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Filing date: **06/28/2013**

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	Ann Mayo		
Entity	Individual	Citizenship	UNITED STATES
Address	4 Valley Lake Commons Chico, CA 95928 UNITED STATES		

Attorney information	Luke Brean BreanLaw, LLC P.O. Box 4120, ECM#72065 Portland, OR 97211 UNITED STATES luke@breanlaw.com Phone:800-451-5815
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Registration Subject to Cancellation

Registration No	4307520	Registration date	03/26/2013
Registrant	Origami Owl, LLC 410 South Benson Lane Suite #1 Chandler, AZ 85224 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 2011/08/15 First Use In Commerce: 2011/08/15 All goods and services in the class are cancelled, namely: Gemstone jewelry; Jewelry; Jewelry, namely, magnetic necklaces; Stainless steel jewelry bracelets; Women's jewelry

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85794794	Application Date	12/05/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIVING LIFE LOCKETS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2002/01/01 First Use In Commerce: 2002/01/01		

	Bracelets; Charms; Costume jewelry; Jewelry, namely, magnetic necklaces; Necklaces
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Attachments	LivingLifeCancelation.pdf(127416 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	/LB/
Name	Luke Brean
Date	06/28/2013

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

In the matter of Registration No. 4307520

Ann Mayo

Petitioner,

v.

Origami Owl, LLC

Respondent.

PETITION TO CANCEL

Ann Mayo, an individual having an address at 4 Valley Lake Commons, Chico California, 95928 (“Petitioner”), believes she will be damaged by Origami Owl LLC’s ~~Text~~ (“Respondent”) U.S. Registration No. 4307520 for the mark LIVING LOCKETS which covers goods in Class 014, for, “Gemstone jewelry; Jewelry; Jewelry, namely, magnetic necklaces; Stainless steel jewelry bracelets; Women's jewelry” and hereby petitions to cancel the registration of said mark. In support thereof the petitioner states as follows:

1. Upon information and belief, the name of the current owner of the registration is Origami Owl, LLC., an Arizona Limited Liability Company with an address of 410 South Benson Lane Suite #1, Chandler, Arizona 85224 United States (“Respondent”).
2. On October 14, 2011 Respondent filed a trademark application seeking registration for the mark LIVING LOCKETS in connection with “Gemstone jewelry; Jewelry; Jewelry, namely, magnetic necklaces; Stainless steel jewelry bracelets; Women's jewelry” in Class 014. The application was assigned Application Serial No. 85443150. Respondent's application was granted registration on May 26, 2013 and issued under Registration No. 4307520.

3. Petitioner filed an application for registration of the mark LIVING LIFE LOCKETS on December 08, 2012 for “Bracelets; Charms; Costume jewelry; Jewelry, namely, magnetic necklaces; Necklaces.”

4. On March 26, 2012 the United States Patent and Trademark Office issued an Office Action in connection with Petitioner's Application Serial No. 85794794 stating, inter alia, Registration of the applied-for mark is refused because of a likelihood of confusion with U.S. Registration No. 4307520. Trademark Act Section 2(d), 15 U.S.C.A. § 1052(d); see TMEP §§ 1207.01 et seq.

5. Petitioner is being harmed by the Registration because the PTO Examining Attorney has refused the Application for registration.

COUNT I: LIKLIHOOD OF CONFUSION

6. Petitioner repeats and incorporates herein by reference the averments in the preceding paragraphs.

7. Petitioner has adopted and continuously used the trademark LIVING LIFE LOCKETS, since at least as early as January 1, 2002 to the present, in connection with the sale of Bracelets; Charms; Costume jewelry; Jewelry, namely, magnetic necklaces; Necklaces and other related goods in Class 014.

8. There is no issue as to priority of use. Petitioner's adoption and use of the mark in commerce occurred long prior to the first date of use of the Registrant, August 15, 2011.

9. On information an belief, current owners, executives, or high level employees of Origami Owl LLC or a predecessor organization were former customers of Petitioner's jewelry business. The LIVING LOCKETS mark was applied for in bad faith by Origami Owl LLC, with actual knowledge of Petitioner's ownership and ongoing use of LIVING LIFE LOCKETS mark.

10. Petitioner has expended considerable effort and expense in promoting its trademark LIVING LIFE LOCKETS and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Petitioner by such mark. Petitioner has an exceedingly valuable goodwill established in its mark.

11. If the Registrant is permitted to retain the registration sought to be cancelled, and thereby, the prima facie exclusive right to use in commerce the mark LIVING LOCKETS on the identical goods sold by Petitioner, confusion in trade is likely to result from any concurrent use of Petitioner's mark and that of the Registrant all to the great detriment of Petitioner, who has expended considerable sums and effort in promoting its mark.

12. Purchasers are likely to consider the goods of the Registrant sold under the mark LIVING LOCKETS as emanating from Petitioner, and purchase such goods as those of the Petitioner, resulting in loss of sales to Petitioner.

13. Concurrent use of the mark by the Registrant and Petitioner may result in irreparable damage to Petitioner's reputation and goodwill, if the goods sold by the Registrant are inferior, since purchasers are likely to attribute the source of the Registrant's goods to the Petitioner.

14. If the Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to its trademark, LIVING LIFE LOCKETS, and on its right to enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the great injury of Petitioner.

PRAYER FOR RELIEF

WHEREFORE, Registration No. 4307520 be cancelled as it relates to the goods for which it is registered.

The filing fee of \$300 for this Petition to Cancel is being submitted electronically with this Notice.

Respectfully submitted,

Ann Mayo

By her attorney
Luke Brean, Esq.

BreanLaw, LLC
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Portland, Oregon 97208
800-451-5815
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CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing Petition to Cancel is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this June 28, 2013.

Luke Brean, Esq.

BreanLaw, LLC
P.O. Box 4120
ECM #72065
Portland, Oregon 97208

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITION TO CANCEL is being deposited with the U.S. Postal Service with sufficient postage as certified first-class mail this June 28, 2013 in an envelope addressed to the Registrant:

Origami Owl, LLC
410 South Benson Lane Suite #1
Chandler, ARIZONA 85224

Luke Brean, Esq.

BreanLaw, LLC
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Portland, Oregon 97208