

ESTTA Tracking number: **ESTTA333417**

Filing date: **02/22/2010**

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	Jens J. Aagaard A/S		
Entity	Corporation	Citizenship	Denmark
Address	Jessens Mole 12 5700 Svendborg, DENMARK		

Attorney information	Leigh Ann Lindquist Sughrue Mion, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037 UNITED STATES llindquist@sughrue.com, mperry@sughrue.com, cweber@sughrue.com, mwhite@sughrue.com Phone:2026637409
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Registration Subject to Cancellation

Registration No	3001005	Registration date	09/27/2005
Registrants	BARAS, LAUREN 27450 GOLDENGATE DR. W. LATHRUP VILLAGE, MI 48076 UNITED STATES SILLS, DAVID 27450 GOLDENGATE DR. W. LATHRUP VILLAGE, MI 48076 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 2003/09/01 First Use In Commerce: 2003/09/01 All goods and services in the class are cancelled, namely: Jewelry
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	400176 Petition for Cancellation.PDF (4 pages)(115189 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	/Leigh Ann Lindquist/
Name	Leigh Ann Lindquist
Date	02/22/2010

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

JENS J. AAGAARD A/S,

Petitioner,

v.

DAVID SILLS and LAUREN BARAS,

Respondents

Cancellation No.: _____

PETITION FOR CANCELLATION

Petitioner, Jens J. Aagaard A/S, a corporation organized under the laws of Denmark with a business address of Jessens Mole 12, 5700 Svendborg, Denmark, hereby petitions to cancel the mark LOVE LINKZ CONNECTING ONE HEART AT A TIME which is the subject of Registration No. 3,001,005 issued on September 27, 2005.

As grounds in support of this petition for cancellation, Petitioner alleges as follows:

1. Petitioner, Jens J. Aagaard A/S., is a corporation organized under the laws of Denmark with a business address of Jessens Mole 12, 5700 Svendborg, Denmark.
2. Petitioner is the owner of U.S. Trademark Application Serial No. 77/718,622 for the mark LOVELINKS BY AAGAARD for "Precious metals and their alloys; goods, namely, the individual links for bracelets, necklaces, chains and rings in precious metals or coated therewith; jewelry, ornaments of precious metal; jewelry and goods of precious metal, namely, bracelets, chains, charms, jewel locks, necklaces, amulets, rings, earrings, brooches, ornamental pins, tie clips, cuff links, key rings, pearls, precious stones, costume jewelry; horological and chronometric instruments". Petitioner filed that application on April 21, 2009 based on its intent to use the mark in commerce. Serial No. 77/718,622 has been refused registration under Trademark Act Section 2(d) based on the existence of the mark in Respondents' Registration No. 3,001,005.

Petition for Cancellation
Registration No. 3,001,005

3. Petitioner is also the owner of U.S. Trademark Application Serial No. 79/070,522 for the mark LOVELINKS for "Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes, namely, bracelets, chains, charms, jewel locks, necklaces, amulets, rings, earrings, brooches, ornamental pins, tie clips, cuff links, key rings, pearls, precious stones, paste jewellery (costume jewellery), horological and chronometric instruments". That application which was filed through the Madrid Protocol and has a filing date of June 3, 2009. Serial No. 79/070,522 has been refused registration under Trademark Act Section 2(d) based on the existence of the mark in Respondents' Registration No. 3,001,005.

4. Respondents' registration sought to be cancelled herein comprises the mark LOVE LINKZ CONNECTING ONE HEART AT A TIME for jewelry. Respondents' Registration No. 3,001,005 involved herein issued on September 27, 2005.

5. On information and belief, Respondents' LOVE LINKZ CONNECTING ONE HEART AT A TIME in Registration No. 3,001,005 is no longer in use, and has not been used for at least three consecutive years with no intention to resume such use. As a result of this non-use with no intention to resume, Respondents' LOVE LINKZ CONNECTING ONE HEART AT A TIME mark has become abandoned within the meaning of Section 45 of the Trademark Act.

WHEREFORE, it is respectfully requested that the Petition for Cancellation be granted and that Registration No. 3,001,005 be cancelled.

**Petition for Cancellation
Registration No. 3,001,005**

Please charge the \$300 Petition for Cancellation fee to the undersigned's Deposit Account No. 19-4880. Please charge any deficiency or credit any overpayment to Deposit Account No. 19-4880.

Respectfully submitted,

JENS J. AAGAARD A/S

By:



Cynthia Clarke Weber
Leigh Ann Lindquist
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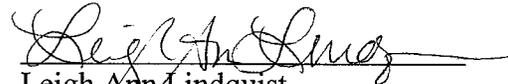
Date: February 22, 2010

CERTIFICATE OF SERVICE

I, Leigh Ann Lindquist, hereby certify that on this 22nd day of February, 2009, a true and correct copy of the foregoing **PETITION TO CANCEL** has been served, First Class U.S. Mail, postage prepaid, to:

David Sills
27450 Goldengate Dr.
W. Lathrup Village, Michigan 48076

Lauren Baras
27450 Goldengate Dr.
W. Lathrup Village, Michigan 48076


Leigh Ann Lindquist