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Filing date: **10/09/2012**

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	Bentley Motors Limited		
Entity	Corporation	Citizenship	United Kingdom
Address	Pym's Lane Crewe, Cheshire, CW13PL UNITED KINGDOM		

Attorney information	Brian R. McGinley SNR Denton US LLP P. O. Box 061080 Chicago, IL 60606-1080 UNITED STATES brian.mcginley@snrdenton.com, stephen.huggins@snrdenton.com, anita.hansen@snrdenton.com, ttab@snrdenton.com Phone:816 460 2605		
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Registration Subject to Cancellation

Registration No	2096185	Registration date	09/09/1997
Registrant	AUCERA SA Rue de la Gare 20 CH-2525, Le Landeron, SWITZERLAND		

Goods/Services Subject to Cancellation

Class 009. First Use: 1996/02/01 First Use In Commerce: 1996/03/01
All goods and services in the class are cancelled, namely: eyeglass cases, eyeglass chains, eyeglasses, eyeglass frames, sunglasses, spectacles

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation _2_.pdf (4 pages)(98076 bytes) AttachmentA.pdf (1 page)(18272 bytes) AttachmentB.pdf (1 page)(48865 bytes) AttachmentC.pdf (1 page)(19344 bytes) AttachmentD.pdf (3 pages)(153939 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	/brian r mcginley/
Name	Brian R. McGinley
Date	10/09/2012

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

In the matter of Registration No.: 2,096,185)	
Registration Date: September 9, 1997)	
Mark: BENTLEY)	
)	
BENTLEY MOTORS LIMITED,)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
AUCERA SA CORPORATION,)	
)	
Registrant.)	

PETITION FOR CANCELLATION

Bentley Motors Limited (“Petitioner”), a corporation organized under the laws of the United Kingdom, with a principal place of business at Pym's Lane Crewe, Cheshire CW13PL, United Kingdom, believes it is being damaged by US Trademark Registration No. 2,096,185 for BENTLEY, issued September 9, 1997, to Aucera SA Corporation (the “Aucera Registration”), and pursuant to 15 U.S.C. § 1064 and 37 C.F.R. § 2.111, through its undersigned attorneys, petitions to cancel the same. As grounds therefor, Petitioner alleges:

1. Petitioner markets and sells automobiles and related parts in the US and in US commerce, and has done so for nearly 80 years, under its well known and famous BENTLEY mark. Petitioner has further expanded its offerings in US commerce to include other goods and services including without limitation jewelry, leather goods, insurance and financing services, clothing and publications. Petitioner maintains federal trademark registrations in the US for its BENTLEY mark in connection with the foregoing. (*See, e.g.*, Exhibits A-D).

2. Petitioner has a bona fide intent to use the mark BENTLEY (“Petitioner’s Mark”) in commerce with respect to the goods listed in its U.S. Application No. 85/329,881, filed by Petitioner

on and accorded a filing date of May 25, 2011 (“Petitioner’s Application”). Those goods include optical apparatus and instruments, namely, eyewear, spectacles, sunglasses, spectacles lenses, spectacle frames, parts and accessories thereof, namely, cases for spectacles and sunglasses, chains for spectacles and sunglasses, cords for spectacles and sunglasses; accessories for mobile phones, namely, headphones, screen covers, holders for attaching mobile phones in vehicles, hands-free apparatus for use in vehicles, phone covers, pouches for protection of phones; all of the foregoing sold exclusively by authorized dealers (the “Petitioner’s Goods and Services”). Petitioner’s Application has been filed under sections 1(b) and 44(e) of the Lanham Act, 15 U.S.C. §1051(b) and 15 U.S.C. § 1126(e).

3. On September 9, 1997, the USPTO issued the Aucera Registration on the Supplemental Register in connection with “eyeglass cases, eyeglass chains, eyeglasses, eyeglass frames, sunglasses, spectacles” in International Class 9 (the “Aucera Goods”). Aucera SA Corporation (“Aucera”) alleged a March 1, 1996, date of first use in US commerce in connection with the Aucera Goods.

4. Upon information, knowledge and belief, Aucera has abandoned use of the “BENTLEY” mark covered by the Aucera Registration. Upon information, knowledge and belief, Aucera has discontinued use of the “BENTLEY” mark covered by the Aucera Registration with intent not to resume such use.

