

ESTTA Tracking number: **ESTTA637242**

Filing date: **11/05/2014**

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	L.A. Gem and Jewelry Design, Inc.		
Entity	Corporation	Citizenship	California
Address	659 South Broadway, 7th Floor Los Angeles, CA 90014 UNITED STATES		

Attorney information	Milord A. Keshishian Milord & Associates, PC 2049 Century Park East, Suite 3850 Los Angeles, CA 90067 UNITED STATES uspto@milordlaw.com Phone:3102267878		
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Registration Subject to Cancellation

Registration No	3811074	Registration date	06/29/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	Souki Manufacturing Inc. 326-6 Sakamoto-cho Kanagawa 240-0043, JAPAN		

Goods/Services Subject to Cancellation

Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Key rings of precious metal; ornaments, namely, earrings, precious metal insignias, precious metal badges, precious metal medals, tie-pins, necklaces, bracelets, pendants, jewelry brooches, medals, rings to wear on finger, medallions; cuff links; clocks and watches, namely, wristwatches, table clocks, watches for carrying in pockets, clocks for vehicles, stop watches, wall clocks, alarm clocks

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	LAR08-061T Petition to Cancel.pdf(18868 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	/Milord A. Keshishian/
Name	Milord A. Keshishian
Date	11/05/2014

1. On May 13, 2009, Respondent filed an application to register the trademark LOVE IS FOREVER on the Principal Register for use in connection with “key rings of precious metal; ornaments, namely, earrings, precious metal insignias, precious metal badges, precious metal medals, tiepins, necklaces, bracelets, pendants, jewelry brooches, medals, rings to wear on finger, medallions; cuff links; clocks and watches, namely, wristwatches, table clocks, watches for carrying in pockets, clocks for vehicles, stop watches, wall clocks, alarm clocks,” in International Class 014. The Registration was issued under Section 66(a) of the United States Trademark Act.

2. To the best of Petitioner’s knowledge, the name and address of the current owner of the Registered Mark is: SOUKI MANUFACTURING, INC., 326-6 SAKAMOTO-CHO, HODOGAYA-KU, KANAGAWA, 240-0043, JAPAN, email: mina-csj@nifty.com.

3. On May 19, 2014, Petitioner filed a Use Based application to register the trademark LOVE IS FOREVER on the Principal Register, Serial No. 86/285,762, for use in connection with bracelets, earrings, jewelry, necklaces, pendants, rings, and women's jewelry, in International Class 014.

4. Petitioner has invested a great deal of time, money and effort in promoting Petitioner’s business and the professional quality of its goods, and continues to spend substantial amounts of time and money in the promotion of the same.

5. Upon information and belief, Registrant has either never used the Registered Mark in commerce, or completely ceased using the Registered Mark, in connection with the goods identified in the Registration, for a period of at least three consecutive years.

6. Petitioner has been damaged and will continue to be damaged if the Registered Mark is permitted to remain on the Principal Register because the Registered Mark stands as a

bar to Petitioner's ability to federally register and protect its LOVE IS FOREVER mark for the goods identified above.

7. Upon information and belief, Registrant does not sell goods under the mark on its website in connection with the claimed goods. Registrant's website <soukimfg.com>, where the goods claimed in the Registration would likely be found, has no mention whatsoever of the goods or where the goods can be purchased.

8. Upon information and belief, Registrant has either never actively used the mark in question, or has permanently ceased all use of the Registered Mark in connection with "key rings of precious metal; ornaments, namely, earrings, precious metal insignias, precious metal badges, precious metal medals, tiepins, necklaces, bracelets, pendants, jewelry brooches, medals, rings to wear on finger, medallions; cuff links; clocks and watches, namely, wristwatches, table clocks, watches for carrying in pockets, clocks for vehicles, stop watches, wall clocks, alarm clocks," with no intention to resume use of the Registered mark.

9. Upon information and belief, by reason of the facts set forth above, and that the Registrant has failed to use the mark for at least three consecutive years, Registrant had abandoned the Registered Mark within the meaning of 15 U.S.C. §§ 1064(3) and 1127.

10. By virtue of the foregoing, if the Registered Mark is permitted to remain on the Principal Register with all the rights and privileges conferred on it by its status as a Principal Registration, Petitioner will be damaged, including its inability to secure a registration for its LOVE IS FOREVER mark, and Registrant will enjoy unlawful gain and advantage to which it is not entitled under the Lanham Act 15 U.S.C. §§ 1051, *et seq.*

CONCLUSION

11. Petitioner is damaged and will continue to be damaged because the continued

existence of such improper Registration stands as a bar to Petitioner's ability to federally register its LOVE IS FOREVER mark, and casts a cloud upon Petitioner's right to enjoy the free and exclusive use thereof in connection with the sale of its goods.

12. WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 3,811,074 be cancelled pursuant to 15 U.S.C. § 1064.

Dated: November 5, 2014

Respectfully submitted,

MILORD & ASSOCIATES, PC

/Milord A. Keshishian/

Milord A. Keshishian, Esq.

Attorneys for Petitioner

L.A. GEM AND JEWELRY DESIGN, INC.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on November 5, 2014, I caused a true and correct copy of the foregoing **PETITION FOR CANCELLATION** sent via First Class International Mail, postage prepaid, to Registrant's Correspondence of Record as follows:

Souki Manufacturing, Inc.
326-6 Sakamoto-cho
Hodogaya-ku, Yokohama-shi
Kanagawa 240-0043
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