

ESTTA Tracking number: **ESTTA483962**

Filing date: **07/17/2012**

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	Mr. Freddy Akay		
Entity	Individual	Citizenship	UNITED STATES
Address	22 West Belt Plaza 57 Route 23 South Wayne, NJ 07470 UNITED STATES		

Correspondence information	Mr. Freddy Akay Owner Six Stars Jewelers of Wayne 22 West Belt Plaza 57 Route 23 South Wayne, NJ 07470 UNITED STATES Ferit_Akay@msn.com Phone:973-256-1514
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Registration Subject to Cancellation

Registration No	4131112	Registration date	04/24/2012
Registrant	Hamikeh, Fehmi 653 Rt. 46 West Rt. 46 Diamond Exchange, Booth 20/27 Fairfield, NJ 07004 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 1991/11/01 First Use In Commerce: 1991/11/01 All goods and services in the class are cancelled, namely: Jewelry sold at points of purchase

Grounds for Cancellation

Other	USC 35 1115(b)(5)Prior user of trademark.
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Related Proceedings	Both parties are involved in court proceeding for the use of the same mark in US District Court.
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Attachments	tmo.tif (1 page)(3261088 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	///Freddy Akay/// ///s///
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Name	Mr. Freddy Akay
Date	07/17/2012

Six Stars Jewelers
Freddy Akay
22 West Belt Plaza
57 Route 23 South
Wayne, NJ 07470
973-256-1514

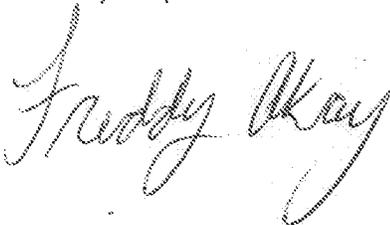
July 14, 2012

To U.S. Trademark Board of Appeals:

The petitioner requests a cancellation on registration number 4131112 because the registered owner has mailed legal correspondents to the petitioner to cease use of the petitioner's name because of similar mark, services and goods. Petitioner's company has been in business for almost ten years (03/01/03). I own and operate a very small business in a different town than the registered owner. The business may bear the same mark and sell the same goods and service but do not cause any likely-hood of confusion that impedes on one another. I own Six Stars Jewelers of Wayne in Wayne, NJ the registered owner owns Six Star Jewelry in Fairfield, NJ. Records from the trademark office, indicates that registration number 4131112 was recently approved in April as a registered mark. Trademark law under prior users affords rights to unregistered prior users so that trademark protection is used properly. This can become damaging to the petitioner's business and cause a business hardship. The register owner requests that petitioner stop operating under the similar name. I respectfully request that Trademark Board of Appeal authority evaluate this matter. Thank you in advance for your hard work, professionalism and fairness.

Respectfully,

Freddy Akay

A handwritten signature in cursive script that reads "Freddy Akay". The signature is written in dark ink and is positioned below the typed name.