

ESTTA Tracking number: **ESTTA7802**

Filing date: **04/20/2004**

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

<b>Name</b>	Steven Laner		
<b>Entity</b>	Individual	<b>Citizenship</b>	UNITED STATES
<b>Address</b>	11160 Canary Lane Claremore, OK 74017-0487 UNITED STATES		

<b>Correspondence information</b>	Steven Laner 11160 Canary Lane Claremore, OK 74017-0487 UNITED STATES steve_laner@hotmail.com		
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#### Registration Subject to Cancellation

<b>Registration No</b>	2720907	<b>Registration date</b>	06/03/2003
<b>Registrant</b>	VOTIVO, LTD.		
<b>Goods/Services Subject to Cancellation</b>	Class 004. First Use: 19970102 , First Use In Commerce: 19970102 Goods/Services: Candles and tapers		

<b>Attachments</b>	votivo_petition.txt ( 1 page )
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<b>Signature</b>	/Steven Gary Laner/
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<b>Name</b>	Steven Laner
<b>Date</b>	04/20/2004

Votivo, Ltd. sells scented candles, soaps, etc. in a variety of scents, including gingersnap, mandarine orange, red currant, sage, basil, lilly, hyacinth, honeysuckle, clover, ginger, orchid, and grapefruit. While some scent names can be legitimately trademarked,

if used as a brand name, Votivo, Ltd. has instead been filing trademarks of descriptions of their items.

Red currant is a common fruit which has been used in many items, including jams, jellies, soaps, and candles for generations.

This name would be acceptable as a trademark for candles and soaps of assorted varieties (as use as a brand name).

However, Votivo, Ltd. is instead attempting to trademark descriptions of their items by trademarking the names of common items, in this case the names of a fruit, that their products smell like.

Trademarks are intended for brand names. They are not intended for interfering with the sales of items from other companies that contain the same commonly used scent(s).

Under Section 2 of the Trademark Act, a trademark cannot be merely descriptive of an applicant's goods.

Votivo, Ltd. is not using these trademarks as brand names. As stated above, they have registered descriptions of the scents of the products.

Votivo, Ltd. is using this in an attempt to prevent other companies from selling candles, etc. that are described as "Red Currant Scented", and have been actively interfering with the sales of other companies products that are described as "Red Currant Scented".

Trademarks are not intended to allow a person to trademark "red apple" (for example) for the marketing of red colored, apple scented candles. They are, instead, intended for the trademarking of a brand such as "Red Apple Candles" for the selling of a variety of candles (including mint scented, pine scented, orange scented, etc.)

Because these registrations are not for legitimate trademarks, and because of Votivo's invalid useage of said trademarks,

I am hereby petitioning for the revocation of this trademark registration..etitioning for the revocation of this trademark registra