

ESTTA Tracking number: **ESTTA635081**

Filing date: **10/24/2014**

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	Mya Saray, LLC		
Entity	LLC	Citizenship	Virginia
Address	43671 Trade Center Place Unit 114 Sterling, VA 20166 UNITED STATES		

Attorney information	M. Keith Blankenship Da Vinci's Notebook, LLC 10302 Bristow Center Drive No. 52 Bristow, VA 20136 UNITED STATES keith@dnotebook.com Phone:703-581-9562		
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**Registration Subject to Cancellation**

Registration No	4536391	Registration date	05/27/2014
International Registration No.	NONE	International Registration Date	NONE
Registrant	Dabes, Ibrahim Neuburger Str. 109 Augsburg, 86167 GERMANY		

**Goods/Services Subject to Cancellation**

Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: tobacco; smoking articles, namely, cigarettes, cigars, smoking pipes, and shishas
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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Related Proceedings	Trademark Trial and Appeal Board Opposition No. 91218280 between the parties of this cancellation proceeding involving substantially similar trademarks.
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**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	3031439	Application Date	01/09/2004
Registration Date	12/20/2005	Foreign Priority Date	NONE
Word Mark	MYA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2002/03/01 First Use In Commerce: 2002/03/01 Water pipes for smoking		

U.S. Registration No.	3031440	Application Date	01/09/2004
Registration Date	12/20/2005	Foreign Priority Date	NONE

Word Mark	MYA		
Design Mark			
Description of Mark	The mark consists of The name MYA in stylized form.		
Goods/Services	Class 034. First use: First Use: 2002/03/01 First Use In Commerce: 2002/03/01 Water pipes for smoking		

U.S. Registration No.	3684312	Application Date	10/09/2008
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Registration Date	09/15/2009	Foreign Priority Date	NONE
Word Mark	ECONO-MYA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 2009/06/29 First Use In Commerce: 2009/06/29 Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets		

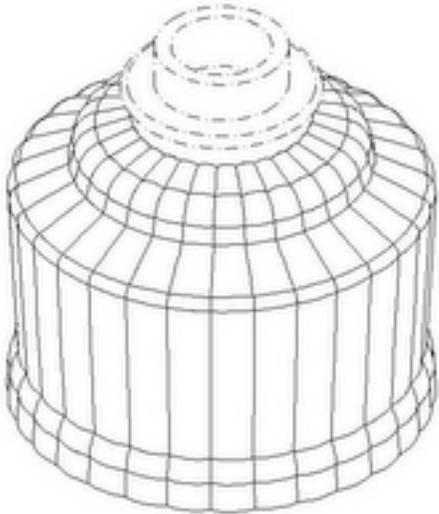
U.S. Registration No.	3684311	Application Date	10/08/2008
Registration Date	09/15/2009	Foreign Priority Date	NONE
Word Mark	ECONO-MYA		
Design Mark			
Description of Mark	The mark consists of the stylized term "econo-mya".		
Goods/Services	Class 034. First use: First Use: 2009/06/29 First Use In Commerce: 2009/06/29 Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets		

U.S. Registration No.	3840577	Application Date	12/28/2009
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	MYA		



Description of Mark	<p>The mark consists of the word "MYA" in white letters set inside a seal embellished with scrolls and botanical elements in shades of white and gray. Above the seal is an arch comprised of white five-pointed stars. The rectangular backgroundshape is intended to show the shading of the background but the rectangle is not part of the mark. The colors white, black and gray are not features of the mark, but are intended to show background and shading.</p>
Goods/Services	<p>Class 034. First use: First Use: 2009/12/15 First Use In Commerce: 2009/12/15 Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets</p>

U.S. Registration No.	3845276	Application Date	03/15/2010
Registration Date	09/07/2010	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a three-dimensional configuration of a hookah base that is generally circular in design and has several graduated levels. The material shown in broken lines is not part of the mark.
Goods/Services	Class 034. First use: First Use: 2005/11/07 First Use In Commerce: 2005/11/07 Hookahs

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			

Goods/Services	Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets
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Attachments	78349755#TMSN.png( bytes ) 78349903#TMSN.png( bytes ) 77589193#TMSN.png( bytes ) 77588552#TMSN.png( bytes ) 77901697#TMSN.png( bytes ) 77959010#TMSN.png( bytes ) Mya_Circle.jpg DNMYA-0052_Petition of Cancellation AMY.pdf(89308 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/M. Keith Blankenship/
Name	M. Keith Blankenship
Date	10/24/2014

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

In the Matter of U.S. Trademark Reg. No. 4,536,391  
Registered on May 27, 2014

MYA SARAY, LLC,

Petitioner

v.

DABES, IBRAHIM DBA  
DABES EGYPTIAN IMPORTS,

Registrant

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

**PETITION FOR CANCELLATION**

Petitioner, Mya Saray, LLC (the “Petitioner”) believes that it will be damaged by registration of the designation AMY DELUXE (as stylized) in International Class 034 for its stated goods and services, and alleges on knowledge as to its own acts, and otherwise on information and belief, as grounds for opposition as follows:

1. The Petitioner is a limited liability company organized and existing under the laws of Virginia doing business at 43671 Trade Center Place, Unit 114; Sterling, Virginia 20166.
2. Registrant, Dabes, Ibrahim dba Dabes Egyptian Imports (the “Registrant”), is a sole proprietorship, with a mailing address of Neuburger Str. 109 Augsburg; Fed Rep Germany 86167.
3. On July 31, 2013 (“Filing Date”) Registrant filed trademark application serial no. 86/025,122 in International Class 034 for AMY DELUXE (as stylized) presently claiming use for the following goods: tobacco; smoking articles, namely, cigarettes, cigars, smoking pipes,

and shishas (“Registrant’s Goods”) and was registered on May 27, 2014 as U.S. Trademark Reg. No. 4,536,391.

