

ESTTA Tracking number: **ESTTA338638**

Filing date: **03/23/2010**

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	Nader Angha		
Entity	Individual	Citizenship	UNITED STATES
Address	P.O. BOX 19306 Encino, CA 91416 UNITED STATES		

Attorney information	Joseph D. Lewis Barnes & Thornburg LLP 750 17th Street, NW Washington, DC 20006 UNITED STATES xlewis@btlaw.com Phone:202-289-1313		
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**Registration Subject to Cancellation**

Registration No	3258122	Registration date	07/03/2007
Registrant	KB Eyewear International Inc. 305 S. Los Angeles Street Los Angeles, CA 90013 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 009. First Use: 2006/03/15 First Use In Commerce: 2006/03/15 All goods and services in the class are cancelled, namely: Sunglasses for Men, Women, and Children
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**Grounds for Cancellation**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	1440550	Application Date	07/08/1986
Registration Date	05/26/1987	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	THE MARK CONSISTS OF AN INFINITY DESIGN.
Goods/Services	<p>Class 014. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  COSTUME JEWELRY AND JEWELRY MADE OF PRECIOUS METALS--  NAMELY, NECKLACES, PENDANTS, RINGS, NON-MONETARY COINS, PINS</p> <p>Class 016. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  GENERAL INTEREST AND RELIGIOUS PUBLICATIONS--NAMELY, BOOKS,  PAMPHLETS, MAGAZINES, LEAFLETS, GREETING CARDS, DIARIES[ ,  ADDRESS BOOKS ]</p> <p>Class 024. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  TABLE CLOTHS AND PRAYER CLOTHS</p> <p>Class 026. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  EMBROIDERED EMBLEMS</p> <p>Class 041. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  EDUCATIONAL SERVICES--NAMELY, PROVIDING COURSES OF ISLAMIC  SUFISM INSTRUCTION, SEMINARS, LECTURES, WORKSHOPS, AT ALL  EDUCATIONAL LEVELS</p> <p>Class 042. First use: First Use: 1922/00/00 First Use In Commerce: 1978/01/00  RELIGIOUS SERVICES--NAMELY, MINISTRY AND COUNSELING IN THE  FIELD OF ISLAMIC SUFISM</p>

Attachments	73608418#TMSN.gif ( 1 page )( bytes ) pet_20100323141316.pdf ( 9 pages )(827619 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	/JDL/
Name	Joseph D. Lewis
Date	03/23/2010

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

**Nader Angha** )  
dba Maktab Tarighe Oveyssi )  
Shahmaghsoudi )  
(School Of Islamic Sufism) , )  
 )  
Petitioner, )  
 )  
v. )  
 )  
**KB Eyewear International Inc.,** )  
 )  
Respondent )  
\_\_\_\_\_ )

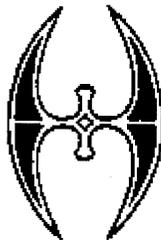
Cancellation No. \_\_\_\_\_

Registration No. 3258122

**PETITION FOR CANCELLATION**

Nader Angha, dba Maktab Tarighe Oveyssi Shahmaghsoudi (School Of Islamic Sufism) , (“Petitioner”) believes that he will be damaged by registration of the trademark shown in Registration No. 3258122 (“Respondent’s Mark”) and registered on July 3, 2007 for “Sunglasses for Men, Women, and Children” (“Respondent’s Registration”), and hereby petitions to cancel said registration. The grounds for this petition are as follows:

1. Petitioner has for many years used as a trademark and service mark the following symbol:



2. Petitioner has become identified by and is associated by the public with this symbol.

3. Petitioner is owner of U.S. Registration No. 1440550 for the Petitioner's symbol. This Petition is accompanied by a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration. Petitioner's registration and use of its mark and symbol gives Petitioner priority over Registrant with regard to the rights in the mark flowing from Respondent's Registration.

4. Upon information and belief, Respondent, KB Eyewear International Inc., is a California corporation with a place of business at 305 S. Los Angeles Street, Los Angeles, California 90013.

5. On April 6, 2006, Respondent filed an application for Respondent's Mark, which was assigned Serial No. 78855180, and which matured to registration on April 17, 2007 under No. 3258122.

6. Prior to the acquisition by Respondent of rights in the mark in Respondent's Registration, Petitioner adopted the Petitioner's symbol for the goods and services recited in the in Registration No. 1440550 as well as other goods and services.

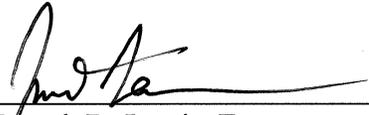
7. The Respondent's Mark so resembles the mark of Petitioner, or a mark or trade name previously used in the United States by Petitioner and not abandoned, as to be likely, when used on or in connection with the goods of the Respondent, to cause confusion, or to cause mistake, or to deceive, in violation of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

8. Respondent's mark, when used on or in connection with the goods recited in the Respondent's Registration, will falsely suggest a connection with Opposer in violation of Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a).

WHEREFORE, Petitioner prays that Respondent's registration be cancelled.

Respectfully submitted,

**Nader Angha**

By:   
Joseph D. Lewis, Esq.  
BARNES & THORNBURG, LLP  
750 17<sup>th</sup> Street, NW, Suite 900  
Washington, D.C. 20006  
(202) 289-1313  
Attorneys for Petitioner

### Certificate of Service

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served on:

KB EYEWEAR INTERNATIONAL INC.  
305 S LOS ANGELES ST  
LOS ANGELES, CA 90013-1407

on the 23rd day of March 2010, by first class mail, postage prepaid.

