

ESTTA Tracking number: **ESTTA458183**

Filing date: **02/23/2012**

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	Guerlain S.A.		
Entity	Corporation	Citizenship	France
Address	68, avenue des Champs Elysees Paris, 75008 FRANCE		

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzllz.com Phone:212 813-5920		
----------------------	---	--	--

**Registration Subject to Cancellation**

Registration No	3384522	Registration date	02/19/2008
Registrant	French Kiss Cosmetics, Inc. 73008 Willow St. Palm Desert, CA 92260 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 003. First Use: 2007/08/13 First Use In Commerce: 2007/08/13 All goods and services in the class are cancelled, namely: Eye liner; Eye shadow; Lip gloss; Lipstick; Make-up
--

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
Other	Invalidity for lack of commercial use prior to registration

Attachments	Petition for Cancellation - Guerlain v. French Kiss Cosmetics, Inc. (F0963614).PDF ( 3 pages )(113483 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	/dwe/
Name	David Ehrlich
Date	02/23/2012



3. Petitioner will be damaged by the continuing registration of the mark in the registration at issue because the mark might block an application by Petitioner or diminish its goodwill.

COUNT II – INVALIDITY

4. The registration is based on use. Upon information and belief, Registrant was not making commercial use of the mark in the U.S. for the goods claimed in the registration at the time when the amendment to allege use was filed, on August 24, 2007. The specimen filed then is a photo (reproduced below) showing the mark affixed to a cosmetics container with tape, and is obviously not a real commercial product.



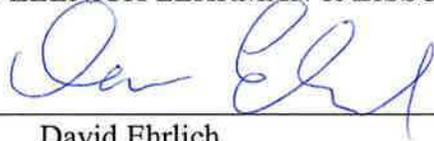
5. The registration is accordingly invalid for all such goods under Section 1, for lack of good faith, commercial use.

WHEREFORE, Petitioner requests that the registration be cancelled.

Dated: New York, New York  
Feb. 23, 2012

Respectfully submitted,

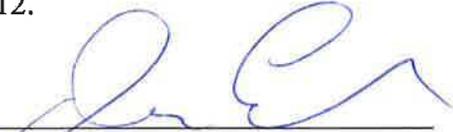
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

David Ehrlich  
Attorneys for Petitioner  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
Our Ref: GNS USA TC-12/01558

**Certificate of Service**

I hereby certify that a copy of the foregoing was served by airmail on the Registrant, Ron Holbert, at French Kiss Cosmetics, Inc., 73008 Willow St., Palm Desert, CA 92260-5740, on this 23 day of Feb., 2012.

  
David Ehrlich