

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Mailed: June 6, 2005

Lee's Manufacturing Co., Inc.  
1700 Smith Street  
North Providence, RI 02911

Cancellation No. 92044589  
Reg. No. 2527482

76264116

Robert F. Zielinski  
Wolf, Block, Schorr and Solis-Cohen LLP  
1650 Arch Street 22nd Floor  
Philadelphia, PA 19103

Stuckey Diamond, Inc. d/b/a The  
Stuckey Company

V.

Lee's Manufacturing Co., Inc.

Pauline Stewart, 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 Trademark Rule 2.196 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 affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at [www.uspto.gov/web/offices/dcom/ttab/](http://www.uspto.gov/web/offices/dcom/ttab/).

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance



06-15-2005

with Trademark Rule 2.126 may not be given consideration or entered into the case file.

**Discovery and testimony periods are set as follows:**

Discovery period to open:	June 26, 2005
Discovery period to close:	December 23, 2005
30-day testimony period for party in position of plaintiff to close:	March 23, 2006
30-day testimony period for party in position of defendant to close:	May 22, 2006
15-day rebuttal testimony period for plaintiff to close:	July 06, 2006

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). The notice is 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.

**New Developments at the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA34897**

Filing date: **06/06/2005**

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 party requests to cancel indicated registration.

#### Petitioner Information

<b>Name</b>	Stuckey Diamond, Inc. d/b/a The Stuckey Company		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Texas
<b>Address</b>	952 Echo Lane Suite 370 Houston, TX 77024 UNITED STATES		

<b>Attorney information</b>	Robert F. Zielinski Wolf, Block, Schorr and Solis-Cohen LLP 1650 Arch Street 22nd Floor Philadelphia, PA 19103 UNITED STATES skullman@wolfblock.com Phone: 215-977-2544		
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#### Registration Subject to Cancellation

<b>Registration No</b>	2527482	<b>Registration date</b>	01/08/2002
<b>Registrant</b>	Lee's Manufacturing Co., Inc. 1700 Smith Street North Providence, RI 02911 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 014. First Use: 20010521, First Use In Commerce: 20010521 Goods/Services: jewelry		

<b>Attachments</b>	lmcancel.pdf ( 2 pages )
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<b>Signature</b>	/robert f. zielinski/
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<b>Name</b>	Robert F. Zielinski
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<b>Date</b>	06/06/2005
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 2,527,482

Issued January 8, 2002 for "LM"

Stuckey Diamond, Inc.	:	
d/b/a The Stuckey Company	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	
Lee's Manufacturing Co., Inc.	:	
	:	
Registrant (Respondent).	:	

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**PETITION FOR CANCELLATION**

Stuckey Diamond, Inc. d/b/a The Stuckey Company ("Stuckey" or "Petitioner"), a Texas corporation, having its principal place of business at 952 Echo Lane, Suite 370, Houston, TX 77024, to the best of its knowledge, believes that the current owner of Registration No. 2,527,482, issued on January 8, 2002 for "LM" (the "Mark") is Lee's Manufacturing Co., Inc. ("Registrant"), a Rhode Island corporation, having its principal place of business at 1700 Smith Street, North Providence, RI 02911.

Petitioner believes it will be damaged by the presence on the Principal Register of Registration No. 2,527,482, issued on January 8, 2002 for LM and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner has filed an application for registration of the mark LM on the Principal Register.

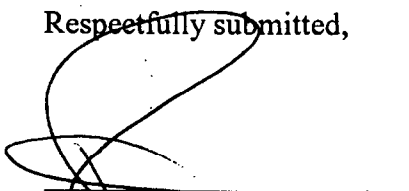
2. The United States Patent and Trademark Office has issued a refusal in connection with Petitioner's application on the ground that Petitioner's mark is likely to be confused with the Mark, thus denying Petitioner the benefits of federal registration.

3. Upon information and belief, Registrant has ceased use of the Mark in commerce with no intention to resume such use.

WHEREFORE, Petitioner respectfully requests that Registration No. 2,527,482 be cancelled.

Respectfully submitted,

Dated: JUNE 6 05

  
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Attorney for Petitioner  
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FORWARD TIME EXP RTN TO SEND  
: LEES MANUFACTURING  
160 NIANTIC AVE  
PROVIDENCE RI 02907-3218

RETURN TO SENDER

