

ESTTA Tracking number: **ESTTA697525**

Filing date: **09/22/2015**

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	Seven S.p.A.		
Entity	SOCIETA PER AZIONI	Citizenship	ITALY
Address	Via Fornacino 96 Leini (TO), 10040 ITALY		

Attorney information	Duane M. Byers Nixon & Vanderhye 901 N. Glebe Road, 11th Floor Arlington, VA 22203 UNITED STATES nixonptomail@nixonvan.com, dmb@nixonvan.com Phone:7037867421		
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Registration Subject to Cancellation

Registration No	4008209	Registration date	08/09/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	KO'KO' PLANNING & CO. #4 Chalan Pasaheru Street UNITED STATES		

Goods/Services Subject to Cancellation


Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Carry-all bags; clutch bags; duffel bags; shoulder bags; tote bags; Boston bags; cosmetic bags sold empty; textile shopping bags; drawstring pouches; fabric pouches for holding make-up, keys, and other personal items; vanity cases sold empty; wallets; umbrellas
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Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1708062	Application Date	09/03/1991
Registration Date	08/18/1992	Foreign Priority Date	NONE

Word Mark	7SEVEN
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 0 First Use In Commerce: 0 school cases, [writing pads,] pencil cases, pen cases, [paper weights,] note-books, [calendars, calendar holders,] ball-point pens, exercise books, [photo albums, and check cases]</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 knapsacks, small knapsacks, [trunks for travel,] suitcases, handbags, attache cases, travel bags, [shopping bags,] school satchels, key holders, [umbrellas, parasols, walking sticks,] wallets, purses, briefcase type document cases, [whips, harness and saddlery]</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 [T-shirts, jeans, men's and women's sportswear; namely, jackets, pants, jogging-suits, pullovers, sweat shirts, sweat suits, footwear and headwear]</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 [tennis-rackets, table-tennis paddles, and golf clubs]</p>

U.S. Registration No.	4061897	Application Date	10/08/2003
Registration Date	11/29/2011	Foreign Priority Date	NONE
Word Mark	7SEVEN		
Design Mark			
Description of Mark	The mark consists of a star superimposed inside a portion of the numeral "7" and the numeral "7" integrated with the word "seven" in a stylized format.		
Goods/Services	<p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Agendas, diaries, photographs, stationery, copybooks, note-books, pen holders, pencil holders, pens, pencils, pouches for writing instruments, folders for papers, passport holders, folders with elastic bands, book covers with rings, covers for books and exercise books; bags of paper or plastics used for merchandise packaging, and bookbinding material, namely, cloth for bookbinding; adhesives for stationery or household purposes, paint brushes, typewriters, printers' type, and printing blocks</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 AttachÃ© cases; rucksacks; small knapsacks, school satchels, all purpose carrying bags, sling bags for carrying infants, traveling bags, all purpose sports bag and big sport bags; hand bags, bags for campers, beach bags, bags for climbers and school bags; wallets, and coin purses not made of precious metal; suitcases; umbrellas and parasols; whips</p>		

Attachments	74073282#TMSN.png(bytes) 78310919#TMSN.png(bytes) 4662-392 cancellation petition - seven eyes.pdf(86908 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	/dmb/
Name	Duane M. Byers
Date	09/22/2015

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

_____)	
Seven S.p.A.)	
)	
Petitioner)	
)	
v.)	Cancellation No. _____
)	Registration No. 4008209
KO'KO' PLANNING & CO.)	
)	
Respondent)	
_____)	

CANCELLATION PETITION

Petitioner, Seven S.p.A., an Italian company with a business address of Via Fornacino 96, Leini (TO), Italy, 10040, hereby seeks to cancel the registration in Class 18 of the SEVEN EYES & Design trademark that is the subject of U.S. Registration No. 4008209.

As grounds in support of its Petition to Cancel, Petitioner asserts as follows:

1. Petitioner is the owner of U.S. Trademark Registration No. 1708062 for the 7SEVEN and Design trademark for “school cases, pencil cases, pen cases, note-books, ball-point pens, exercise books” in Class 16, and “knapsacks, small knapsacks, suitcases, handbags, attache cases, travel bags, school satchels, key holders, wallets, purses, briefcase type document cases” in Class 18. Petitioner has superior rights to Respondent that may be negatively impacted by Respondent’s U.S. Registration No. 4008209.
2. Petitioner is the owner of U.S. Trademark Registration No. 4061897 for the 7SEVEN and Design trademark for “Agendas, diaries, photographs, stationery, copybooks,

note-books, pen holders, pencil holders, pens, pencils, pouches for writing instruments, folders for papers, passport holders, folders with elastic bands, book covers with rings, covers for books and exercise books; bags of paper or plastics used for merchandise packaging, and bookbinding material, namely, cloth for bookbinding; adhesives for stationery or household purposes, paint brushes, typewriters, printers' type, and printing blocks” in Class 16, and “attaché cases; rucksacks; small knapsacks, school satchels, all purpose carrying bags, sling bags for carrying infants, traveling bags, all purpose sports bags and big sport bags; hand bags, bags for campers, beach bags, bags for climbers and school bags; wallets, and coin purses not made of precious metal; suitcases; umbrellas and parasols; whips” in Class 18. Petitioner’s Registration has a filing date of October 8, 2003. Petitioner has superior rights to Respondent that may be negatively impacted by Respondent’s U.S. Registration No. 4008209.

3. Respondent owns U.S. Registration No. 4008209 for the SEVEN EYES & Design trademark for “Carry-all bags; clutch bags; duffel bags; shoulder bags; tote bags; Boston bags; cosmetic bags sold empty; textile shopping bags; drawstring pouches; fabric pouches for holding make-up, keys, and other personal items; vanity cases sold empty; wallets; umbrellas,” in Class 18.
4. Upon information and belief, Respondent is not currently using the SEVEN EYES & Design trademark of U.S. Registration No. 4008209 for the above-listed goods in the registration in Class 18 in commerce and, therefore, the registration in Class 18 should be cancelled.

5. Upon information and belief, Respondent has not used the SEVEN EYES & Design trademark of U.S. Registration No. 4008209 for the above-listed goods in the registration in Class 18 in commerce for at least three years and, therefore, the registration in Class 18 should be cancelled.
6. Upon information and belief, Respondent has abandoned the SEVEN EYES & Design trademark of U.S. Registration No. 4008209 for the above-listed goods in the registration in Class 18 and, therefore, the registration in Class 18 should be cancelled.

WHEREFORE, Petitioner prays that the cancellation be sustained and that registration in Class 18 to Respondent be cancelled.

Date: September 22, 2015

Respectfully submitted,

/Duane M. Byers/
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703-786-7421 phone

Attorneys for Petitioner,
Seven S.p.A.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Cancellation Petition" was served on Respondent's attorney of record by first class mail, postage prepaid, at

Richard Y. Kim
McDermott Will & Emery LLP
600 13th Street, N.W.
Washington, DISTRICT OF COLUMBIA 20005-3096

/Duane M. Byers/