

ESTTA Tracking number: **ESTTA447428**

Filing date: **12/20/2011**

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	Jacques HF Guillemet		
Entity	Individual	Citizenship	FRANCE
Address	59 rue de Turenne Paris, F-75003 FRANCE		

Name	Lena I Hirzel		
Entity	Individual	Citizenship	FRANCE
Address	59 rue de Turenne Paris, F-75003 FRANCE		

Attorney information	Mark I. Peroff Hiscock & Barclay LLP 7 Times Square New York, NY 10036 UNITED STATES trademarks@hblaw.com, mperoff@hblaw.com, apatel@hblaw.com Phone:212-784-5800		
----------------------	---	--	--

**Registration Subject to Cancellation**

Registration No	3200271	Registration date	01/23/2007
Registrants	Rambaud, Frederic 153 Little Noyack Path Water Mill, NY 11976 UNITED STATES  Ceppos, Alan 153 Little Noyack Path Water Mill, NY 11976 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2004/05/01 First Use In Commerce: 2004/05/01  
All goods and services in the class are cancelled, namely: Retail gift shops

**Grounds for Cancellation**

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

## Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	79071877	Application Date	01/20/2009
Registration Date	NONE	Foreign Priority Date	07/21/2008
Word Mark	PYLONES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 008. First use: Cutlery, namely, knives, forks and spoons; razors; shearers, namely, garden shears and pruning shears; salad cutlery, namely, salad forks and salad spoons; nail files; nail clippers; hair-removing tweezers; hammers; squeegees for window panes; scissors; nail scissors; secateurs; non-electric can openers; hand tools, namely, rasps</p> <p>Class 009. First use: Spectacle cases; computer mouse pads; computer mice; rulers for measuring; kitchen timers</p> <p>Class 011. First use: Air-conditioning apparatus or installations; freezers; electric torches for lighting; lighting apparatus for vehicles; heating and air-conditioning installations for vehicles; air and water purifying apparatus and machines; sterilizers</p> <p>Class 014. First use: Jewelry; precious stones; horological and chronometric instruments; precious metals and alloys thereof; works of art of precious metal; jewelry cases; precious metal boxes; watch cases, straps, chains, springs or glasses; key rings of precious metal; statues and figurines of precious metal; clock cases; medals; key holders of precious metal</p> <p>Class 016. First use: Photographs; stationery; paintbrushes; typewriters; printing type; printing blocks; paper; cardboard; cardboard and paper boxes; posters; scrapbooks; newspapers; calendars; writing instruments; paintings; aquarelles; graphic prints; drawing instruments; paper handkerchiefs; face towels of paper; table linen of paper; toilet paper; babies' disposable napkins of paper and cellulose; garbage bags of paper and plastic; checkbook holders; pens; binder clips, letter clips, paper clips; signboards of paper and cardboard; tablecloths of paper</p> <p>Class 017. First use: Rubber, gutta-percha, asbestos, mica; non-metallic flexible pipes; rubber stoppers; plastic sheeting for agricultural purposes</p> <p>Class 018. First use: Leather and imitations of leather; animal skins, hides; trunks and suitcases; umbrellas, parasols and walking sticks; whips, harness and saddlery; handbags, rucksacks, wheeled bags; traveling bags, beach bags, school bags; unfitted vanity cases; mesh shopping bags; coin holders in the nature of wallets; wallets with card components; business card cases; credit card cases; passport</p>		

	<p>holders; dog leashes</p> <p>Class 020. First use: Furniture, mirrors, picture frames; coat hangers; chests of drawers; cushions; shelves; armchairs; chairs; mattresses; funerary urns; plate racks; wooden and plastic boxes; tables; fans for personal use; mirrors; picture frames; signboards of wood and plastics; non-metal key holders and non-metal key rings</p> <p>Class 021. First use: Combs; brush-making materials; hand-operated cleaning instruments, namely, dish brushes, sponges and mops; steel wool; unworked or semi-worked glass (not for building); works of art, of porcelain, terra-cotta and glass; statues and figurines made of porcelain, terracotta and glass; refuse bins; serving dishes; eating dishes; indoor aquaria; hairbrushes; nail brushes; dishwashing brushes; sugar bowls; household utensils, namely, graters; hip flasks used for alcohol; cruet stands; salt cellars; pepper pots; Chinese chopsticks; funnels; egg-cups; cheese graters; nutmeg graters; aperitif serving dishes; ice scoops; bowls; cups; whisk brooms; scoops; tart scoops; tea infusers; trays; salad bowls, corkscrews; plates; drinking glasses; fitted picnic baskets; tea kettles, whistling kettles</p> <p>Class 024. First use: Bed covers; fabrics for textile use; velvet; bed linen; household linen; table linen not of paper; bath linen; labels for travel made of cloth; non-paper tablecloths; table linen</p> <p>Class 025. First use: Footwear, shirts; belts; gloves; scarves; neckties; hosiery; socks; slippers; beach, ski or sports footwear; underwear; bathing caps; plastic baby bibs</p> <p>Class 028. First use: Decorations for Christmas trees (except illumination articles); Christmas trees of synthetic material; fishing tackle; balls for games and play balloons; billiard tables, cues and balls; playing cards and board games; ice and roller skates; toy scooters; sailboards and surf-boards; rackets; snow-shoes; skis</p> <p>Class 034. First use: Tobacco; matches; cigars; cigarettes; paper for cigarettes; tobacco pipes; lighters for smokers; cigar boxes and cases; cigarette boxes and cases; ashtrays for smokers</p> <p>Class 035. First use: Office functions; newspaper subscription services for third parties; business organization and management consultancy; accounting; document reproduction; employment agencies; computer file management</p> <p>Class 043. First use: Services for providing food and drink; temporary accommodation; bar services; catering services; hotel services; reservation of temporary accommodation; day nurseries; providing campground facilities; retirement homes; boarding for animals</p>
--	--

