

ESTTA Tracking number: **ESTTA371681**

Filing date: **10/05/2010**

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	Globabl Commodities, Inc.		
Entity	Corporation	Citizenship	New York
Address	122 New South Road Hicksville, NY 11801 UNITED STATES		

Attorney information	Trudie Katz Walker Trudie Katz Walker 225 Old Country Road Melville, NY 11747 UNITED STATES tkwalker@optonline.net Phone:(631) 361-8737		
----------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------	--	--

Registration Subject to Cancellation

Registration No	3005517	Registration date	10/11/2005
Registrant	Makka Halal Meat & Food Mart, Inc. 431 N. Indian Creek Drive, Suites C & D Clarkston, GA 30021 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2004/05/20 First Use In Commerce: 2004/05/20 All goods and services in the class are cancelled, namely: Rice, parboiled rice and Basmati rice

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3239488	Application Date	06/30/2006
Registration Date	05/08/2007	Foreign Priority Date	NONE
Word Mark	AAHU BARAH		

Design Mark	
Description of Mark	The mark consists of the words AAHU BARAH curved over the drawing of a fawn.
Goods/Services	Class 030. First use: First Use: 1997/12/31 First Use In Commerce: 1997/12/31 Rice

U.S. Application No.	85139970	Application Date	09/28/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a drawing of a fawn.		
Goods/Services	Class 030. First use: First Use: 1997/12/31 First Use In Commerce: 1997/12/31 Rice		

Attachments	78921128#TMSN.jpeg (1 page)(bytes) 85139970#TMSN.jpeg (1 page)(bytes) Cancellation Petition Statement.pdf (2 pages)(67993 bytes)
-------------	---------------------------------------------------------------------------------------------------------------------------------------------------

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	/tkw/
Name	Trudie Katz Walker
Date	10/05/2010

PETITION FOR CANCELLATION

Petitioner believes that it will be damaged by Registrants' continued registration of the above mark , and hereby petitions to cancel the Registration pursuant to 15 USC §1064.

1. Petitioner has for many years, since at least as early as December 31, 1997, and prior to the date of first use upon which Registrant relies, adopted and continuously used the mark, which consists of a drawing of a fawn, and continues said use of the mark to the present, in connection with the sale of rice, and other foods. Petitioner uses the mark on various packages for the goods. Petitioner has priority over Registrants' use.

2. Petitioner has obtained U.S. trademark registration No. 3239488 for one particular configuration of the use of the fawn design, along with the words AAHU BARAH. Petitioner has filed application Serial No. 85139440 for the design mark for the fawn alone.

3. Petitioner will be damaged by the continued existence of the registration at issue.

4. Registrant's Registration No. 3005517 Registered on October 11, 2005 consists of the word BAZARAC along with a design that appears to be a fawn and which is identified in the registration by Design Search Code 03.07.10 - Goats; Goats, sheep, rams; Lambs; Rams; Sheep and 03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose. Registrants' mark is registered for use on rice, parboiled rice and basmati rice in Class 30. Petitioner has no objection to the continued use of the portion of the mark consisting of the word BAZARAC.

5. Petitioner has expended considerable effort and expense in promoting its mark, and the goods sold under such mark, with the result that the mark has acquired extensive good will and the purchasing public has come to know, rely upon, and

recognize the products of Petitioner by such mark. Petitioner has an exceedingly valuable goodwill established in its mark.

6. Registrants' mark, when applied to the goods, so resembles Petitioner's fawn design mark as to cause confusion, mistake and to deceive. Purchasers are likely to consider the goods of the Registrant sold under the design mark as emanating from Petitioner, and purchase such goods as those of Petitioner, all to the detriment of Petitioner.

Wherefore, Petitioner prays that Registration No. 3005517 Registered on October 11, 2005, be cancelled.

Dated: October 5, 2010

Respectfully Submitted
Global Commodities, Inc.

By: 
Trudie Katz Walker
Attorney for Petitioner
225 Old Country Road
Melville, New York 11747
(631) 361-8737
Our File Ref. # 290707