4. Petitioner is the owner of numerous trademarks (“Petitioner’s Marks”) for a wide range of tobacco, and tobacco-related, products including hookahs, tobacco, and non-tobacco substitutes (“Petitioner’s Goods”). Petitioner’s Marks include MYA, versions of MYA, and various depictions of MYA. Examples of Petitioner’s registered trademarks are as follows:

#	Mark	Serial No.	Reg. No.	Reg. Date	Class/Goods
1	MYA	78349755	3031439	12/20/2005	34/ Water pipes for smoking.
2	MYA (stylized)	78349903	3031440	12/20/2005	34/ Water pipes for smoking.
3	ECONO- MYA	77589193	3684312	9/15/2009	34/ Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets
4	ECONO- MYA (stylized)	77588552	3684311	9/15/2009	34/ Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets
5	MYA	77901697	3840577	8/31/2010	34/ Tobacco products, namely, hookahs and hookah accessories, namely, hookah stems, hookah bases, hookah tongs, hookah plates, hookah bowls, hookah hoses, hookah cases, and hookah grommets.
6	(Product	77959010	3845276	9/7/2010	34/ Hookahs

Configuration)
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5. Petitioner currently, prior to Registrant's Filing Date, and prior to any date which may be claimed by Registrant, has utilized Petitioner's Marks to sell, offer to sell, publicize, and otherwise commercialize Petitioner's Goods.

6. The owner of 27 utility and design patents for Petitioner's Goods, Petitioner strives to create brand recognition through unique designs and novel functionality in Petitioner's Goods, and has been largely successful.

7. Petitioner's Goods are available on the Internet at [www.myasaray.com](http://www.myasaray.com), through distributors, and third party stores and other channels customary in the trade.

8. Petitioner's Goods have been widely advertised, offered for sale, and sold throughout the United States under Petitioner's Marks.

9. Petitioner is now and has been for many years trading as and known by Petitioner's Marks, identifying Petitioner as the source of high quality tobacco products. Petitioner has been in existence since the late 1800s and using Petitioner's Marks, including MYA, since that time.

10. Registrant's Goods are the same or substantially similar to Petitioner's Goods and/or are within Petitioner's ever expanding natural progression of goods and channels of trade.

11. Petitioner is now and has been, for many years prior to any date which may be claimed by Registrant, engaged in the use of Petitioner's Marks for Petitioner's Goods, including without limitation hookahs (shishas) and other pipes for smoking, tobacco, tobacco substitutes, and related goods and services.

12. Petitioner is now, and has been for many years prior to any date which may be claimed by Registrant, engaged in the sale of high quality tobacco products and other related

goods under Petitioner's Mark in interstate commerce.

13. The use by Petitioner of Petitioner's Marks for Petitioner's Goods alleged herein, is long prior to any date which may be lawfully claimed by Registrant, and Petitioner has priority.

14. Petitioner's Marks, including MYA, and Registrant's Mark are substantially identical and confusingly similar when applied to the goods of the parties.

15. Registrant's use, and intended use, of Registrant's Mark in connection with Registrant's Goods is without the consent or permission of Petitioner.

16. Since Petitioner owns Petitioner's Marks by virtue of prior use, confusion, mistake or deception as to the source of the origin of tobacco products will arise and will injure and damage the Petitioner and its goodwill if Registrant registers AMY DELUXE (as stylized).

17. The registration of AMY DELUXE (as stylized) to Registrant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Registrant's tobacco products are made by, licensed by, controlled by, sponsored by, or in some way connected, related, or associated with Petitioner, all to Petitioner's irreparable damage.

18. Petitioner believes that it is, and will be, damaged by the registration of AMY DELUXE (as stylized) by Registrant.

**WHEREFORE**, Petitioner prays that the registration of AMY DELUXE (as stylized), Registration No. 4,536,391, registered on May 27, 2014 be denied and that this Cancellation be sustained.

DATED: October 24, 2014

By: /M. Keith Blankenship/  
Attorney for Petitioner  
M. Keith Blankenship, Esq.  
Da Vinci's Notebook, LLC  
10302 Bristow Center Dr. #52  
Bristow, VA 20136  
Ph: (703) 646-1406  
[keith@dnotebook.com](mailto:keith@dnotebook.com)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing Petition of Cancellation has been served on Registrant by mailing said copy via U.S. Postal Service Priority Mail International, postage prepaid to Registrant's address as depicted on the U.S. Patent and Trademark Office's Trademark Status and Document Retrieval system:

Dabes, Ibrahim  
Dabes Egyptian Imports  
Neuburger Str. 109  
Augsburg, Fed Rep Germany 86167

this 24th day of October, 2014

By /M. Keith Blankenship/  
M. Keith Blankenship