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

RECA GROUP, S.r.L.,

Petitioner,

v.

ITALIAN TRIMMINGS, INC.,

Registrant.

Cancellation No. _____

Registration No.: 2,412,293

Issued: December 12, 2000



07-19-2001

U.S. Patent & TMO/TM Mail RcptDt #11



PETITION FOR CANCELLATION

BOX TTAB FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, Virginia 22202-3513

Sir:

Petitioner, Reca Group, S.r.L. ("Petitioner"), a corporation of Italy doing business at Via J. Watt, 3/7, 41012 Carpi (Modena), Italy, believes that it is, or will be, damaged by Registration No. 2,412,293, owned by Italian Trimmings, Inc. ("Registrant"), a New York corporation doing business at 36 E. 22nd St., 3rd Floor, New York, New York 10010, and hereby petitions to cancel same.

As grounds for the cancellation, Petitioner alleges that:

1. Registrant is the owner of record of Registration No. 2,412,293 for RECA (Stylized) covering "men's and women's clothing; namely, tee shirts, shirts, skirts, pants, jackets, sweaters, shorts, dresses, and sweatshirts" ("Registrant's Goods"). This registration was filed on October 19, 1999,

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LAW OFFICES
FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

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claims a first use date of April 2, 1998, and registered on December 12, 2000.

2. Petitioner owns pending application Serial No. 75/847554 for the mark RECA GROUP (Stylized) covering "customized manufacture and printing of packaging, cards, plastic and metal labels, fabric color swatches for the fashion industry, and trimming" ("Petitioner's Services"). Petitioner filed this application on November 12, 1999 and claims a first use date of at least as early as 1997.
3. Petitioner began using its RECA GROUP (Stylized) mark in association with Petitioner's Services, and thus acquired common law rights in that mark in connection with those services, before Registrant first used the mark RECA (Stylized) and before Registrant filed its application to register the mark RECA (Stylized).
4. Registrant's use of the mark RECA (Stylized) inured to Petitioner's benefit, as Registrant was Petitioner's distributor in the United States.
5. Registrant was not authorized to file an application to register the mark RECA (Stylized), as Registrant was Petitioner's distributor in the United States and used the mark RECA (Stylized) only with the permission of Petitioner.

LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

6. The marks at issue are nearly identical in appearance, sound, and meaning, and identify related goods and services.
7. Petitioner will be harmed by the continued registration of Registrant's RECA (Stylized) mark because the U.S. Patent and Trademark Office has cited Registrant's RECA (Stylized) mark as an obstacle to the registration of Petitioner's RECA GROUP (Stylized) mark.
8. Petitioner will be harmed by the continued registration of Registrant's RECA (Stylized) mark because that mark, used on Registrant's goods, so resembles Petitioner's previously used RECA GROUP (Stylized) mark that it is likely to cause confusion, or to cause mistake, or to deceive in violation of the Lanham Act (15 U.S.C. § 1052(d)).
9. Petitioner will be harmed by the continued registration of Registrant's RECA (Stylized) mark because Registrant, as Petitioner's former distributor, was not authorized under fact or law to register the RECA (Stylized) mark.

LAW OFFICES


FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000

Wherefore, Petitioner prays Registration No. 2,412,293 be canceled.

Petitioner encloses with this petition a filing fee of \$300. If that filing fee is found to be insufficient for any reason, please charge the deficiency to our Deposit Account No. 06-0196.

Respectfully submitted,

Date: July 19, 2001

By: 
Lisa Peller London
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I St., N.W.
Washington, D.C. 20005
Tel: 202-408-4390
Fax: 202-408-4400

Attorneys for Petitioner
Reca Group S.r.L.

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LAW OFFICES

FINNEGAN, HENDERSON,
FARABOW, GARRETT,
& DUNNER, L.L.P.
1300 I STREET, N. W.
WASHINGTON, DC 20005
202-408-4000