

ESTTA Tracking number: **ESTTA494822**

Filing date: **09/17/2012**

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	Three Daughters International LLC		
Entity	limited liability company	Citizenship	Delaware
Address	P.O. Box 472 Garden City, NY 11530 UNITED STATES		

Attorney information	Eric A. Prager K&L Gates LLP 599 Lexington Avenue New York, NY 10022-6030 UNITED STATES TTABLitigationDocket@klgates.com, eric.prager@klgates.com, alexis.douglas@klgates.com Phone:212-536-3900
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Registration Subject to Cancellation

Registration No	1663518	Registration date	11/05/1991
Registrant	J. LLOYD INTERNATIONAL, INC. 517 3rd Ave SW Suite C Cedar Rapids, IA 52404 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 1989/12/08 First Use In Commerce: 1989/12/08
All goods and services in the class are cancelled, namely: doll accessories

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	Petition to Cancel FASHION GIRL.pdf (5 pages)(36581 bytes) Exhibit A.pdf (3 pages)(80415 bytes) Exhibit B.pdf (10 pages)(4423154 bytes) Exhibit C.pdf (2 pages)(8472 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	/Eric A. Prager/
Name	Eric A. Prager
Date	09/17/2012

3. The Examining Attorney responsible for the application for Petitioner's GLOBAL FASHION GIRLS mark refused registration under Section 2(d) of the Trademark Act on the grounds that, in the Examining Attorney's view, Petitioner's GLOBAL FASHION GIRLS mark when used in conjunction with Petitioner's goods, so resembled the FASHION GIRL in Respondent's Registration No. 1,663,518 as to be likely to cause confusion, mistake and deception. As such, the continued existence of Respondent's registration will prevent the application for Petitioner's GLOBAL FASHION GIRLS mark from registering, and Petitioner will be damaged by the continued registration of Respondent's mark.

4. On information and belief, Respondent has abandoned the FASHION GIRL mark.

5. On information and belief, Respondent is not currently manufacturing or offering for sale "doll accessories" under the FASHION GIRL mark.

6. On information and belief, Respondent has not manufactured or offered for sale "doll accessories" under the FASHION GIRL mark for a period in excess of three years.

7. On November 1, 2011, Respondent filed a Section 8 declaration in relation to its registration of the mark FASHION GIRL for "doll accessories," and Respondent declared that "the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce." See Exhibit B.

8. The Section 8 declaration was signed by Respondent's counsel and not by an officer or director of Respondent.

9. On information and belief, Respondent was not using the FASHION GIRL mark for "doll accessories" on or about November 1, 2011, and Respondent knew the Section 8 declaration was false at the time it was filed.

10. The USPTO issued a Notice of Acceptance of the Section 8 declaration on December 6, 2011 in reliance on the fact asserted in the Section 8 declaration. See Exhibit C. Registration No. 1,663,518 remains in force today only as a result of Respondent's submission of the Section 8 declaration.

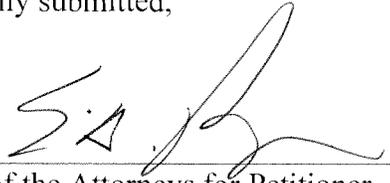
11. On information and belief, Respondent knew at the time of filing the Section 8 declaration that it was not using the FASHION GIRL mark for "doll accessories."

12. Accordingly, Registration No. 1,663,518 should be cancelled pursuant to 15 U.S.C. § 1064 both by reason of Respondent's abandonment of the mark and by reason of Respondent's fraud on the USPTO in filing a knowing false Section 8 declaration.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board enter judgment in its favor and cancel the above-identified registration.

DATED this 17th day of September 2012.

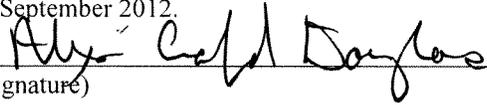
Respectfully submitted,

By: 

One of the Attorneys for Petitioner
Eric A. Prager, Esq.
K&L Gates LLP
599 Lexington Avenue
New York, NY 10022-6030
212-536-3900
212-536-3901 (fax)
ttablitigationdocket@klgates.com

Certificate

I, Alexis Crawford Douglas, hereby certify that the foregoing Petition to Cancel is being filed through the Electronic System for Trademark Trials and Appeals ("ESTTA") on this 17th day of September 2012.

