

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

Docket No.: TM/CINQUE

In re: Reg. No. 3,104,426

-----	X
Cinque Moda GmbH	)
	)
Petitioner,	)
	)
vs.	)
	)
Lester M. Griffin	)
Lavaniel W. Griffin	)
A California Partnership	)
	)
Respondent.	)
-----	X

# 31-038700

Cancellation No.

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

S I R:

Petitioner, Cinque Moda GmbH, a limited liability company formed and operating under the laws of Germany (hereinafter referred to interchangeably as "Petitioner" or "Cinque") and located and doing business at Dohrweg 48, 41066 Mochengladbach, Germany believes it will be damaged by Registration No.: 3104426 ("Registration") and hereby petitions to cancel the same.

As grounds for the petition it is alleged that:



06-03-2010

1. On information and belief the current owner of the Registration is a California partnership with Lester M. Griffin and Lavaniel W. Griffin as partners located at 314 West 223 Str., Carson, # 12, California 90745 ("respondent" or "partnership").
2. Respondent's Registration for "Cinque" issued on June 13, 2006 in class 25 for "pants, shirts, jackets, shoes, hats, t-shirts".
3. Petitioner is the owner of a mark CINQUE and Design in connection with "suits, trouser-suits, two-piece skirt suits, trousers, jeans, skirts, jackets, blazers, coats, scarves, belts, footwear and headgear, namely, hats and caps" in international class 25. Petitioner is the owner of U.S. trademark application Serial No. 77/544.035 filed on August 11, 2008 for the mark CINQUE and Design currently pending in the United States Patent and Trademark Office.
4. Said application was refused registration based on Respondent's Registration.
5. On information and belief, Respondent has abandoned its said Registration by discontinuing use of said mark "Cinque" in commerce in connection with the said goods with no intent to resume.
6. On information and belief, Reg. No. 3,104,426 should never have registered based on a prior registered mark Reg. No.: 2,164,766 for the mark "Cinq" for "blouses, sweaters, shirts".
7. Petitioner is likely to be damaged by continuance of the Registration in that Petitioner is foreclosed from registering its mark CINQUE and Design for suits, trouser-suits, two-piece skirt suits, trousers, jeans, skirts, jackets, blazers, coats, scarves, belts, footwear and headgear, namely, hats and caps currently

pending in the United States Patent and Trademark Office in view of Respondent's abandonment of the mark.

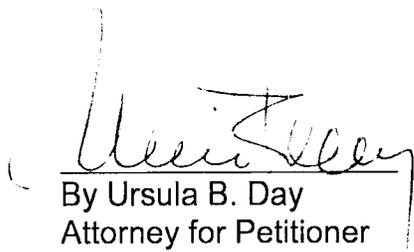
WHEREFORE, Petitioner prays that Registration No.: 3,104,426 be cancelled and that the Petition for Cancellation be sustained in favor of petitioner.

Petitioner hereby appoints Ursula B. Day an attorney and member of the bar of the State of New York with an office at 708 Third Avenue Suite 1501, New York, NY 10118 to act as attorney and designated domestic representative for petitioner herein, with full power to prosecute said petition, to transact all business with the Patent and Trademark Office and before the Board on behalf of petitioner.

The necessary fee for the Petition for one class in the amount of \$ 300.00 should be charged to Debit Account No. 50-1747.

The Commissioner is hereby also authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No.: 50-1747.

Respectfully submitted,  
Cinque Moda GmbH



By Ursula B. Day  
Attorney for Petitioner  
Reg. No.: 47,296  
708 Third Avenue, Suite 1501  
New York, NY 10017  
Tel.: (212) 904-1815

Dated: June 3, 2010  
New York, NY  
UBD:gm

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

In re: Reg. No. 3,104,426

-----	X
Cinque Moda GmbH	)
	)
Petitioner,	)
	)
vs.	)
	)
Lester M. Griffin	)
Lavaniel W. Griffin	)
A California Partnership	)
	)
Respondent.	)
-----	X

Cancellation No.

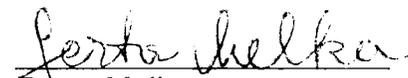
**Certificate of Express Mailing**

Express Mail mailing label number: EM 357555601 US

Date of Deposit: June 3, 2010

I hereby certify that the within paper Petition to Cancel is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Lester M. Griffin  
Lavaniel W. Griffin  
314 West 223 Str. #12  
Carson, CA 90745

  
Gerta Melka