

ESTTA Tracking number: **ESTTA26164**

Filing date: **02/16/2005**

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 parties request to cancel indicated registration.

Petitioner Information

Name	MrSamuelRosenblatt		
Entity	Individual	Citizenship	UNITED STATES
Address	10305 Santa Monica Blvd. West Los Angeles, CA 90025 UNITED STATES		

Name	MrsHeleneRozenblat		
Entity	Individual	Citizenship	UNITED STATES
Address	10305 Santa Monica Blvd. West Los Angeles, CA 90025 UNITED STATES		

Attorney information	Sanford Astor Birch, Stewart, Kolasch & Birch, LLP 8110 Gatehouse RoadSuite 100 East Falls Church, VA 22042 UNITED STATES mailroom@bskb.com Phone:714-708-8555		
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Registration Subject to Cancellation

Registration No	2320998	Registration date	02/22/2000
Registrant	Eres S.A. 2 Rue Tronchet		

	75008 Paris, FRANCE
Goods/Services Subject to Cancellation	Class 025. First Use: 19200000, First Use In Commerce: 19690000 Goods/Services: swim wear, beachwear, pants, shirts, dresses, blouses, T-shirts, jumpsuits, shorts, sleepwear, loungewear, lingerie, body suits and underwear

Attachments	ERES Cancellation.pdf (4 pages)
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Signature	/SA/
Name	Sanford Astor
Date	02/16/2005

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

In the matter of Trademark Registration No. 2,320,998

For the Mark ERES

Date Registered: February 22, 2000

For: Swim wear, beachwear, pants, shirts, dresses,
blouses, T-shirts, jumpsuits, shorts, sleepwear,
loungewear, lingerie, body suits and underwear, in Class 25

SAMUEL ROSENBLATT & HELENE ROZENBLAT

Individuals, husband & wife, dba

"ERES",

Petitioners;

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Cancellation No.

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v.

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ERES S.A. a Corporation organized

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and existing under the laws of

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France,

)

Registrant.

)

PETITION FOR CANCELLATION

SAMUEL ROSENBLATT & HELENE ROZENBLAT, husband and wife, dba ERES, having a place of business at 10305 Santa Monica Blvd., West Los Angeles, California, 90025, hereinafter "Petitioners," believe that they have been and will be damaged by the above-identified registration, and hereby petition for cancellation of the same. The grounds for cancellation are as follows:

1. Petitioners are individuals, dba ERES, having a place of business at 10305 Santa Monica Blvd., West Los Angeles,

California, 90025. Petitioners are engaged in the business of selling clothing, fabrics, trims and other items.

2. Petitioners adopted and used "ERES" as the trade name and trademark for their retail store and clothing sold therein, continuously since at least as early as 1956, in California and elsewhere in commerce in the United States. Petitioners operated their store in Beverly Hills for over 25 years and thereafter in West Los Angeles, adjacent Beverly Hills. Due to a massive street construction project on the street in front of their store, Petitioners have temporarily closed the store, but when construction is completed, Petitioners intend to reopen the store.

3. Petitioners are informed and believe, and on that basis allege, that Registrant is a corporation of France, and has just recently opened a retail store in Beverly Hills, California, selling swimwear, beachwear and lingerie, under the trade name and service mark, ERES.

4. Petitioners are filing, in the United States Patent and Trademark Office, an application for registration of the mark ERES.

5. Registrant is the owner of Principal Register Trademark Registration No. 2,320,998 for, Swim wear, beachwear, pants, shirts, dresses, blouses, T-shirts, jumpsuits, shorts, sleepwear, loungewear, lingerie, body

suits and underwear, in Class 25, (hereinafter referred to as "Registrant's Mark").

6. In its application which issued as U.S. Registration 2,320,998, Registrant claimed a date of first use between the United States and France of 1969.

7. Petitioners have developed extensive goodwill in California and elsewhere with respect to their mark ERES.

8. Petitioners have earned substantial revenue from the sale of clothing, fabrics and other items, offered or sold under their mark ERES. As a result of such substantial revenue Petitioners have garnered a valuable reputation for their mark ERES.

9. Petitioners have been and will be damaged by Registrant's registration because there is likelihood of confusion between Petitioners' mark and Registrant's mark. Petitioners, as the senior users of the mark ERES, have superior rights to the mark ERES over Registrant.

WHEREFORE, Petitioners request that this Petition be granted and that Registrant's Registration No. 2,230,998 be cancelled.

Please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 2.6 to Deposit Account No. 02-2448.

Please address all correspondence to Sanford Astor,
Birch, Stewart, Kolasch & Birch, LLP, P.O. Box 747, Falls
Church, Virginia, 22040-0747.

Telephone Contact: Sanford Astor, (714) 708-8555.