

ESTTA Tracking number: **ESTTA452406**

Filing date: **01/20/2012**

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	L.A. Idol Fashion, Inc.		
Entity	Corporation	Citizenship	California
Address	1100 South San Pedro St. Unit #K8 Los Angeles, CA 90015 UNITED STATES		

Attorney information	Christopher L. Diener, Esq. 18881 Von Karman Ave. 16th Floor Irvine, CA 92612 UNITED STATES dienerlaw@msn.com Phone:(949) 291-9604		
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### Registration Subject to Cancellation

Registration No	3581968	Registration date	02/24/2009
Registrant	RCRV, INC. 4715 S. ALAMEDA ST. LOS ANGELES, CA 90058 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2005/11/23 First Use In Commerce: 2006/03/17 All goods and services in the class are cancelled, namely: Jeans
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### Grounds for Cancellation

Genericness	Trademark Act section 23
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Attachments	1-19-12Final LA Idol Cancellation of Sweet People Fleur Trademark.pdf ( 5 pages )(102589 bytes )
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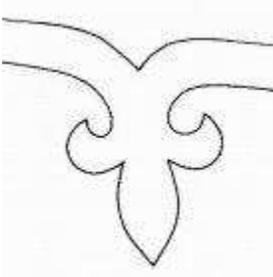
## Certificate of Service

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	/s/ Christopher L. Diener
Name	Christopher L. Diener, Esq.
Date	01/20/2012

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

Trademark Registration No. 3,581,968  
Registration Date: February 24, 2009  
Mark:



L.A. IDOL FASHION, INC.,  
Petitioner

v.

RCRV, INC.,  
Respondent

**Cancellation No.**

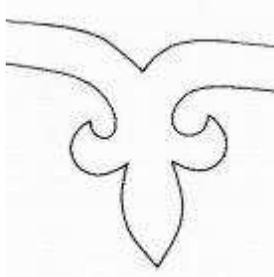
**PETITION FOR CANCELLATION**

Pursuant to 37 C.F.R. § 2.111(b), Petitioner LA Idol Fashion, Inc. (LA Idol), believes that it is and will continue to be damaged by the above-identified registration and hereby petitions to cancel the same. As grounds for the petition, it is alleged that:

1. Petitioner LA Idol is a California corporation having its principal place of business at 1100 S. San Pedro St. #K-8, Los Angeles, California 90015;

2. On information and belief, Respondent RCRV, Inc. (“RCRV”) is a California corporation with its principal place of business located at 4715 S. Alameda Street, Los Angeles, California 90058;

3. On February 24, 2009, RCRV was granted United State Trademark No. 3,581,968 (the “Registered Mark”) by the United States Patent and Trademark Office for the mark depicted below (the “Registration”).



4. The description of the Registered Mark is as follows: “The Mark consists of a stylized representation of a fleur-de-lys.”

5. The Registered Mark covers “jeans, in class 25 (U.S. CLS. 22 and 39)”.

6. Further, the Registered Mark is non-distinctive since the entire denim jean industry, which Respondent is part of and only sells denim jeans with the Registered Mark, has adopted and uses a stylized representation of a fleur-de-lys pattern identical to the Registered Mark making the Registered Mark generic and therefore not entitled to protection as a registered mark under the Trademark Act section 23. Respondent failed to disclose to the Trademark Office that the entire denim jean industry had adopted and used stylized representation of a fleur-de-lys pattern identical to the Registered Mark.

7. Petitioner LA Idol is a designer and wholesale distributor of women’s’ denim jeans, and other women’s’ denim apparel. LA Idol has marketed and sold a women’s’ denim jean having a stylized representation of a fleur-de-lys pattern on the pocket portion of the of the jeans.

8. The Registration serves as prima facie evidence of the registrant’s exclusive right to the Registered Mark. Such registration is a source of damage and injury to the Petitioner LA Idol.

WHEREFORE, Petitioner prays that Registration No. 3,581,968 be cancelled. The requisite fee has been paid by Petitioner.

DATED: January 19, 2012

Respectfully Submitted,

By: /s/ Christopher L. Diener  
Christopher L. Diener, Esq.  
Christopher L. Diener, Esq. (SBN 187890)  
18881 Von Karman Avenue, 16<sup>th</sup> Floor  
Irvine, California 92612  
Telephone, (949) 291-9604  
Facsimile, (949) 660-0342

Attorney for Petitioner  
LA Idol Fashion Inc.

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 18881 Von Karman Avenue, 16<sup>th</sup> Floor, Irvine,

California 92612.

- On January 19, 2012, I served the foregoing papers described as **PETITION FOR CANCELLATION** On the interested parties in this action by the following means:
- [X] **(BY U.S. MAIL)** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully paid for collection and mailing, under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid at Irvine, California, in the ordinary course of business. I am familiar with the Law Firm's practice of collection and processing correspondence for mailing. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- [X] **(BY ELECTRONIC MAIL - EMAIL)** By serving a true copy thereof by electronic mail (e-mail) on: cpham@johnsonpham.com person(s) listed in the Service List.
- [X] **(SEE BELOW SERVICE LIST)**
- Executed on January 19, 2012, at Irvine, California.
- [X] **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- [X] **FEDERAL:** I declare that I am employed in the office of a member of the state bar of this court at whose direction this service was made.

\_\_\_\_\_/s/ Francesca Alcala\_\_\_\_\_  
FRANCESCA ALCALA

**SERVICE LIST**

Registrant  
RCRV, Inc. (a California corporation)  
4715 S. Alameda Street

Los Angeles, California 90058

Counsel of Record for RCRV, Inc.

LOUIS S. EDERER

JOHN C. ULIN

JAMES S. BLACKBURN

ERIC D. MASON

ARNOLD & PORTER LLP

777 South Figueroa Street, 44th Floor

Los Angeles, California 90017-5844

California Registered Agent for Services of Process

RCRV, Inc.

Attn:Soohan Kim

4715 S. Alameda Street

Los Angeles, California 90058