

ESTTA Tracking number: **ESTTA629702**

Filing date: **09/29/2014**

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	DREW KOVACS		
Entity	Individual	Citizenship	UNITED STATES
Address	14051 NW 14th Street Sunrise, FL 33323 UNITED STATES		

Attorney information	William C. Wright Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com Phone:2122925390		
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### Registration Subject to Cancellation

Registration No	4385276	Registration date	08/13/2013
Registrant	MG Worldwide LLC 115 West 45th Street, 9th Floor New York, ND 10036 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 014. First Use: 2013/03/05 First Use In Commerce: 2013/03/05 All goods and services in the class are cancelled, namely: Jewelry
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	No use in commerce

Attachments	DOC092914dk.pdf(60765 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	/William C. Wright/
Name	William C. Wright

Date	09/29/2014
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1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
2 TRADEMARK TRIAL AND APPEAL BOARD

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4 \_\_\_\_\_ )  
5 DREW KOVACS, )

6 )  
7 Petitioner, )

Cancellation No.: \_\_\_\_\_

8 v. )

9 )  
10 )  
11 MG WORLDWIDE LLC, )

12 Respondent. )  
13 \_\_\_\_\_ )

14 BOX TTAB FEE

To the Assistant Commissioner for Trademarks:

15 2900 Crystal Drive

16 Arlington, VA 22202-3513

17  
18 **PETITION FOR CANCELLATION**

19  
20 In the matter of United States trademark registration of COTI BY MGW, Reg. No.  
21 4385276, DREW KOVACS, an individual and United States citizen (hereinafter "Petitioner"),  
22 believes that he is or will be damaged by the aforesaid registration and hereby petitions to cancel  
23 same.  
24

25  
26 As grounds therefor, it is alleged that:

- 27  
28 1. Petitioner filed with the United States Patent and Trademark Office ("USPTO"),

1 an application to register the mark COTTI, Ser. No. 86/289480, in Class 14.

2 2. The Examiner has cited Respondent's trademark registration of COTI BY MGW,  
3 Reg. No. 4385276, against Petitioner's aforesaid trademark application.

4 3. Respondent is the owner of record of the United States trademark registration of  
5 COTI BY MGW, Reg. No. 4385276.

6 4. Upon information and belief, Respondent has never used in commerce the  
7 trademark COTI BY MGW for jewelry, as reflected in Reg. No. 4385276, and/or never used in  
8 commerce the trademark COTI BY MGW for jewelry, as reflected in Reg. No. 4385276, on or  
9 before March 7, 2013.

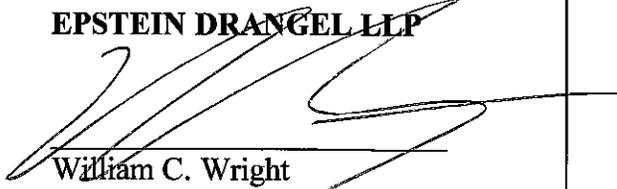
10 5. Alternatively, upon information and belief, Respondent has ceased its use of the  
11 trademarks COTI BY MGW for jewelry, as reflected in Reg. No. 4385276, with the intention of  
12 not resuming such use, and thereby abandoned all rights therein.

13 7. Respondent's registration of the trademark COTI BY MGW, as reflected in Reg.  
14 No. 4385276, is inconsistent with Petitioner's right to use and register its mark COTTI, Ser. No.  
15 86/289480, and said registration may be used in an unfair manner by Respondent as a basis for  
16 threatening Petitioner's lawful use and registration of its aforementioned trademark.  
17

18 **WHEREFORE**, Petitioner prays for cancellation of the United States trademark  
19 registration of COTI BY MGW, Reg. No. 4385276, and also requests that it be granted such  
20 further relief as the Trademark Trial and Appeal Board may deem necessary and just.  
21

22  
23  
24 Dated: September 29, 2014

**EPSTEIN DRANGEL LLP**

By: 

William C. Wright  
Jason M. Drangel  
Robert L. Epstein  
One Grand Central Plaza  
60 East 42<sup>nd</sup> Street, Suite 2410  
New York, New York 10165  
Phone: (212) 292-5390  
Fax: (212) 292-5391

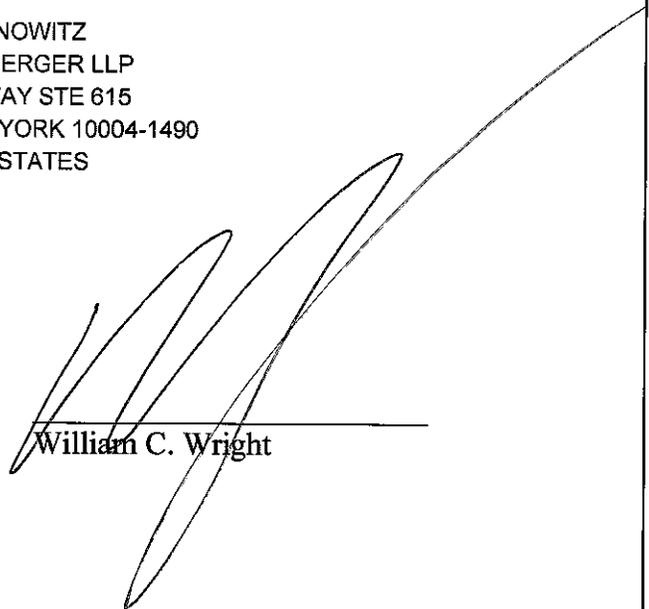
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 29<sup>th</sup> day of September, 2014, upon Registrant's attorney or record:

JANE LINOWITZ  
LEVISOHN BERGER LLP  
11 BROADWAY STE 615  
NEW YORK, NEW YORK 10004-1490  
UNITED STATES

By:

A large, stylized handwritten signature in black ink, appearing to read 'William C. Wright', is written over a horizontal line. The signature is slanted upwards from left to right.

William C. Wright