

ESTTA Tracking number: **ESTTA512047**

Filing date: **12/19/2012**

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	Summit Entertainment, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	2700 Colorado Avenue, 2nd Floor Santa Monica, CA 90404 UNITED STATES		

Attorney information	Jill M. Pietrini Sheppard, Mullin, Richter & Hampton LLP 1901 Avenue of the Stars, Suite 1600 Los Angeles, CA 90067-6055 UNITED STATES jpietrini@sheppardmullin.com, shwang@sheppardmullin.com, mdanner@sheppardmullin.com, lmartin@sheppardmullin.com Phone:310-228-3700
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Registration Subject to Cancellation

Registration No	3721102	Registration date	12/08/2009
Registrant	Infinite Jewelry Co. L.L.C. 2321 E. Rustic Dr. Shelli Ashton St. George, UT 84790 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 2007/11/27 First Use In Commerce: 2007/11/27 All goods and services in the class are cancelled, namely: Jewelry
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Grounds for Cancellation

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3631075	Application Date	10/29/2008
Registration Date	06/02/2009	Foreign Priority Date	NONE
Word Mark	BELLA'S CHARM BRACELET		

Design Mark	<h1>Bella's Charm Bracelet</h1>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2008/08/31 First Use In Commerce: 2008/08/31 Bracelets; Bracelets of precious metal

Attachments	77603519#TMSN.jpeg (1 page)(bytes) Petition for Cancellation - Infinite Jewelry.PDF (23 pages)(283207 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	/Jill M. Pietrini/
Name	Jill M. Pietrini
Date	12/19/2012

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

<p><i>In re Matter of Reg. No. 3,721,102</i> for the mark BELLA'S ENGAGEMENT RING in Class 14</p> <p>Summit Entertainment, LLC, Petitioner,</p> <p>vs.</p> <p>Infinite Jewelry Co. L.L.C., Registrant.</p>	<p>Cancellation No. _____</p> <p>PETITION FOR CANCELLATION</p>
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TO: Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Petitioner Summit Entertainment, LLC, a Delaware limited liability company, ("Petitioner"), having a place of business at 2700 Colorado Avenue, 2nd Floor, Santa Monica, CA 90404, believes that it will be damaged by U.S. Reg. No. 3, 721,102, and hereby petitions to cancel such registration on the following grounds:

1. Petitioner is the entity responsible for producing and distributing the highly successful motion picture *Twilight*, and the recently released sequels, *The Twilight Saga: New Moon*, *The Twilight Saga: Eclipse*, *The Twilight Saga: Breaking Dawn - Part 1* and *The Twilight Saga: Breaking Dawn - Part 2* (collectively, the "*Twilight* Motion Pictures").
2. The *Twilight* Motion Pictures are based on the world-famous series of books (the "*Twilight* Novels") written by author Stephenie Meyer, telling the story of a young girl named Bella Swan and her romance, engagement and marriage to a vampire named Edward Cullen.

3. Petitioner holds the exclusive right, as granted by Ms. Meyer, to produce and distribute the *Twilight* Motion Pictures, owns trademark, character names and other intellectual property relating to and derived from the *Twilight* Motion Pictures, including the name BELLA, and has the right to use intellectual property relating to and derived from the *Twilight* Novels. Petitioner owns numerous federal trademark registrations for trademarks related to and derived from the *Twilight* Motion Pictures. Petitioner has used these marks for a wide range of goods and services, including jewelry.

4. One of Petitioner's federal registrations is U.S. Reg. No. 3,631,075 for the mark BELLA'S CHARM BRACELET, registered on June 2, 2009 for "bracelets; bracelets of precious metal" in International Class 14. The registration recites a date of first use anywhere and in commerce of August 31, 2008. Attached as **Exhibit A** is a true and correct copy of U.S. Reg. No. 3,631,075 and the chain of title abstract from the Office's online database evidencing Petitioner's ownership thereof.

5. Another of Petitioner's federal registrations is U.S. Reg. No. 4,222,783 for the mark BELLA TWILIGHT, registered on October 9, 2012 for "jewelry and jewelry boxes" in International Class 14. The registration recites a date of first use anywhere and in commerce of June 3, 2012, and was filed on an intent to use basis on June 4, 2011. Attached as **Exhibit B** is a true and correct copy of U.S. Reg. No. 4,222,783.

