

ESTTA Tracking number: **ESTTA459930**

Filing date: **03/05/2012**

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	Westward Holdings, LLC		
Entity	limited liability company	Citizenship	Pennsylvania
Address	1801 Parkway View Drive Pittsburgh, PA 15205 UNITED STATES		

Attorney information	Frederick L. Tolhurst, Esq. Cohen & Grigsby, P.C. 625 Liberty Avenue Pittsburgh, PA 15222-3152 UNITED STATES iptrademark@cohenlaw.com Phone:(412) 297-4900		
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Registration Subject to Cancellation

Registration No	3018617	Registration date	11/22/2005
Registrant	Hearts On Fire Company 99 Summer Street Fourth Floor Boston, MA 02110 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 2004/06/01 First Use In Commerce: 2004/09/01
All goods and services in the class are cancelled, namely: jewelry

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	copier-scanner@cohenlaw.com_20120305_154758.pdf (4 pages)(1899816 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	/Frederick L. Tolhurst/
Name	Frederick L. Tolhurst, Esq.
Date	03/05/2012

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

In the matter of Trademark Registration No. 3,018,617
For the Mark INTREPID
Registered on November 22, 2005
Our Ref: 10-178 CANC

Westward Holdings, LLC))
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	
Hearts on Fire Company LLC)	
)	
Respondent.)	
_____)	

PETITION TO CANCEL

Westward Holdings, LLC ("Petitioner"), a Pennsylvania limited liability company, having a principal business address of 1801 Parkway View Drive, Pittsburgh, Pennsylvania 15205, believes that it is and will continue to be damaged by the registration of the INTREPID mark, Registration No. 3,018,617, and hereby petitions to cancel the same under the provisions of 15 U.S.C. § 1064.

As grounds for cancellation, Petitioner asserts that:

1. INTREPID, the mark for which Registration No. 3,018,617, issued on November 22, 2005 has been abandoned.

2. Registration No. 3, 018,617 issued for the mark INTREPID for "Jewelry," in International Class 014.

3. Upon information and belief, the record owner of Registration No. 3,018,617 is Hearts on Fire Company LLC ("Registrant"), a Massachusetts limited liability company having a place of business at 99 Summer Street, Fourth Floor, Boston, Massachusetts 02110.

4. Petitioner sells high-precision, high quality, durable watches that are suitable for use in extreme environments.

5. Petitioner has filed an application to register the trademark INTREPID in the United States in connection with "Watches," in International Class 14 on November 3, 2010. The U.S. Patent and Trademark Office assigned U.S. Application No. 85/167,771 to Petitioner's application to register the INTREPID mark.

6. The U.S. Patent and Trademark Office has refused Petitioner's application to register INTREPID for watches on the grounds that such use is claimed to create a likelihood of confusion with the mark INTREPID in U.S. Registration 3,018,617.

7. Upon information and belief, Registrant ceased bona fide use of the mark INTREPID in the ordinary course of trade in the United States for the goods listed in the registration. Upon information and belief, Registrant ceased such use in the United States more than three years ago and has not resumed such use as of the filing of this Petition to Cancel.

8. Upon information and belief, Registrant ceased use of the mark INTREPID in the United States with the intent not to resume bona fide use of that mark in the ordinary course of trade.

9. Through its actions as stated herein, Registrant has abandoned the mark INTREPID that is the subject of Registration No. 3,018,617. Registration 3,018,617 is unwarranted and is subject to cancellation for abandonment pursuant to 15 U.S.C. § 1064(3).

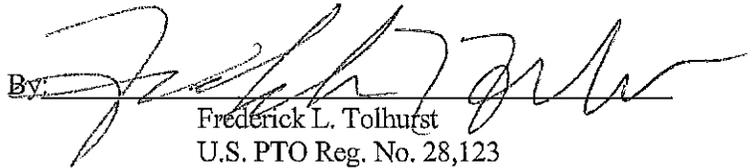
10. Continued registration of Registration 3,018,617 on the Principal Register is contrary to the Registrant's abandonment of the INTREPID mark which is the subject of Registration No. 3,018,617. Continued registration of the INTREPID mark to the Registrant under Registration No. 3,018,617 falsely evidences validity and ownership of the INTREPID mark in favor of the Registrant. Registration 3,018,617 has improperly resulted in the U.S. Patent and Trademark Office's refusal to register INTREPID to the Petitioner for use in connection with "watches," and impairs Petitioner's rightful adoption, use and registration of the INTREPID mark for watches, all to the damage of Petitioner.

WHEREFORE, pursuant to section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner respectfully requests that Registration No. 3,018,617 be canceled and that this Petition to Cancel be granted.

This Petition for Cancellation is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(16). The Commissioner is authorized to draw on the Deposit Account of Cohen & Grigsby, P.C., Account No. 03-2026, if there is any problem with the processing of the electronically submitted fee.

Date: March 5, 2012

Respectfully submitted,

By: 

Frederick L. Tolhurst
U.S. PTO Reg. No. 28,123
Cohen & Grigsby, P.C.
625 Liberty Avenue
Pittsburgh, PA 15222-3152
Telephone: (412) 297-4900
Fax: 412-209-0672
Email: iptrademark@cohenlaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that pursuant to CRF § 2.111(b) a copy of the foregoing PETITION TO CANCEL was served by first class mail on March 5, 2012 upon Registrant's attorney:

Tish Berard
Hearts on Fire Company LLC
99 Summer Street, 4th Floor
Boston, Massachusetts 02110



A handwritten signature in black ink, appearing to read 'Tish Berard', is written over a horizontal line.