

ESTTA Tracking number: **ESTTA747280**

Filing date: **05/18/2016**

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	XAVIER GICQUEL		
Entity	Individual	Citizenship	FRANCE
Address	RÃ©sidence Lutece, 80 rue de la Roquette Apartment C 71 PARIS, F75011 FRANCE		

Domestic Representative	BREWSTER TAYLOR STITES & HARBISON PLLC 1800 DIAGONAL ROAD SUITE 325 ALEXANDRIA, VA 22314 UNITED STATES BTAYLOR@STITES.COM Phone:703-739-4900
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### Registration Subject to Cancellation

Registration No	4172496	Registration date	07/10/2012
Registrants	Kinley, Jeffrey Todd 1101 Norwalk St. Greensboro, NC 27407 UNITED STATES  Anderson, Leslie Leigh 1101 Norwalk St. Greensboro, NC 27407 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2012/03/21 First Use In Commerce: 2012/03/21 All goods and services in the class are cancelled, namely: Socks
Class 035. First Use: 2012/04/18 First Use In Commerce: 2012/04/18 All goods and services in the class are cancelled, namely: Electronic catalog services featuring clothing; Mail order catalog services featuring clothing; On-line wholesale and retail store services featuring clothing

### Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	petition for cancellation.pdf(196047 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	/BT/
Name	BREWSTER TAYLOR
Date	05/18/2016

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

**XAVIER GICQUEL** )  
                  **Petitioner** )  
                                  ) )  
                  **v.** ) )  
                                  ) )  
**LESLIE LEIGH ANDERSON and** )  
**JEFFREY TODD KINLEY** )  
                  **Respondents** )  
                                  )

**Cancellation No.**  
**Registration No. 4,172,496**

**PETITION FOR CANCELLATION**

**XAVIER GICQUEL**, (hereinafter "Petitioner"), a citizen of France with a principal address at Résidence Lutece, 80 rue de la Roquette, Apartment C 71, Paris, France believes that he would be damaged by the continued registration of the mark "JAKL" for "socks" in class 25 and for "electronic catalog services featuring clothing; mail order catalog services featuring clothing; on-line wholesale and retail store services featuring clothing" in class 35, which is shown in U.S. Registration No. 4,172,496 and of which the owners of record are Leslie Leigh Anderson and Jeffrey Todd Kinley (hereinafter "Respondents"), with a principal address at 1101 Norwalk St., Greensboro North Carolina 27407, and Petitioner, by his undersigned attorneys, hereby requests cancellation of the registration of the mark "JAKL" on following grounds:

1. Petitioner filed a request for extension to the U.S. of International Registration No. 1256009 ("JEKL" stylized plus design in classes 3, 18, and 25) under Section 66(a) of the Trademark Act. The application was filed on December 18, 2014, and was accorded U.S. application Serial No. 79/168,909.

2. In an Office Action issued on July 21, 2015, the Trademark Office refused registration of Petitioner's mark "JEKL" stylized plus design on the basis of a likelihood of confusion under Section 2(d) of the Trademark Act with the prior registration of "JAKL" for "socks" in class 25 and for "electronic catalog services featuring clothing; mail order catalog services featuring clothing; on-line wholesale and retail store services featuring clothing" in class 35.

3. Following the filing of Petitioner's response to the refusal to register his mark, on January 8, 2016, the Trademark Office continued and made final the refusal to register Petitioner's "JEKL" stylized plus design mark as to the goods in class 25 only i.e. "clothing, namely, tops, trousers, skirts, dresses, suits, jackets, coats, and nightwear; footwear, headgear in the nature of caps, hats, berets, hoods, and turbans; shirts; clothing of leather or imitation of leather, namely, leather and imitation leather shirts, dresses, coats, and jackets; belts being clothing; furs being clothing in the nature of fur coats, fur stoles, fur filets, and fur caps, hats, and hoods; gloves being clothing; scarves; neckties; hosiery; socks; bedroom slippers; beach, ski and sports footwear; underwear; clothing for sports, namely, jerseys, tracksuits, jackets, swimwear, beachwear, and snow wear".

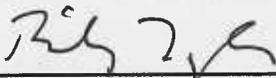
4. On information and belief, Respondents have abandoned the mark in U.S. Registration No. 4,172,496 within the meaning of Section 45 of the Trademark Act, 15 U.S.C. § 1127 at least in that the mark has been discontinued with intent not to resume such use. On information and belief, the mark has not been in use for at least three years, which is *prima facie* evidence of abandonment under 15 U.S.C. § 1127. The registration should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. § 1064.

5. The continued registration to Respondents of the mark "JAKL" would be in derogation of Petitioner's rights in its "JEKL" stylized plus design mark and thereby cause damage and injury to Petitioner.

**WHEREFORE**, Petitioner believes that it would be damaged by the continued registration of "JAKL" and therefore requests that Respondents' Registration No. 4, 172,496 be cancelled from the Register.

Respectfully Submitted,

**STITES & HARBISON PLLC**

  
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May 18, 2016

**Certificate of Service**

I hereby certify that a true copy of the foregoing Cancellation Petition was served this  
18th day of May, 2016, by sending it via First Class Mail, postage prepaid, to:

David W. Sar  
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.  
P.O. Box 26000  
Greensboro, NC 27420

  
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Brewster Taylor