5. Petitioner has been and will be harmed by the Aucera Registration, in that the Aucera Registration has been cited during examination of Petitioner’s Application by the US Patent and Trademark Office under Section 2(d) of the Lanham Act, 15 U.S.C. 1052(d), as being likely to cause confusion with certain of the goods listed in Petitioner’s Application. Petitioner believes that the US Patent and Trademark Office may ultimately attempt to refuse registration of those goods listed in

Petitioner's Application because of the Aucera Registration, requiring Petitioner to establish that the Aucera Registration should be cancelled on the grounds that it has been abandoned.

6. Accordingly, US Trademark Registration No. 2,096,185 must be cancelled in its entirety, on the grounds that it has been abandoned.

WHEREFORE, Petitioner prays that US Trademark Registration No. 2,096,185, issued on September 9, 1997, be canceled with prejudice, and for such other and further relief as the Board deems just and proper.

Petitioner hereby appoints Brian R. McGinley, Stephen J. Huggins, and the firm of SNR Denton US LLP, P.O. Box #061080, Wacker Drive Station, Willis Tower, Chicago, IL 60606-1080, as its representative upon whom notices and process in proceedings affecting this proceeding may be served.

The required government fee of \$300 pursuant to 37 C.F.R. §2.111(c)(1) is being filed herewith as payment by credit card. If any further fees are required for this transaction are required we hereby authorize you to charge our firm deposit account #19-3140.

Respectfully Submitted,

SNR DENTON US LLP

/Brian R. McGinley/

Date: October 9, 2012

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he or she caused a true and correct copy of the foregoing
PETITION FOR CANCELLATION to be served upon:

AUCERA SA CORPORATION
Rue de la Gare 20
CH-2525 Le Landerson Switzerland

and

JAMES M SLATTERY
BIRCH STEWART KOLASCH AND BIRCH
P O BOX 747
FALLS CHURCH, VIRGINIA 22040-0747
UNITED STATES

by placing same in envelopes, properly sealed and addressed to the foregoing, with postage prepaid and depositing same with the United States Postal Service as First Class Mail on this 9th day of October, 2012.

/Brian R. McGinley/
Attorney for Petitioner

Filed with the TTAB via
ESSTA on October 9, 2012

United States Patent Office

645,703
Registered May 21, 1957

PRINCIPAL REGISTER
Trademark

Ser. No. 6,317, filed Apr. 13, 1956

BENTLEY

Bentley Motors (1931) Limited (British corporation)
16 Conduit St.
London, W. 1, England

For: INTERNAL COMBUSTION ENGINES AND
PARTS THEREOF, in CLASS 23.
First use in 1919; in commerce in 1935.
Sec. 2(f).
Owner of U. S. Reg. Nos. 342,062 and 361,541.

United States Patent Office

646,403
Registered June 4, 1957

PRINCIPAL REGISTER Trademark

Ser. No. 6,316, filed Apr. 13, 1956

BENTLEY

Bentley Motors (1931) Limited (British corporation)
16 Conduit St.
London, W.1, England

For: AUTOMOBILE AND STRUCTURAL PARTS
THEREOF, in CLASS 19.
First use 1919; in commerce 1935.
Sec. 2(f).
Owners of U. S. Reg. No. 342,062 and 362,541.

COMB. AFF. SEC. 8 & 15

MAR 27 1963

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 2,985,659

United States Patent and Trademark Office

Registered Aug. 16, 2005

**SERVICE MARK
PRINCIPAL REGISTER**

BENTLEY

BENTLEY MOTORS LIMITED (UNITED KING-
DOM LTD LIAB CO)
PYMS LANE, CREWE, CHESHIRE
CW1 3PL, UNITED KINGDOM

FIRST USE 2-0-2003; IN COMMERCE 2-0-2003.

OWNER OF U.S. REG. NO. 646,403.

FOR: AUTOMOBILE FINANCING SERVICES,
NAMELY, CREDIT CONSULTING AND LOAN
SERVICES FOR RETAIL PURCHASE AND/OR
LEASE OF AUTOMOBILES , IN CLASS 36 (U.S.
CLS. 100, 101 AND 102).

SN 76-087,129, FILED 7-12-2000.