Attachments	79071877#TMSN.jpeg ( 1 page )( bytes ) Petition.pdf ( 9 pages )(275186 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	/mark i. peroff/
-----------	------------------

Name	Mark I. Peroff
Date	12/20/2011

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

*In the Matter of U.S. Trademark Registration No. 3,200,271  
Registered on January 23, 2007*

Atty. Ref.: 313492.3053355

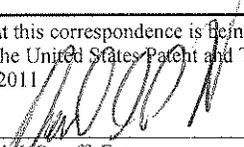
----- :  
:   
: Jacques Henri François Guillemet and :  
: Léna Irène Hirzel :  
: Petitioners, :

-against- :  
: :  
: :

Alan Ceppos and Frederic Rambaud, :  
: Respondents. :  
----- :

Cancellation No.:

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office on December 20, 2011.

By:  \_\_\_\_\_  
Mark I. Peroff, Esq.

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION FOR CANCELLATION**

Léna Irène Hirzel and Jacques Henri François Guillemet, both citizens of France, with a place of business located at 59 rue de Turenne F-75003 Paris, France (hereinafter jointly referred to as “Petitioners”), believe that they have been and are being damaged by registration of the trademark “PYLONES”, as shown in U.S. Trademark Registration No. 3,200,271 dated January 23, 2007 (hereinafter “the Registration”), and hereby petitions to cancel the same.

As grounds for this petition, Petitioner alleges that:

1. Alan Ceppos and Frederic Rambaud, both U.S. citizens (hereinafter “Respondents”), with an address of 153 Little Noyack Path, Water Mill, New York 11976, are the current owners of the Registration.

2. Petitioner is the owner of U.S. Trademark Application Serial No. 79/071,877, filed on January 20, 2009, for the trademark “PYLONES”, in respect of the following goods and services:

**Class 8** - Cutlery, namely, knives, forks and spoons; razors; shearers, namely, garden shears and pruning shears; salad cutlery, namely, salad forks and salad spoons; nail files; nail clippers; hair-removing tweezers; hammers; squeegees for window panes; scissors; nail scissors; secateurs; non-electric can openers; hand tools, namely, rasps;

**Class 9** - Spectacle cases; computer mouse pads; computer mice; rulers for measuring; kitchen timers;

**Class 11** - Air-conditioning apparatus or installations; freezers; electric torches for lighting; lighting apparatus for vehicles; heating and air-conditioning installations for vehicles; air and water purifying apparatus and machines; sterilizers;

**Class 14** - Jewelry; precious stones; horological and chronometric instruments; precious metals and alloys thereof; works of art of precious metal; jewelry cases; precious metal boxes; watch cases, straps, chains, springs or glasses; key rings of precious metal; statues and figurines of precious metal; clock cases; medals; key holders of precious metal;

**Class 16** - Photographs; stationery; paintbrushes; typewriters; printing type; printing blocks; paper; cardboard; cardboard and paper boxes; posters; scrapbooks; newspapers; calendars; writing instruments; paintings; aquarelles; graphic prints; drawing instruments; paper handkerchiefs; face towels of paper; table linen of paper; toilet paper; babies' disposable napkins of paper and cellulose; garbage bags of paper and plastic; checkbook holders; pens; binder clips, letter clips, paper clips; signboards of paper and cardboard; tablecloths of paper;

**Class 17** - Rubber, gutta-percha, asbestos, mica; non-metallic flexible pipes; rubber stoppers; plastic sheeting for agricultural purposes;