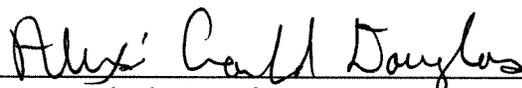


(Signature)

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of the foregoing Petition for Cancellation is being deposited with the United States Postal Service with sufficient postage as first-class mail this 17th day of September 2012 in an envelope addressed to Respondent at:

J. Lloyd International, Inc.
517 3rd Ave SW, Suite C
Cedar Rapids, Iowa 52404



Alexis Crawford Douglas, Esq.

Exhibit A

STATUS

DOCUMENTS

[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2012-09-14 15:58:33 EST**Mark:** GLOBAL FASHION GIRLS

GLOBAL FASHION GIRLS

US Serial Number: 85617862**Application Filing Date:** May 05, 2012**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Trademark**Status:** A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.**Status Date:** Aug. 31, 2012▼ **Mark Information**[▲ Collapse All](#)**Mark Literal Elements:** GLOBAL FASHION GIRLS**Standard Character** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Claim:****Mark Drawing Type:** 4 - STANDARD CHARACTER MARK▼ **Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *. * identify additional (new) wording in the goods/services.

For: Articles of clothing for toys; Board games; Doll accessories; Doll cases; Doll clothing; Doll costumes; Doll furniture; Doll houses; Dolls; Stuffed toys; Toys, namely, children's dress-up accessories**International Class:** 028 - Primary Class**U.S Class:** 022, 023, 038, 050**Class Status:** ACTIVE**Basis:** 1(b)▼ **Basis Information (Case Level)****Filed Use:** No**Currently Use:** No**Amended Use:** No**Filed ITU:** Yes**Currently ITU:** Yes**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No▼ **Current Owner(s) Information****Owner Name:** Three Daughters International LLC**Owner Address:** P.O. Box 472
Garden City, NEW YORK 11530
UNITED STATES**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** DELAWARE▼ **Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Eric A. Prager**Docket Number:** 0809055.0010**Correspondent**

Correspondent ERIC A. PRAGER
Name/Address: K&L GATES LLP
599 LEXINGTON AVE
NEW YORK, NEW YORK 10022-6030
UNITED STATES

Phone: 212-536-3900

Fax: 212-536-3901

Correspondent e-mail: ~~nytrademarks@klgates.com;eric.prager@klgates.com~~ **Correspondent e-mail** Yes
alexis.crawford@klgates.com **Authorized:**

Domestic Representative - Not Found

▼ **Prosecution History**

Date	Description	Proceeding Number
Aug. 31, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2012	NON-FINAL ACTION E-MAILED	6325
Aug. 31, 2012	NON-FINAL ACTION WRITTEN	62126
Aug. 27, 2012	ASSIGNED TO EXAMINER	62126
May 14, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 09, 2012	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information

TM Attorney: ZAK, HENRY S

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: LAW OFFICE 117 - EXAMINING ATTORNEY
ASSIGNED

Date in Location: Aug. 31, 2012

Exhibit B

Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	1663518
REGISTRATION DATE	11/05/1991
SERIAL NUMBER	74125173
MARK SECTION	
MARK	FASHION GIRL
ATTORNEY SECTION (current)	
NAME	KEITH B WILLHELM
FIRM NAME	NYEMASTER GOODE
STREET	PO BOX 8870
CITY	CEDAR RAPIDS
STATE	Iowa
POSTAL CODE	52408-8870
COUNTRY	United States
PHONE	319-286-7001
FAX	319-286-7050
EMAIL	rwhoke@nyemaster.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY SECTION (proposed)	
NAME	Robert W. Hoke
FIRM NAME	NYEMASTER GOODE

INTERNAL ADDRESS	Suite 400
STREET	625 First Street SE
CITY	CEDAR RAPIDS
STATE	Iowa
POSTAL CODE	52401
COUNTRY	United States
PHONE	3192867000
FAX	319-286-7050
EMAIL	ptocr@nyemaster.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes

CORRESPONDENCE SECTION (current)