PAULA MAHONEY, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

BENTLEY

Reg. No. 3,998,345

BENTLEY MOTORS LIMITED (UNITED KINGDOM CORPORATION)
PYMS LANE

Registered July 19, 2011

CREWE, CHESHIRE CW1 3PL, UNITED KINGDOM

**Int. Cls.: 14, 16, 18, 25,
36, and 37**

FOR: JEWELRY, WATCHES AND CLOCKS, ALL OF THE FOREGOING SOLD EXCLUSIVELY BY AUTHORIZED DEALERS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

TRADEMARK

FOR: TEXTS, PERIODICALS, MAGAZINES, BROCHURES, PAMPHLETS, INFORMATION SHEETS PERTAINING TO AUTOMOBILES, THEIR PARTS, FITTINGS, AND ACCESSORIES; POSTERS, STATIONERY, DIARIES, CALENDARS, PAPER COASTERS, PAPER FLAGS, PHOTOGRAPHS, AUTOGRAPH CARDS, POSTCARDS, PHOTOGRAPH AND PICTURE ALBUMS, GREETING CARDS, DECALCOMANIAS, PRINTED SIGNAGE FOR APPLICATION TO WINDOWS AND VEHICLES AND USER MANUALS PERTAINING TO AUTOMOBILES, THEIR PARTS, FITTINGS, AND ACCESSORIES; PASSPORT HOLDERS AND CHECKBOOK HOLDERS MADE OF LEATHER AND IMITATIONS OF LEATHER, ALL OF THE FOREGOING SOLD EXCLUSIVELY BY AUTHORIZED DEALERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

SERVICE MARK

FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

PRINCIPAL REGISTER

FOR: LEATHER AND IMITATIONS OF LEATHER AND GOODS MADE THEREFROM, NAMELY, LUGGAGE, WALLETS, PURSES, BELTS, HOLDALLS, HANDBAGS, SPORTS BAGS, BRIEFCASES, ATTACHE CASES, PASSPORT HOLDERS AND CHECKBOOK HOLDERS; BAGS, NAMELY, HANDBAGS, SPORTS BAGS, SHOPPING BAGS OF TEXTILE, LEATHER AND IMITATIONS OF LEATHER, AND CARRIER BAGS; UMBRELLAS AND PARASOLS, ALL OF THE FOREGOING SOLD EXCLUSIVELY BY AUTHORIZED DEALERS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

FOR: CLOTHING, NAMELY, UNDERWEAR AND LINGERIE, TROUSERS, SHORTS, SPORTS CLOTHING, T-SHIRTS, SHIRTS, JACKETS, SUITS FOR MEN AND FOR WOMEN, STOCKINGS, TIGHTS, SOCKS, SKIRTS, BLOUSES, NECKTIES, HANDKERCHIEFS, RAINCOATS AND WATERPROOF JACKETS, COATS AND TROUSERS; FOOTWEAR AND HEADGEAR, NAMELY, HATS, CAPS, RAIN HATS, AND SUN VISORS, ALL OF THE FOREGOING SOLD EXCLUSIVELY AUTHORIZED DEALERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

FOR: INSURANCE SERVICES, NAMELY, INSURANCE BROKERAGE, INSURANCE CLAIM ADMINISTRATION AND PROCESSING SERVICES AND UNDERWRITING SERVICES FOR ALL TYPES OF INSURANCE; LOAN AND CREDIT SERVICES, NAMELY, THE PROVISION OF LOAN FINANCING AND CREDIT COUNSELING AND RATING SERVICES, ALL RELATING TO AUTOMOBILES, THEIR PARTS, FITTINGS, AND ACCESSORIES; EXTENDED WARRANTY SERVICES, NAMELY, THE PROVISION OF WARRANTIES ON AUTOMOBILES, THEIR PARTS, FITTINGS, AND ACCESSORIES; CREDIT AND DEBIT CARD SERVICES, ALL OF THE FOREGOING SOLD EXCLUSIVELY BY AUTHORIZED DEALERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).



David J. Kyjars

Director of the United States Patent and Trademark Office

Reg. No. 3,998,345 FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

FOR: REPAIR, INSTALLATION, AND MAINTENANCE SERVICES ALL RELATING TO AUTOMOBILES, INTERNAL COMBUSTION ENGINES AND PARTS AND FITTINGS THEREOF, ALL OF THE FOREGOING SOLD EXCLUSIVELY BY AUTHORIZED DEALERS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-11-2011; IN COMMERCE 4-11-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F).

OWNER OF U.S. REG. NOS. 645,703, 2,569,278, AND OTHERS.

SN 76-979,138, FILED 7-26-2004.

ALICIA COLLINS, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.