6. Petitioner also owns a number of federal registrations and pending applications for BELLA TWILIGHT in various International Classes for a variety of other goods. Attached as **Exhibit C** are true and correct copies of Petitioner's federal registrations and printouts from the Office's website showing Petitioner's trademark applications.

7. Petitioner has been using the marks BELLA TWILIGHT and BELLA'S CHARM BRACELET continuously in commerce, throughout the United States, as its trademark for jewelry, as set forth in the above-identified registrations and applications

since at least as early as the dates set forth therein, and intends to continue so using the marks BELLA TWILIGHT and BELLA'S CHARM BRACELET in the future. Petitioner also uses BELLA on a variety of goods including jewelry and clothing.

8. Petitioner's trademark BELLA TWILIGHT, BELLA and BELLA'S CHARM BRACELET are famous within the meaning of the Federal Dilution Act.

9. On December 9, 2008, Registrant Infinite Jewelry Co. L.L.C. ("Registrant") filed an application, Serial No. 77/629,208, with the United States Patent & Trademark Office to register BELLA'S ENGAGEMENT RING in connection with the following goods, namely "Jewelry". The application stated a date of first use anywhere and in commerce of November 27, 2007. Registrant uses BELLA'S ENGAGEMENT RING for jewelry directly associated with the *Twilight* Motion Pictures, specifically for a representation of the engagement ring that Edward Cullen gave to Bella Swan. Registrant is also using the trademark TWILIGHT for jewelry and BELLA'S BRACELET. Registrant's Registration No. 3,721,102 was registered on December 8, 2009.

10. Registrant did not and does not have authorization from Stephenie Meyer or Petitioner to register or use BELLA'S ENGAGEMENT RING for any goods or services, including jewelry. Registrant likewise does not have permission to use TWILIGHT or BELLA'S BRACELET.

11. On information and belief, Registrant alleges that it has the right to use BELLA'S ENGAGEMENT RING for jewelry because Stephenie Meyer had previously authorized sale of a product representing to be a version of the engagement ring given to Bella Swan through a company named Twilight Teez, LLC, a company that no longer exists. On information and belief, Registrant alleges that it is the successor-in-interest to Twilight Teez, LLC. Registrant is not the successor-in-interest to Twilight Teez, LLC in regard to any rights to sell a version of the engagement ring or use BELLA'S ENGAGEMENT RING

because such rights were personal to Twilight Teez, LLC and such rights, if any, were terminated when Twilight Teez, LLC went out of business in 2010.

12. Registrant has no rights whatsoever to use any trademarks or other intellectual property associated with the *Twilight* Motion Pictures.

13. Registrant's contention that it has permission from Stephenie Meyer to use BELLA, BELLA'S ENGAGEMENT RING, BELLA'S BRACELET, and TWILIGHT for jewelry is fictional. No such permission ever existed.

14. Petitioner, through the use of its marks BELLA TWILIGHT, BELLA, and BELLA'S CHARM BRACELET and by virtue of the quality of Petitioner's goods, has built up a valuable goodwill and reputation in connection with its marks BELLA TWILIGHT, BELLA, and BELLA'S CHARM BRACELET.

15. Registrant's mark BELLA'S ENGAGEMENT RING is similar in appearance, sound, connotation, and commercial impression to Petitioner's marks BELLA TWILIGHT, BELLA, and BELLA'S CHARM BRACELET.

16. Registrant's and Petitioner's respective goods offered under their respective marks are identical in that they both involve jewelry, are distributed and sold through the same or similar channels of trade, and are marketed to the same or similar customers and end users.

17. Petitioner believes that it will be damaged by the continued registration of Registrant's mark BELLA ENGAGEMENT RING and petitions to cancel the Registration because Registrant's registration and use of the mark BELLA ENGAGEMENT RING in connection with jewelry (a) is likely to cause confusion, to cause mistake, and to deceive customers, potential customers and others, thereby injuring Petitioner and the consuming public and jeopardizing the valuable goodwill and reputation Petitioner has built up in connection with its marks BELLA TWILIGHT, BELLA, and BELLA'S CHARM BRACELET;

(b) creates a false association with the *Twilight* Motion Pictures; and (c) is likely to dilute Petitioner's BELLA TWILIGHT, BELLA, and BELLA'S ENGAGEMENT RING trademarks.

18. For the reasons stated above, Petitioner believes that it will be damaged by the continued registration of Registrant's BELLA ENGAGEMENT RING mark and the Registration.