NAME	ROBERT W. HOKE
FIRM NAME	NYEMASTER GOODE
STREET	PO BOX 8870
CITY	CEDAR RAPIDS
STATE	Iowa
POSTAL CODE	52408-8870
COUNTRY	United States
PHONE	319-286-7001
FAX	319-286-7050
EMAIL	rwhoke@nyemaster.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes

CORRESPONDENCE SECTION (proposed)

NAME	ROBERT W. HOKE
FIRM NAME	NYEMASTER GOODE
INTERNAL ADDRESS	Suite 400
STREET	625 First Street SE
CITY	CEDAR RAPIDS
STATE	Iowa

POSTAL CODE	52401
COUNTRY	United States
PHONE	3192867000
FAX	319-286-7050
EMAIL	ptocr@nyemaster.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	028
GOODS OR SERVICES	doll accessories
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	SPN0-65125135254-125545945_ _ FASHION_GIRL_1663518_spec.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT11\IMAGEOUT11\741\251\74125173\xml1\S890002.JPG
SPECIMEN DESCRIPTION	photo of product bearing the mark
OWNER SECTION (current)	
NAME	J. LLOYD INTERNATIONAL, INC.
STREET	4520 20th Avenue SW
CITY	Cedar Rapids
STATE	Iowa
ZIP/POSTAL CODE	52404
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	J. LLOYD INTERNATIONAL, INC.
DBA/AKA/TA/Formerly	DBA J. LLOYD INTERNATIONAL
INTERNAL ADDRESS	Suite C
STREET	517 3rd Ave SW
CITY	Cedar Rapids
STATE	Iowa

ZIP/POSTAL CODE	52404
COUNTRY	United States
PHONE	3192867000
FAX	3192867050
EMAIL	ptocr@nyemaster.com
LEGAL ENTITY SECTION (current)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Iowa
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL FEE PAID	500
SIGNATURE SECTION	
SIGNATURE	/Robert W. Hoke/
SIGNATORY'S NAME	Robert W. Hoke
SIGNATORY'S POSITION	Attorney of record, Iowa bar member
DATE SIGNED	11/01/2011
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Tue Nov 01 15:40:41 EDT 2011
TEAS STAMP	USPTO/S08N09-65.125.135.2 54-20111101154041734040-1 663518-4802031278e694ef7a b6fe38b527d9d6e8-DA-1865- 20111101125545945524

**Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of
Registration of a Mark under Sections 8 & 9
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 1663518

REGISTRATION DATE: 11/05/1991

MARK: FASHION GIRL

The owner, J. LLOYD INTERNATIONAL, INC., DBA J. LLOYD INTERNATIONAL, a corporation of Iowa, having an address of

Suite C

517 3rd Ave SW

Cedar Rapids, Iowa 52404

United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 028, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class: doll accessories ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) photo of product bearing the mark.

Original PDF file:

[SPN0-65125135254-125545945 . FASHION GIRL 1663518 .spec.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File1](#)

The registrant's current Attorney Information: KEITH B WILLHELM of NYEMASTER GOODE

PO BOX 8870

CEDAR RAPIDS, Iowa (IA) 52408-8870

United States (USX)

The registrant's proposed Attorney Information: Robert W. Hoke of NYEMASTER GOODE

Suite 400

625 First Street SE

CEDAR RAPIDS, Iowa (IA) 52401

United States (USX)

The phone number is 3192867000.

The fax number is 319-286-7050.

The email address is ptocr@nyemaster.com.

The registrant's current Correspondence Information: ROBERT W. HOKE of NYEMASTER GOODE
PO BOX 8870
CEDAR RAPIDS, Iowa (IA) 52408-8870
United States (USX)

The registrant's proposed Correspondence Information: ROBERT W. HOKE of NYEMASTER GOODE
Suite 400
625 First Street SE
CEDAR RAPIDS, Iowa (IA) 52401
United States (USX)

The phone number is 3192867000.

The fax number is 319-286-7050.

