

ESTTA Tracking number: **ESTTA556211**

Filing date: **08/26/2013**

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	Avalanche, LLC		
Entity	limited liability company	Citizenship	Florida
Address	1691 Michigan Avenue Suite 410 Miami Beach, FL 33139 UNITED STATES		

Attorney information	Ury Fischer Lott & Fischer, PL 355 Alhambra Circle Suite 1100 Coral Gables, FL 33134 UNITED STATES UFischer@lottfischer.com, SDLott@lottfischer.com Phone:305-448-7089		
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Registration Subject to Cancellation

Registration No	3228371	Registration date	04/10/2007
Registrant	JEWICY MEDIA, LLC 37 WEST 28TH STREET NEW YORK, NY 10001 UNITED STATES		

Goods/Services Subject to Cancellation

Class 045. First Use: 2006/09/15 First Use In Commerce: 2006/09/15 All goods and services in the class are cancelled, namely: DATING AND MATCHMAKING SERVICES
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	Opposition No. 91210294
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Attachments	pet to cancel - JEWICY - FINAL.pdf(251992 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 Overnight Courier on this date.

Signature	/Ury Fischer/
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Name	Ury Fischer
Date	08/26/2013

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

Avalanche, LLC, a Florida limited liability company,
Petitioner,

v.

Jewcy Media, LLC, a Delaware limited liability company,
Registrant.

Cancellation No.: _____

PETITION TO CANCEL
Registration No. 3,228,371
Issued: April 10, 2007
Mark: **JEWCY**

PETITION FOR CANCELLATION

Petitioner, Avalanche, LLC, a limited liability company organized and existing under the laws of the State of Florida, located and doing business at 1691 Michigan Avenue, Suite 410, Miami Beach, Florida 33139, believes that it is or will be damaged by United States Trademark Registration No. 3,228,371, and, pursuant to 15 U.S.C. § 1064(3) and 37 CFR § 2.111, hereby petitions to cancel the same.

As grounds for this Petition, Petitioner alleges as follows:

1. According to the records of the United States Patent and Trademark Office (“PTO”), Registrant Jewcy Media, LLC is a limited liability company organized and existing under the laws of the State of Delaware, located and doing business at 37 West 28th Street, New York, New York 10001, and is the owner of United States Trademark Registration No. 3,228,371 for the mark **JEWCY**, which registration issued on the Principal Register on April 10, 2007, in connection with “dating and matchmaking services” in International Class 45. The registration sets out a first use date of September 15, 2006.

2. On information and belief, Registrant has abandoned the mark **JEWCY** in connection with “dating and matchmaking services.”

3. On further information and belief, Registrant has not used, for at least three years, the mark **JEWCY** in U.S. interstate commerce in connection with “dating and matchmaking services.”

4. Petitioner is the owner of United States Trademark Application Serial No. 76/711,757 for the mark **JEWCIER** in connection with “providing on-line social networking services by means of a global computer network” in International Class 45. The mark has been in use in commerce since at least as early as August 25, 2010.

5. Petitioner’s use of its mark has been valid and continuous since the time it first started using its mark. Petitioner’s mark is symbolic of the extensive good will and consumer recognition built up by Petitioner through substantial amounts of time, resources, and effort in advertising and promotion.

6. Petitioner has been damaged and continues to be damaged by Registrant’s registration insofar as the PTO has refused to register Petitioner’s trademark, under 15 U.S.C. § 1052(d) on the basis that Petitioner’s mark so resembles Registrant’s mark as to be likely to cause confusion, to cause mistake, or to deceive.

Abandonment Through Non-Use

7. According to 15 U.S.C. § 1064(3) and TBMP § 307.01, a Petition to Cancel a registration may be filed at any time if the registered mark has been abandoned.

8. Upon information and belief, Registrant does not use the **JEWCY** mark in U.S. interstate commerce in connection with “dating and matchmaking services” in International Class 45.

9. Such services are not offered or promoted on Registrant’s website and, despite extensive searching, Petitioner has been unable to find any evidence that Registrant has used the **JEWCY** mark in U.S. interstate commerce during the last three years.

10. Upon information and belief, Registrant has abandoned the mark **JEWCY**, as applied to “dating and matchmaking services” as set forth in Registration No. 3,228,371, and to the extent there ever was any use, has discontinued such use of said trademark in the United States with the intention not to resume the use thereof.

11. Upon information and belief, Registrant’s **JEWCY** mark is therefore abandoned, and Registration No. 3,228,371 should be cancelled from the Principal Register.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and granted in favor of Petitioner and that Registration No. 3,228,371 be cancelled and removed from the Principal Register.

Date: August 26, 2013

Respectfully submitted,

LOTT & FISCHER, PL

/s/Ury Fischer
Ury Fischer
Stephen D. Lott
P.O. Drawer 141098
Coral Gables, FL 33114-1098
(305) 448-7089

*Attorneys for Petitioner
Avalanche, LLC*

Docket No. 01177-8810

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **PETITION FOR CANCELLATION** was served upon Registrant by delivering true and correct copies of same to Registrant and Attorney of Record for Registrant via Federal Express on August 26, 2013 as follows:

Jewcy Media, LLC
37 West 28th Street
New York, NY 10001

Jason M. Vogel
Kilpatrick Townsend & Stockton LLP
1114 Avenue of the Americas
New York, NY 10036-7703

/s/ Stephen D. Lott _____
Stephen D. Lott