**Class 18** - Leather and imitations of leather; animal skins, hides; trunks and suitcases; umbrellas, parasols and walking sticks; whips, harness and saddlery; handbags, rucksacks, wheeled bags; traveling bags, beach bags, school bags; unfitted vanity cases; mesh shopping bags; coin holders in the nature of wallets;

wallets with card components; business card cases; credit card cases; passport holders; dog leashes;

**Class 20** - Furniture, mirrors, picture frames; coat hangers; chests of drawers; cushions; shelves; armchairs; chairs; mattresses; funerary urns; plate racks; wooden and plastic boxes; tables; fans for personal use; mirrors; picture frames; signboards of wood and plastics; non-metal key holders and non-metal key rings;

**Class 21** - Combs; brush-making materials; hand-operated cleaning instruments, namely, dish brushes, sponges and mops; steel wool; unworked or semi-worked glass (not for building); works of art, of porcelain, terra-cotta and glass; statues and figurines made of porcelain, terracotta and glass; refuse bins; serving dishes; eating dishes; indoor aquaria; hairbrushes; nail brushes; dishwashing brushes; sugar bowls; household utensils, namely, graters; hip flasks used for alcohol; cruet stands; salt cellars; pepper pots; Chinese chopsticks; funnels; egg-cups; cheese graters; nutmeg graters; aperitif serving dishes; ice scoops; bowls; cups; whisk brooms; scoops; tart scoops; tea infusers; trays; salad bowls, corkscrews; plates; drinking glasses; fitted picnic baskets; tea kettles, whistling kettles;

**Class 24** - Bed covers; fabrics for textile use; velvet; bed linen; household linen; table linen not of paper; bath linen; labels for travel made of cloth; non-paper tablecloths; table linen;

**Class 25** - Footwear, shirts; belts; gloves; scarves; neckties; hosiery; socks; slippers; beach, ski or sports footwear; underwear; bathing caps; plastic baby bibs;

**Class 28** - Decorations for Christmas trees (except illumination articles); Christmas trees of synthetic material; fishing tackle; balls for games and play balloons; billiard tables, cues and balls; playing cards and board games; ice and roller skates; toy scooters; sailboards and surf-boards; rackets; snow-shoes; skis;

**Class 34** - Tobacco; matches; cigars; cigarettes; paper for cigarettes; tobacco pipes; lighters for smokers; cigar boxes and cases; cigarette boxes and cases; ashtrays for smokers;

**Class 35** - Office functions; newspaper subscription services for third parties; business organization and management consultancy; accounting; document reproduction; employment agencies; computer file management; and

**Class 43** - Services for providing food and drink; temporary accommodation; bar services; catering services; hotel services; reservation of temporary accommodation; day nurseries; providing campground facilities; retirement homes; boarding for animals.

3. The Examining Attorney responsible for examining the Petitioners' pending application for "PYLONES" has refused registration on the ground that the applied-for mark is

likely to cause confusion with the “PYLONES” mark of the U.S. Registration No. 3,200,271, pursuant to Section 2(d) of the federal Lanham Act, 15 U.S.C. §1052(d).

4. The Petitioners adopted and commenced use of “PYLONES” as a brand name for their line of gift items and accessories and as the name for their retail shops in Paris, France in 1985. Since the opening of Petitioners’ first PYLONES shop in Paris, the Petitioners’ have expanded their retail business to fifty-three (53) shops which are located in fifteen (15) countries, not including the United States. These shops sell a line of private label products which are designed by the Petitioners and manufactured pursuant to their strict supervision and quality control under the brand name “PYLONES”. The PYLONES products range comprises innovative and highly decorative useful items for the home or for personal use. These products are known for their fanciful design, vivid coloration, and playful themes which is consistent with the atmosphere of the PYLONES shops.

5. In addition to the Petitioners’ retail business, the Petitioners advertise, sell, and distribute “PYLONES” branded products to retailers and consumers throughout the world, including the United States, on their website: [www.pylones.com](http://www.pylones.com).

6. The Petitioners have continuously sold and shipped their “PYLONES” accessories and gift items to customers in the United States each year since 1986, which is earlier than the date of first use claimed by the Respondents in the Registration.

7. The Petitioners’ pleaded trademark “PYLONES” is inherently distinctive and represents an extremely valuable asset and symbol of the goodwill of their business by

identifying goods and services which have their source of origin exclusively with the Petitioners, and by distinguishing such goods and services from the goods and services of others.

8. Respondents commenced purchasing, importing and distributing Petitioners' PYLONES branded products in United States in 1995.