  
Joseph D. Lewis



United States Patent and Trademark Office

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**Goods and Services**

IC 014. US 028. G & S: COSTUME JEWELRY AND JEWELRY MADE OF PRECIOUS METALS--NAMELY, NECKLACES, PENDANTS, RINGS, NON-MONETARY COINS, PINS. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

IC 016. US 002 005 022 023 029 037 038 050. G & S: GENERAL INTEREST AND RELIGIOUS PUBLICATIONS--NAMELY, BOOKS, PAMPHLETS, MAGAZINES, LEAFLETS, GREETING CARDS, DIARIES[ , ADDRESS BOOKS ]. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

IC 024. US 042. G & S: TABLE CLOTHS AND PRAYER CLOTHS. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

IC 026. US 040. G & S: EMBROIDERED EMBLEMS. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

IC 041. US 107. G & S: EDUCATIONAL SERVICES--NAMELY, PROVIDING COURSES OF ISLAMIC SUFISM INSTRUCTION, SEMINARS, LECTURES, WORKSHOPS, AT ALL EDUCATIONAL LEVELS. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

IC 042. US 100. G & S: RELIGIOUS SERVICES--NAMELY, MINISTRY AND COUNSELING IN THE FIELD OF ISLAMIC SUFISM. FIRST USE: 19220000. FIRST USE IN COMMERCE: 19780100

**Mark Drawing Code**

(2) DESIGN ONLY

**Design Search Code**

17.03.25 - Brooches; Cuff-links; Earrings; Locket; Necktie clasps and fasteners; Pins, jewelry; Tie tacks

**Serial Number**

73608418

**Filing Date**

July 8, 1986

**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** March 3, 1987  
**Registration Number** 1440550  
**Registration Date** May 26, 1987  
**Owner** (REGISTRANT) **ANGHA**, NADER DBA MAKTAB TARIGHE OVEYSSI SHAHMAGHSOUDI (SCHOOL OF ISLAMIC SUFISM) INDIVIDUAL IRAN P.O. BOX 19306 ENCINO CALIFORNIA 914169306  
**Attorney of Record** JOSEPH D. LEWIS  
**Description of Mark** THE MARK CONSISTS OF AN INFINITY DESIGN.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070619.  
**Renewal** 1ST RENEWAL 20070619  
**Live/Dead Indicator** LIVE

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**Serial Number:** 73608418 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1440550

**Mark**



**Standard Character claim:** No

**Current Status:** This registration has been renewed.

**Date of Status:** 2007-06-19

**Filing Date:** 1986-07-08

**Transformed into a National Application:** No

**Registration Date:** 1987-05-26

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-06-19

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. ANGHA, NADER

**DBA/AKA/TA/Formerly:** DBA MAKTAB TARIGHE OVEYSSI SHAHMAGHSOUDI (SCHOOL OF ISLAMIC SUFISM)

**Address:**

ANGHA, NADER  
P.O. BOX 19306  
ENCINO, CA 914169306  
United States

**Legal Entity Type:** Individual

**Country of Citizenship:** Iran

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**GOODS AND/OR SERVICES**

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**International Class:** 014

**Class Status:** Active

COSTUME JEWELRY AND JEWELRY MADE OF PRECIOUS METALS--NAMELY, NECKLACES, PENDANTS, RINGS, NON-MONETARY COINS, PINS

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

**International Class:** 016

**Class Status:** Active

GENERAL INTEREST AND RELIGIOUS PUBLICATIONS--NAMELY, BOOKS, PAMPHLETS, MAGAZINES, LEAFLETS, GREETING CARDS, DIARIES

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

**International Class:** 024

**Class Status:** Active

TABLE CLOTHS AND PRAYER CLOTHS

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

**International Class:** 026

**Class Status:** Active

EMBROIDERED EMBLEMS

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

**International Class:** 041

**Class Status:** Active

EDUCATIONAL SERVICES--NAMELY, PROVIDING COURSES OF ISLAMIC SUFISM INSTRUCTION, SEMINARS, LECTURES, WORKSHOPS, AT ALL EDUCATIONAL LEVELS

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

**International Class:** 042

**Class Status:** Active

RELIGIOUS SERVICES--NAMELY, MINISTRY AND COUNSELING IN THE FIELD OF ISLAMIC SUFISM

**Basis:** 1(a)

**First Use Date:** 1922-00-00

**First Use in Commerce Date:** 1978-01-00

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**ADDITIONAL INFORMATION**

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**Description of Mark:** THE MARK CONSISTS OF AN INFINITY DESIGN.

**Design Search Code(s):**

**17.03.25** - Brooches; Cuff-links; Earrings; Locket; Necktie clasps and fasteners; Pins, jewelry; Tie tacks

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-11-18 - Notice Of Design Search Code Mailed

2007-06-19 - First renewal 10 year

2007-06-19 - Section 8 (10-year) accepted/ Section 9 granted

2007-06-14 - Assigned To Paralegal

2007-05-23 - Combined Section 8 (10-year)/Section 9 filed

2007-05-23 - TEAS Section 8 & 9 Received

2006-10-27 - Case File In TICRS

1999-06-18 - Cancellation terminated for Proceeding

1998-09-23 - Cancellation dismissed for Proceeding

1995-12-11 - Cancellation Instituted No. 999999

1993-08-23 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-05-13 - Section 8 (6-year) and Section 15 Filed

1987-05-26 - Registered - Principal Register

1987-03-03 - Published for opposition

1987-02-01 - Notice of publication

1986-12-02 - Approved for Pub - Principal Register (Initial exam)

1986-11-19 - Examiner's amendment mailed

1986-10-08 - Communication received from applicant

1986-10-08 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

JOSEPH D. LEWIS

**Correspondent**

JOSEPH D. LEWIS

BARNES & THORNBURG LLP

750 17TH ST NW STE 900

WASHINGTON, DC 20006-4607

Phone Number: 202-289-1313

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