

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 2, 2002

JASON INTERNATIONAL OPTICAL, INC.
P.O. BOX 6905 ELIZABETHPORT STATION
ELIZABETH, NJ 07207

Reg. No. 1387424

Cancellation No. 92040536

URSULA B. DAY
350 FIFTH AVENUE, SUITE3220
NEW YORK, NY 10118

JACKSON INTERNATIONAL TRADING
COMPANY KU RT D. BRUHL
Gesellschaft m.b.H. &
CO. KG RT D. BRUHL
Gesellschaft m.b.H. &
CO. KG

V.

JASON INTERNATIONAL OPTICAL, INC.

HAROLD ROSS, LEGAL ASSISTANT:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September

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TRADEMARK TRIAL AND
APPEAL BOARD

29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as follows:

Discovery period to open:	May 22, 2002
Discovery period to close:	November 18, 2002
30-day testimony period for party in position of plaintiff to close:	February 16, 2003
30-day testimony period for party in position of defendant to close:	April 17, 2003
15-day rebuttal testimony period for plaintiff to close:	June 01, 2003

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>.

Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

P.O. Box 6905 Elizabethport Station, Elizabeth, New Jersey 07207
(Respondent).

Respondent's Registration was filed on September 12, 1985 for the mark "Adonis" registered on the principal register in class 9 for "eyeglass frames" claiming first use in May 1985.

As grounds for the petition it is alleged that:

1. Petitioner is the owner of several U.S. trademark registrations, namely: Reg. No.: 1,928,828 in class 18 for the mark "Adonis", U.S. Reg. No. 1,931,817 in class 25 for the mark "Adonis"; U.S. Reg. No.2,414,960 registered on the Principal Register on December 26, 2000 for the mark "Adonis", in international class 41. Said registered marks of Petitioner are of the date of this petition valid and subsisting and are *prima facie* evidence of petitioner's exclusive rights to use the said mark in commerce on the goods specified in such registrations.

2. On information and belief, Respondent has abandoned its said Registration by discontinuing use of said mark for a period of at least two years with no intent to resume.

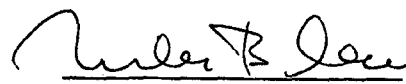
3. Petitioner is likely to be damaged by continuance of the Registration, in that petitioner is foreclosed from registering its mark ADONIS *inter alia* for "eye

glass lenses, eyeglass frames, eyeglass sunglasses, eyeglass cases, eyeglass chains in international class 9" in its application, currently pending under Serial No. 76/249758 and in view of Respondent's abandonment of the mark.

WHEREFORE, Petitioner prays that Registration No.: 1.387,424 be cancelled and that the Petition for Cancellation be sustained in favor of petitioner.

Petitioner hereby appoints Ursula B. Day an attorney and member of the bar of the State of New York. to act as attorney and designated domestic representative for petitioner herein, with full power to prosecute said petition, to transact all business with the Patent and Trademark Office and before the Board.

Respectfully submitted,
Jackson International Trading
Company Kurt D. Brühl
Gesellschaft mbH & Co. KG


Ursula B. Day
Attorney for Petitioner
350 Fifth Avenue,
Suite 3220
New York, NY 10118
Tel.: (212) 904-1815

November 6, 2001

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

Docket No.: TM/ADONIS

----- X
Jackson International Trading Co.)
)
Petitioner,)
)
Jason International Optical, Inc.)
)
Respondent.)
----- X

Cancellation No.

Box TTAB
Hon. Commissioner of Trademarks
Washington, D.C. 20231

Certificate of Express Mailing

Express Mail mailing label number **EV 042503539 US**

Date of Deposit: **November 6, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA. 22202-35-13.



Kathleen Marsh

TTAB

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

Docket No.: TM/ADONIS

-----X
 Jackson International Trading Co.)
)
 Petitioner,)
)
 Jason International Optical, Inc.)
)
 Respondent.)
 -----X

Cancellation No.



11-06-2001

U.S. Patent & TMO/TM Mail Rpt. Dt. #40

Box TTAB
Hon. Commissioner of Trademarks
Washington, D.C. 20231

S I R:

Please find enclosed a Petition for Cancellation by the applicant Jackson International Trading Co. for the mark ADONIS.

Enclosed are:

- Original Petition for Cancellation and one copy;
- A check in the amount of \$300.00;
- A stamped self-addressed post card.

The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 50-1747.

Respectfully submitted,

Ursula B. Day
Attorney for Applicant
350 Fifth Avenue, Suite 3220
New York, NY 10118
(212) 244-5500

Date: November 6, 2001
UBD:km

BOOK OFFICE

AN EQUAL OPPORTUNITY EMPLOYER

T. M

92040536

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ELIZABETH, NJ 07207