

06-12-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #73

**BOX TTAB/FEE**  
**TRADEMARKS**

Atty. Docket No. 40613-05

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

C.S. Lewis (Pte.) Limited, )  
Petitioner, )  
v. )  
Matthew B. Singer, )  
Registrant. )

Cancellation No.: \_\_\_\_\_  
Mark: DAWN TREADER  
PRODUCTIONS, LLC  
Registration No. 2,423,846  
Registered: January 23, 2001  
International Class: 35

CS 06/25/2003 10:00 AM  
TSMITH

**BOX TTAB/FEE**  
Commissioner for Trademarks  
U.S. Patent and Trademark Office  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**PETITION FOR CANCELLATION**

Dear Sir:

Petitioner, C.S. Lewis (Pte.) Limited, a corporation organized under the laws of Singapore, whose business address is 15 Beach Road, #03-07 Beach Centre, Singapore 189677 (hereinafter "Petitioner"), believes that it is and will be damaged by Registration No. 2,423,846 in the name of Matthew B. Singer (hereinafter "Registrant"), and hereby petitions to cancel said registration.

To the best of Petitioner's knowledge, the name and address of Registrant are Matthew B. Singer, 250 West 100<sup>th</sup> Street, #500, New York, New York 10025.

The grounds for cancellation are alleged as follows:

1. Petitioner is the applicant for U.S. Application Serial No. 76/436,282 for the mark **DAWN TREADER** for numerous goods and services in International Classes 9, 16, 28 and 41.
2. Application Serial No. 76/436,282 is currently pending at the U.S. Patent and Trademark Office, but said application stands refused on the ground that Petitioner's mark, when applied to Petitioner's services, so resembles U.S. Registration No. 2,423,846 for the mark **DAWN TREADER PRODUCTIONS, LLC**, said registration being the subject of this Petition for Cancellation, as to be likely to cause confusion, or to cause mistake, or to deceive.
3. Petitioner is the owner of the trademark, copyright and other proprietary rights in and to the literary works of C.S. Lewis. These works include the famous series "The Chronicles of Narnia" first published in the 1950's and republished numerous times in over 40 countries throughout the world in over 30 languages. One of the 7 books in the series is titled "The Voyage of the 'Dawn Treader'". The **DAWN TREADER** is the ship featured in "The Chronicles of Narnia".
4. The Estate of C.S. Lewis, C.S. Lewis (Pte.) Limited, the literary works of C.S. Lewis and the trademarks and other proprietary rights appertaining thereto, including the rights in the **DAWN TREADER** mark, enjoy a most valuable and excellent reputation worldwide.
5. Petitioner's first use of its **DAWN TREADER** mark predates any date upon which Registrant can rely.
6. As a result of public association of the **DAWN TREADER** mark with Petitioner, consumers are likely to consider Registrant's services which are marketed and sold under the

**DAWN TREADER PRODUCTIONS, LLC** mark as emanating from Petitioner, and to confuse those services with the goods and services of Petitioner.

7. Registration and use of Registrant's mark is likely to cause confusion, or to cause mistake, or to deceive, particularly as to the source or origin of the services with which Registrant uses its mark, to induce purchasers to believe that the services of Registrant are those of Petitioner, or are endorsed by, or are in some way affiliated or associated with Petitioner.

8. If Registrant is permitted to use and maintain its registration for its mark, confusion in trade resulting in damage and injury to Petitioner would be caused and would result by reason of the similar nature of Registrant's mark and the mark of Petitioner. Furthermore, any defect, misrepresentation, objection or fault found with Registrant's services promoted under its mark would necessarily reflect on and seriously injure the reputation that Petitioner has established for its **DAWN TREADER** mark.

9. Registrant's registration presumptively entitles it to *prima facie* exclusive ownership and rights to its mark, causing confusion among consumers of the relevant services as to the separate and distinct sources of Registrant's and Petitioner's goods and services and the relationship of Registrant to Petitioner, thereby damaging Petitioner's goodwill in its **DAWN TREADER** mark, diluting the value thereof and causing Petitioner's business and reputation irreparable harm, all to the detriment of Petitioner.

10. Registrant's mark is not a service mark, and accordingly his registration is invalid.

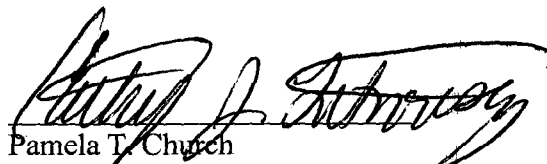
11. Maintenance of Registrant's registration is inconsistent with Petitioner's rights in and to the **DAWN TREADER** mark, and is damaging to Petitioner.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that U.S. Registration No. 2,423,846 for the mark DAWN TREADER PRODUCTIONS, LLC be cancelled and removed from the Principal Register.

A duplicate copy of this Petition for Cancellation and a check for \$300 are enclosed herewith. Should the check become detached and/or additional fees be required, please charge Deposit Account No. 03-3370.

Respectfully submitted,

By:



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Date: June 12, 2003

Attorneys for Petitioner

TTAB

06-12-2003

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June 12, 2003

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Attn: **BOX TTAB -- FEE**

Re: **PETITION FOR CANCELLATION**

**Petitioner: C.S. Lewis (Pte.) Limited**

**Registrant: Matthew B. Singer**

**Mark: DAWN TREADER PRODUCTIONS, LLC**

**Registration No. 2,423,846**

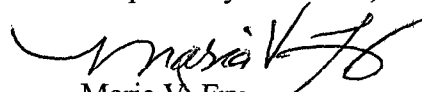
Dear Sir/Madam:

Submitted herewith is:

- 1) Petition for Cancellation and a copy of same; and
- 2) A check in the amount of \$300.00 to cover the requisite government filing fee.

Should the check become detached and/or additional fees be required, please charge Deposit Account No. 03-3370.

Respectfully submitted,

  
Maria V. Fry  
Legal Assistant

/40613-01