180 be cancelled.

Dated: New York, New York  
October 21, 2009

Respectfully submitted,

KALOW & SPRINGUT LLP

By:   
Milton Springut  
Tal S. Benschar  
488 Madison Avenue  
New York, NY 10022  
(212) 813-1600

*Attorneys for Petitioners*

CERTIFICATE OF SERVICE

**LAUREN NOVAK** declares that:

1. I am an assistant employed by KALOW & SPRINGUT LLP attorneys for the Petitioner in the captioned proceeding, and that on the execution date which appears below, I caused to be served via U.S. Mail the annexed **PETITION FOR CANCELLATION** upon the following addressee:

Robert F. Zielinski, Esq.  
Law Offices of Robert F. Zielinski, LLC, Suite 1706  
1518 Walnut Street  
Philadelphia, Pennsylvania 19102

2. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the foregoing is true and correct.

Executed on October 21, 2009  
New York, New York

By: *Lauren Novak*  
Lauren Novak