

ESTTA Tracking number: **ESTTA475733**

Filing date: **06/01/2012**

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	Serge Bajrami		
Entity	Individual	Citizenship	UNITED STATES
Address	8 Hardwood Drive Jackson, NJ 08527 UNITED STATES		

Attorney information	Michael J. Doherty DOHERTY & CHARNEY LLC 37 Belvidere Avenue Washington, NJ 07882 UNITED STATES mdoherty@dohertyiplaw.com Phone:908-689-8700		
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Registration Subject to Cancellation

Registration No	3998839	Registration date	07/19/2011
Registrant	Doughboy Ventures 703 Pier Avenue B311 Hermosa Beach, CA 90254 UNITED STATES		

Goods/Services Subject to Cancellation

Class 030. First Use: 2010/11/17 First Use In Commerce: 2010/11/17 All goods and services in the class are cancelled, namely: Candy; Candy mints; Chewing gum
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Grounds for Cancellation

Other	Plaintiff seeks to partially cancel the registration under Trademark Act section 18 because there is no evidence that registrant is selling "candy; candy mints; chewing gum" under the mark
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Related Proceedings	Plaintiff has filed U.S. Trademark Appln. Ser. No. 85451790 for the mark SUM GUM for "chewing gum" in IC 30, which has been rejected under Section 2(d) as being likely to cause confusion with U.S. Registration No. 3998839.
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Attachments	Partial Cancellation Statement.pdf (1 page)(64531 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	/michael j. doherty/
Name	Michael J. Doherty
Date	06/01/2012

Plaintiff, Serge Bajrami, seeks partial cancellation of U.S. Registration No. 3,998,839 under Trademark Act Section 18 on grounds that there is no evidence that registrant, Doughboy Ventures, has ever sold “candy; candy mints; chewing gum” under the mark SUM+. Plaintiff’s U.S. Trademark Appln. Ser. No. 85/451,790 for the mark SUM GUM for “chewing gum” has been rejected under Section 2(d) as being likely to cause confusion with Registrant’s mark.

Plaintiff requests that the Board restrict the goods under the SUM+ registration by deleting “candy; candy mints; chewing gum” from the registration because the claim is linked to a question of likelihood of confusion in the pending application for U.S. Trademark Appln. Ser. No. 85/451,790 for SUM GUM. Plaintiff asserts that it is proper for the Board to act on this request because 1) the entry of the proposed restriction to the goods in the registration will avoid a likelihood of confusion, and 2) the registrant is not using its mark on those goods that will be effectively excluded from the registration if the proposed restriction is entered.