The email address is ptocr@nyemaster.com.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce

Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Robert W. Hoke/ Date: 11/01/2011

Signatory's Name: Robert W. Hoke

Signatory's Position: Attorney of record, Iowa bar member

Mailing Address (current):

NYEMASTER GOODE
PO BOX 8870
CEDAR RAPIDS, Iowa 52408-8870

Mailing Address (**proposed**):
NYEMASTER GOODE
625 First Street SE
CEDAR RAPIDS, Iowa 52401

Serial Number: 74125173

Internet Transmission Date: Tue Nov 01 15:40:41 EDT 2011

TEAS Stamp: USPTO/S08N09-65.125.135.254-201111011540

41734040-1663518-4802031278e694ef7ab6fe3

8b527d9d6e8-DA-1865-20111101125545945524

- Features:**
- Front Door Opens
 - Plastic Windshield
 - Storage Roof Racks
 - Lots of Rear Storage
 - Large Sun Roof
 - Seats 4 Dolls

Fashion Girl

MINIVAN

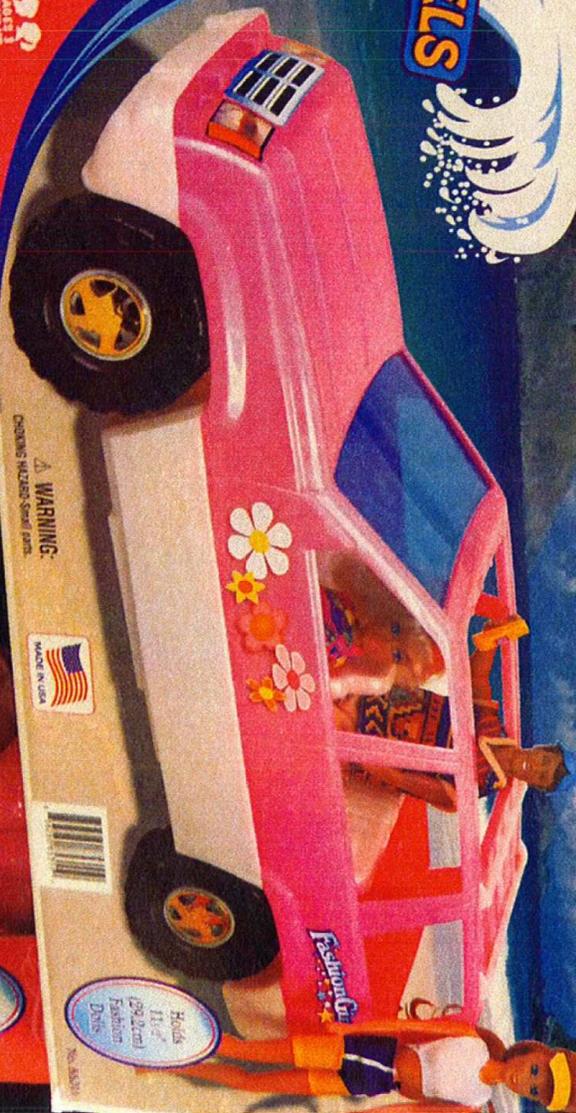


WARNING:
Small parts. Not for children under 3 years.

TOOTSIE TOY
America's Oldest Toy Company

BEACH WHEELS SUV

Fashion Girl



- Features:**
- Seats Fit 5 Fashion Dolls
 - Large Rear Storage Area
 - Luggage Rack • Moon Roof



WARNING:
CHOKING HAZARD - Small parts.



Holds 11 1/2" (29.2cm) Fashion Dolls

Holds 11 1/2" (29.2cm) Fashion Dolls

TOOTSIE TOY
America's Oldest Toy Company

WARNING:
Small parts. Not for children under 3 years.

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 1663518



Serial Number: 74125173



RAM Sale Number: 1865

RAM Accounting Date: 20111102

Total Fees: \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20111101	\$100	1	1	\$100
Application for Renewal (§9)	7201	20111101	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20111101



Exhibit C

Side - 1

**NOTICE OF ACCEPTANCE OF §8
DECLARATION AND §9 RENEWAL
MAILING DATE: Dec 6, 2011**

The declaration and renewal application filed in connection with the registration identified below meets the requirements of Sections 8 and 9 of the Trademark Act, 15 U.S.C. §§1058 and 1059. The declaration is accepted and renewal is granted. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 1663518
MARK: FASHION GIRL
OWNER: J. LLOYD INTERNATIONAL, INC.

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Robert W. Hoke
NYEMASTER GOODE
625 First Street SE
Suite 400
CEDAR RAPIDS, IA 52401