WHEREFORE, Petitioner prays that this Cancellation be sustained in favor of Petitioner and that the Registration be canceled.

The filing fee of \$300 for the Petition for Cancellation is enclosed. Any additional charges or credits should be taken from or credited to **Petitioner's counsel's Deposit Account No. 50-5691**.

Respectfully submitted,

Dated: December 19, 2012

/Jill M. Pietrini/

Jill M. Pietrini

SHEPPARD MULLIN RICHTER & HAMPTON, LLP

1901 Avenue of the Stars, Suite 1600

Los Angeles, California 90067

(310) 228-3700

Attorneys for Petitioner Summit Entertainment, LLC

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 19th day of December, 2012.

/LaTrina A. Martin/

LaTrina A. Martin

CERTIFICATE OF SERVICE

I hereby certify that this Petition for Cancellation is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to Registrant:

Shelli Ashton
Infinite Jewelry Co. L.L.C.
2321 E. Rustic Dr.
St. George, UTAH 84790

on this 19th day of December, 2012.

/LaTrina A. Martin
LaTrina A. Martin

SMRH:407658422.1

EXHIBIT A

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

Reg. No. 3,631,075

United States Patent and Trademark Office

Registered June 2, 2009

**TRADEMARK
PRINCIPAL REGISTER**

Bella's Charm Bracelet

MASSEY, KRISTINE RENE (UNITED STATES
INDIVIDUAL)
3920 FOX SPARROW TRAIL NW
ALBUQUERQUE, NM 87120 AND
MITCHELL, JANET AILEEN (UNITED STATES IN-
DIVIDUAL)
6101 SEQUOIA NW, APT N13
ALBUQUERQUE, NM 87120

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

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHARM BRACELET", APART
FROM THE MARK AS SHOWN.

FOR: BRACELETS; BRACELETS OF PRECIOUS
METAL, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

SER. NO. 77-603,519, FILED 10-29-2008.

FIRST USE 8-31-2008; IN COMMERCE 8-31-2008.

HELENE LIWINSKI, EXAMINING ATTORNEY



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 4

Serial #: 77603519

Filing Dt: 10/29/2008

Reg #: 3631075

Reg. Dt: 06/02/2009

Registrant: Mitchell, Janet Aileen

Mark: BELLA'S CHARM BRACELET

Assignment: 1

Reel/Frame: 4293/0394

Received: 10/08/2010

Recorded: 10/08/2010

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignors: MASSEY, KRISTINE RENE

Exec Dt: 10/01/2010

Entity Type: INDIVIDUAL

Citizenship: NONE

Exec Dt: 10/01/2010

Entity Type: INDIVIDUAL

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NEW MEXICO

MITCHELL, JANET AILEENAssignee: RUNS WITH VAMPIRES, LLC.3920 FOX SPARROW TRAIL, N.W.
ALBUQUERQUE, NEW MEXICO 87120

Correspondent: HILARY A. NOSKIN

P.O. BOX 26927
PEACOCK MYERS, P.C.
ALBUQUERQUE, NM 87125-6927

Assignment: 2

Reel/Frame: 4582/0542

Received: 07/13/2011

Recorded: 07/13/2011

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: RUNS WITH VAMPIRES, LLC

Exec Dt: 04/25/2011

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: NEW MEXICO

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: SUMMIT ENTERTAINMENT, LLC1630 STEWART STREET, SUITE 120
SANTA MONICA, CALIFORNIA 90404

Correspondent: JILL M. PIETRINI, ESQ.

11355 W. OLYMPIC BOULEVARD
LOS ANGELES, CA 90064

Assignment: 3

Reel/Frame: 4618/0483

Received: 09/07/2011

Recorded: 09/07/2011

Pages: 9

Conveyance: SECURITY INTEREST

Assignor: SUMMIT ENTERTAINMENT, LLC

Exec Dt: 08/29/2011

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT AND ISSUING BANK1999 AVENUE OF THE STARS, 27TH FLOOR
LOS ANGELES, CALIFORNIA 90067Entity Type: NATIONAL ASSOCIATION:
UNITED STATES