9. Early in 2004, Respondents requested permission to open a retail store in New York City under the name PYLONES to sell Petitioners' PYLONES merchandise. Petitioners provided both the financing and supervision to insure that the PYLONES store in the U.S. conformed to the look and feel of Petitioners' other PYLONES shops in France and also met the Petitioners' standard of quality and design which were key to their success. The first PYLONES shop opened in New York City in April, 2004. Respondents have subsequently opened three (3) shop in New York City using the PYLONES name, all of which have been financed by the Petitioners and comply with the Petitioners standards for quality and design.

10. Petitioners have controlled the quality and image of the retail stores operated by Respondents on an ongoing basis by traveling from France to New York to visit each store to ensure that their standards of quality are maintained.

11. Without Petitioners' knowledge or consent, Respondents filed an application to register PYLONES as a service mark with the U.S. Patent & Trademark Office on April 24, 2006 which was accorded serial no. 76/658,991.

12. The application and resulting Registration claim a date of first use of the mark "PYLONES" as of May 1, 2004, and a date of first use in commerce as of May 1, 2004.

13. The application contained the following affidavit which was signed by Messrs. Rambaud and Ceppos on February 8, 2006

FEDERIC RAMBAUD and ALAN CEPPOS state that they believe they are the owners of the service mark sought to be registered; to the best of their knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in identical form or in such near resemblance thereto as to be likely, when applied the services of such other person, to cause confusion, or to cause mistake, or to deceive, and that the facts set forth in the application are true.

The application matured into the Registration on January 23, 2007 for the trademark in respect of “retail gift shops” (Int’l. Class 35).

14. The Respondents knew or had reason to know that they were not the owners of the PYLONES service mark and that Petitioners were the owners of all right title and interest in and to the service mark.

15. The Respondents’ registered mark “PYLONES” is identical to Petitioners’ pleaded trademark in sound, appearance, and commercial impression as to be likely to cause confusion as to the source of origin or sponsorship of goods bearing the respective marks.

16. The registration of “PYLONES” by the Respondents is likely to cause irreparable loss, injury and damage to the Petitioners’ business, to the expansion thereof, and to the goodwill attributable thereto, as symbolized and recognized by its trademark.

17. The Respondents’ ownership of the Registration is a misappropriation of the Petitioners’ rights in and to the “PYLONES” trademark which has and will continue to enable the Respondents to trade on the goodwill of the Petitioners’ business as symbolized by Petitioners’ trademark.

18. The continued existence of the Registration on the Principal Register of the U.S. Patent & Trademark Office is inconsistent with the Petitioners' prior right of exclusive use under common law.

19. The continued existence of the Registration will prevent the Petitioners from obtaining the benefits which result from ownership of a federal registration to which they alone are entitled and will cast a cloud upon title to and ownership of the trademark "PYLONES" in the United States.

20. For the reasons set forth above, Petitioners believe that they are and will be damaged by the continued existence of the Registration on the Principal Register of the United States Patent and Trademark Office.

IN CONCLUSION, the Petitioners, by its undersigned attorneys, prays that its petition to cancel the Registration be granted and that the Trademark Trial and Appeal Board grant any and all further relief to the Petitioners that the Board finds to be necessary and just in the circumstances.

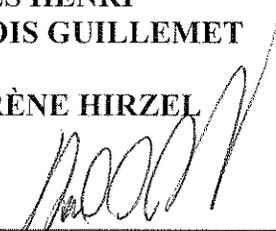
Atty. Ref.: 313492.3053355  
Reg. No.: 3,200,271  
Mark: **PYLONES**

The cancellation filing fee of \$300 is being paid by Deposit Account No. 503010, and the Commissioner is hereby authorized to charge Deposit Account No. 503010 in the event that any other fees are required to be paid in connection with this proceeding.

Respectfully submitted,

**JACQUES HENRI  
FRANÇOIS GUILLEMET  
and  
LÉNA IRÈNE HIRZEL**

Dated: December 20 , 2011

By: 

Mark I. Peroff

**HISCOCK & BARCLAY, LLP**  
Seven Times Square  
New York, NY 10036  
Tel. No.: (212) 784-5800  
Fax No.: (212) 784-5777  
E-Mail: [mperoff@hblaw.com](mailto:mperoff@hblaw.com)  
[trademarks@hblaw.com](mailto:trademarks@hblaw.com)

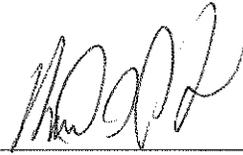
*Attorneys for Petitioner*

Atty. Ref.: 313492.3053355  
Reg. No.: 3,200,271  
Mark: **PYLONES**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 20th of December, 2011, I served a true and correct copy of the foregoing **Petition for Cancellation** by First Class U.S. Mail, postage prepaid, upon the Respondents:

Mr. Alan Ceppos  
Mr. Frederic Rambaud  
153 Little Noyack Path  
Water Mill, New York 11976



---

Mark I. Peroff