

ESTTA Tracking number: **ESTTA762361**

Filing date: **08/03/2016**

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	Tai Rittichai, Inc.		
Entity	Corporation	Citizenship	California
Address	2275 Huntington Drive, #555 San Marino, CA 91108 UNITED STATES		

Attorney information	Milord A. Keshishian Milord & Associates, P.C. 10517 West Pico Boulevard Los Angeles, CA 90064 UNITED STATES uspto@milordlaw.com Phone:3102267878		
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Registration Subject to Cancellation

Registration No	4665644	Registration date	01/06/2015
Registrant	TAMARA LAPINSKI LIMITED UNIT A 5TH FLOOR HONG KONG, HONG KONG		

Goods/Services Subject to Cancellation

Class 014. First Use: 2010/06/06 First Use In Commerce: 2010/06/06 All goods and services in the class are cancelled, namely: Jewellery; Jewellery and precious stones; Jewellery chains; Jewellery plated with precious metals; Necklaces; Real and imitation jewellery

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86206555	Application Date	02/27/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TAI		

Design Mark	TAI
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2004/03/15 First Use In Commerce: 2004/03/15 Bracelets; Charms; Earrings; Jewelry; Jewelry, namely, anklets; Necklaces; Pendants; Rings being jewelry

Attachments	86206555#TMSN.png(bytes) TAI13-003T Petition to Cancel.pdf(111298 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	08/03/2016

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

In re Trademark Registration No.: 4,665,644
Filed: August 27, 2013
Mark: TAY JEWELLERY

TAI RITTICHAJ, INC.,)	Cancellation No. _____
)	
Petitioner,)	
)	
v.)	
)	
TAMARA LAPKINSKI LIMITED,)	
)	
Respondent.)	

PETITION TO CANCEL REGISTRATION

Commissioner for Trademarks
BOX TTAB
P.O. Box 1451
Arlington, VA 22313-1451

Petitioner, Tai Rittichai, Inc. (“Tai” or “Petitioner”), is a corporation organized and existing under the laws of California, having its principal place of business at 2275 Huntington Drive, #555, San Marino, California 91108, believing that it is and will continue to be damaged by U.S. Registration No. 4,665,644 (“Registered Mark”), and hereby petitions for cancellation of the same.

As grounds for this Petition for Cancellation, it is alleged that:

1. On August 27, 2013, Respondent filed an application to register the trademark TAY JEWELLERY on the Principal Register for use in connection with “Jewellery; Jewellery and precious stones; Jewellery chains; Jewellery plated with precious metals; Necklaces; Real and imitation jewellery,” in International Class 014. The application matured into Registration

No 4,665,644 on January 6, 2015 for the same goods, and is the subject of this petition.

2. To the best of Petitioner's knowledge, the name and address of the current owner of the Registered Mark is: Tamara Lapinski Limited, 373 King's Road, Unit A 5th Floor, Hong Kong, email: tamara.lapinski@btinternet.com.

3. Petitioner is engaged in the business of designing and selling jewelry.

4. Since March 15, 2004, Petitioner has been using its TAI mark in association with its goods and services.

5. Since 2004, Petitioner has invested and continues to invest 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. As a result, Petitioner has developed extremely valuable goodwill throughout the United States with respect to the TAI mark.

6. On February 27, 2014, Petitioner filed a Use Based application to register the trademark TAI on the Principal Register, Serial No. 86/206,555, for use in connection with "Bracelets; Charms; Earrings; Jewelry; Jewelry, namely, anklets; Necklaces; Pendants; Rings being jewelry," in International Class 014.

7. Respondent claims June 6, 2010 as its first use in commerce of the TAY JEWELLERY mark.

8. Petitioner has continuously and exclusively used the TAI mark in connection with its sale of jewelry prior to Registrant's claimed June 6, 2010 date of first use. Petitioner's use of the TAI mark predates any valid use by Registrant of its TAY JEWELLERY mark.

9. An Office Action has issued against Petitioner's U.S. Application Serial No. 86/206,555 in which the Registered Mark is cited against Petitioner's mark under Section 2(d) of

the Lanham Act, and is blocking registration of Petitioner's mark.

10. 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 TAI mark for the goods identified above.

11. 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 TAI 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

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 TAI 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.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 4,665,644 be cancelled pursuant to 15 U.S.C. § 1064.

Dated: August 3, 2016

Respectfully submitted,

MILORD & ASSOCIATES, P.C.

/Milord A. Keshishian/
Milord A. Keshishian, Esq.
Attorneys for Petitioner
TAI RITTICHAH, INC.
10517 West Pico Boulevard
Los Angeles, CA 90064
Telephone: (310) 226-7878
Facsimile: (310) 226-7879

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on August 3, 2016, 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:

Tamara Lapinski Limited
373 King's Road, Unit A 5th Floor
Hong Kong, HK
Email: tamara.lapinski@btinternet.com.

/Milord A. Keshishian/
Milord A. Keshishian
10517 West Pico Boulevard
Los Angeles, CA 90067
Telephone: (310) 226-7878
Facsimile: (310) 226-7879