Citizenship: UNITED STATES

Correspondent: CATHERINE R. HOWELL, SENIOR PARALEGAL

1111 PENNSYLVANIA AVE., N.W.; ATTN: TMSU

MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Assignment: 4**Reel/Frame:** 4699/0212**Received:** 01/17/2012**Recorded:** 01/17/2012**Pages:** 14**Conveyance:** SECURITY INTEREST**Assignor:** SUMMIT ENTERTAINMENT, LLC**Exec Dt:** 01/13/2012**Entity Type:** LIMITED LIABILITY
COMPANY**Citizenship:** DELAWARE**Assignee:** JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT2029 CENTURY PARK EAST, 38TH FLOOR
LOS ANGELES, CALIFORNIA 90067**Entity Type:** NATIONAL ASSOCIATION:
UNITED STATES**Citizenship:** UNITED STATES**Correspondent:** CATHERINE R. HOWELL, SENIOR PARALEGAL
1111 PENNSYLVANIA AVE., N.W. ATTN: TMSU
MORGAN, LEWIS & BOCKIUS LLP
WASHINGTON, DC 20004

Search Results as of: 12/06/2012 03:19 PM

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EXHIBIT B

United States of America

United States Patent and Trademark Office

BELLA TWILIGHT

Reg. No. 4,222,783

Registered Oct. 9, 2012

Int. Cl.: 14

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: JEWELRY AND JEWELRY BOXES, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 6-3-2012; IN COMMERCE 6-3-2012.

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

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

SN 85-338,237, FILED 6-4-2011.

CHARLOTTE CORWIN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

EXHIBIT C

United States of America

United States Patent and Trademark Office

BELLA TWILIGHT

Reg. No. 4,222,784

Registered Oct. 9, 2012

Int. Cl.: 20

TRADEMARK

PRINCIPAL REGISTER

SUMMIT ENTERTAINMENT, LLC (DELAWARE LIMITED LIABILITY COMPANY)
1630 STEWART STREET, SUITE 120
SANTA MONICA, CA 90404

FOR: DECORATIVE BOXES MADE OF WOOD OR PLASTIC, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 6-3-2012; IN COMMERCE 6-3-2012.

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

OWNER OF U.S. REG. NOS. 3,867,985, 3,944,718, AND OTHERS.

SN 85-338,239, FILED 6-4-2011.

CHARLOTTE CORWIN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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BELLA TWILIGHT

Word Mark BELLA TWILIGHT
Goods and Services IC 024. US 042 050. G & S: Bed linens; cloth napkins; chair wraps in the nature of unfitted chair covers; curtains of textile or plastic; fabric table runners; and table linens
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85338240
Filing Date June 4, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition March 13, 2012
Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record Jill M. Pietrini
Prior Registrations 3867985;3929237;3944718;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead indicator LIVE

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BELLA TWILIGHT

Word Mark	BELLA TWILIGHT
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, dresses, t-shirts, sweatshirts, sweatpants, shirts, and jackets; formal wear in the nature of bridal dresses, bridesmaid dresses, evening dresses, gowns, evening tops, wraps, evening slacks, suits, tuxedos, evening jackets, formal shirts, vests, cummerbunds, ties, and formal shoes, wraps as clothing; and headwear
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85338241
Filing Date	June 4, 2011
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	May 1, 2012
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Prior Registrations	3867985;3929237;3944718;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE

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BELLA TWILIGHT

Word Mark BELLA TWILIGHT
Goods and Services IC 028. US 022 023 038 050. G & S: Snow globes
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85338243
Filing Date June 4, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition November 1, 2011
Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record Jill M. Pietrini
Prior Registrations 3867985;3929237;3944718;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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BELLA TWILIGHT

Word Mark BELLA TWILIGHT
Goods and Services IC 015. US 002 021 036. G & S: Music boxes
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85338238
Filing Date June 4, 2011
Current Basis 1B
Original Filing Basis 1B
Published for Opposition November 1, 2011
Owner (APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
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BELLA TWILIGHT

Word Mark	BELLA TWILIGHT
Goods and Services	IC 006. US 002 012 013 014 023 025 050. G & S: Decorative boxes made of non-precious metal
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85338236
Filing Date	June 4, 2011
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	November 1, 2011
Owner	(APPLICANT) Summit Entertainment, LLC LIMITED LIABILITY COMPANY DELAWARE 1630 Stewart Street, Suite 120 Santa Monica CALIFORNIA 90404
Attorney of Record	Jill M. Pietrini
Prior Registrations	3867985;3929237;3944718;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead indicator	LIVE

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