

ESTTA Tracking number: **ESTTA488025**

Filing date: **08/08/2012**

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	The Hyman Companies, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	727 North Meadow Street Allentown, PA 18102 UNITED STATES		

Attorney information	Timothy D. Pecsénye Blank Rome LLP One Logan Square, 8th Floor Philadelphia, PA 19103 UNITED STATES pecseny@blankrome.com Phone:215-569-5619		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	3960758	Registration date	05/17/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	WATCH COMPANY ROMANOFF korp. 8, d. 34 RU-109147 ul. Marksistskaya RUSSIAN FEDERATION		

Goods/Services Subject to Cancellation

Class 014. All goods and services in the class are cancelled, namely: works of art of precious metal; bijouterie, namely, costume jewellery; jewellery, including jewellery rings; necklaces; earrings; medallions; straps for wristwatches; charms; tie clips; cuff links; badges of precious metal; medals; precious stones; semi-precious stones; boxes of precious metal; watch cases; clockworks, namely, chronometric apparatus and instruments; clock and watchmaking parts, namely, clock hands; collectible coins; chronometrical instruments; statuette figurines of precious metal; watch crystals; clock cases; presentation cases for watches; chronographs as watches; jewellery chains; watch chains; clocks; watches; alarm clocks

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application	85483695	Application Date	11/30/2011
------------------	----------	------------------	------------

No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ROMANÓV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: decorative eggs made of non-precious metals Class 014. First use: jewelry; table clocks; decorative eggs made of precious materials Class 020. First use: picture frames Class 021. First use: decorative porcelain boxes Class 025. First use: scarves; silk scarves		

Attachments	85483695#TMSN.jpeg (1 page)(bytes) ROMANOFF.pdf (5 pages)(1334379 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	/tdp/
Name	Timothy D. Pecsénye
Date	08/08/2012

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

In re Registration of Watch Company Romanoff

Registration No. : 3,960,758

Registration Date : May 17, 2011



Mark :

Cancellation No. :

THE HYMAN COMPANIES, INC.)
)
Petitioner,)
)
v.)
)
WATCH COMPANY ROMANOFF,)
)
Registrant.)
)
)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Attention: Trademark Trial and Appeal Board

Sir:

PETITION TO CANCEL REGISTRATION

The Hyman Companies, Inc., a Delaware corporation, whose

business address is 727 North Meadow Street, Allentown, Pennsylvania 18102 (hereinafter "Petitioner") believes that it is or will be damaged by Registration No. 3,960,758 and hereby petitions to cancel the same under the provision of Section 14 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1064.

As grounds of this Petition, it is alleged that:

1. Petitioner is the owner of the Application No. 85/483,695 for the mark ROMANÓV filed November 30, 2011.

2. The Examining Attorney responsible for Petitioner's pending Application has cited Registrant's mark as a basis for refusing to register Petitioner's mark under Section 2(d) of the Trademark Act.

PETITIONER IS THE SENIOR USER OF THE MARK

3. Petitioner has used Petitioner's Mark in interstate commerce since at least as early as March 2009 in connection with "decorative eggs made of non-precious metals; jewelry; table clocks; decorative eggs made of precious materials; picture frames; decorative porcelain boxes; scarves; silk scarves." Petitioner's goods bearing Petitioner's Mark have been sold and marketed throughout the United States since at least as early as March 2009.

4. Upon information and belief, Registrant filed its application that matured into U.S. Registration No. 3,960,758 on December 4, 2009 pursuant to Section 66, 15 U.S.C. § 1141f, of the Trademark Act in connection with "works of art of precious metal; bijouterie, namely, costume jewellery; jewellery, including jewellery rings; necklaces; earrings; medallions; straps for wristwatches; charms; tie clips; cuff links; badges of precious metal; medals; precious stones; semi-precious stones; boxes of precious metal; watch cases; clockworks, namely, chronometric apparatus and instruments; clock and watchmaking parts, namely, clock hands; collectible coins; chronometrical instruments; statuette figurines of precious metal; watch crystals; clock cases; presentation cases for watches; chronographs as watches; jewellery chains; watch chains; clocks; watches; alarm clocks."

5. Upon information and belief, Registrant's right to use the mark that is the subject of U.S. Registration No. 3,960,758 has not become incontestable in accordance with Section 15 of the Trademark Act of July 5, 1946, as amended, 15 U.S.C. § 1065.

6. Upon information and belief, Petitioner used Petitioner's Mark in connection with its goods identified above prior to the December 4, 2009 priority date of U.S. Registration

No. 3,960,758.

7. Upon information and belief, based upon its use of Petitioner's Mark since at least as early as March 2009, Petitioner's rights in Petitioner's Mark as used in connection with its identified goods are superior to Registrant's rights in U.S. Registration No. 3,960,758.

REGISTRANT HAS ABANDONED ITS MARK

8. Upon information and belief, Registrant no longer uses its mark in commerce in the United States and therefore its Registration is subject to cancellation.

9. Upon information and belief, Registrant no longer uses its mark in connection with the goods recited in U.S. Registration No. 3,960,758 in the United States and therefore its Registration is subject to cancellation.

10. Upon information and belief, Registrant has "abandoned" U.S. Registration No. 3,960,758 pursuant to 15 U.S.C. § 1127.

For the reasons set forth above, Petitioner believes that it is or will be damaged by the continued registration of Registrant's Mark, and thus Registrant's registration should be canceled.

WHEREFORE, Petitioner prays that Registration No. 3,960,758

be canceled and that this Petition for Cancellation be sustained
in favor of Petitioner.

Respectfully submitted,

THE HYMAN COMPANIES, INC

Dated: August 8, 2012

By: 
Timothy D. Pecsénye
Matthew A. Homyk
Its Attorneys

BLANK ROME LLP
One Logan Square
Philadelphia, PA 19103-6998
(215) 569-5619