

ESTTA Tracking number: **ESTTA70868**

Filing date: **03/14/2006**

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	LG Electronics MobileComm, U.S.A., Inc.		
Entity	Corporation	Citizenship	California
Address	10101 Old Grove Road San Diego, CA 92131 UNITED STATES		

Name	LG Electronics, U.S.A., Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1000 Sylvan Avenue Englewood Cliffs, NJ 07632 UNITED STATES		

Attorney information	Mark Sommers Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Ave., NW Washington, DC 20001 UNITED STATES Timothy.Lemper@Finnegan.com, Mark.Sommers@Finnegan.com, Doug.Rettew@Finnegan.com Phone:202-408-4000
----------------------	--

### Registration Subject to Cancellation

Registration No	2025737	Registration date	12/24/1996
Registrant	PRAESIDIAN CAPITAL INVESTORS, L.P., AS ADMINISTRATIVE AGENT 30 BROAD STREET, 21ST FLOOR NEW YORK, NY 10004 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 1994/06/01 , First Use In Commerce: 1995/01/27 Goods/Services: sportswear, namely, T-shirts, sweatshirts, shirts, hats, pants, and shorts		
Grounds for Cancellation	The registered mark is functional.		

Related Proceedings
---------------------

Attachments
-------------

Signature
Name
Date

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

LG ELECTRONICS, U.S.A., INC.,	)	
LG ELECTRONICS MOBILECOMM	)	
U.S.A., INC.,	)	Cancellation No. _____
	)	
Petitioners,	)	Reg. No: 2,025,737
	)	Reg. Date: Dec. 24, 1996
v.	)	Mark: LIFE IS GOOD
LIFE IS GOOD, INC.,	)	Class: 25
	)	
Registrant.	)	

---

**PETITION FOR CANCELLATION**

Petitioners LG Electronics, U.S.A., Inc. and LG Electronics Mobilecomm U.S.A., Inc. (collectively "LG") believe they are being, and will continue to be, damaged by Registration No. 2,025,737 for the mark LIFE IS GOOD for goods in International Class 25, and petition to cancel the same.

As grounds for cancellation, LG alleges on information and belief that:

1. Registrant Life Is Good, Inc. ("LIGI" or "Registrant") is the successor-in-interest to Jacobs Gallery, a partnership comprised of Albert Jacobs and John Jacobs.
2. On March 4, 1996, Jacobs Gallery filed application Serial No. 75/066,995 to register the mark LIFE IS GOOD in Class 25 for "sportswear, namely, T-shirts, sweatshirts, shirts, hats, pants, and shorts."
3. In support of application Serial No. 75/066,995, Jacobs Gallery submitted a sworn statement pursuant to 18 U.S.C. § 1001 that the mark LIFE IS GOOD was being used for the goods identified in the application, with a claimed first use date of June 1, 1994.

4. Jacobs Gallery did not use LIFE IS GOOD on any product until September 1994.

5. Jacobs Gallery did not use LIFE IS GOOD as a trademark for sweatshirts, hats, pants, and/or shorts as of the March 4, 1996 filing date of application Serial No. 75/066,995.

6. Jacobs Gallery's application Serial No. 75/066,995 matured into Reg. No. 2,025,737.

7. On February 25, 1998, Jacobs Gallery assigned its entire interest in Reg. No. 2,025,737 to LIGI.

8. On March 2, 2005, LIGI assigned its entire interest in Reg. No. 2,025,737 to Praesidian Capital Investors LP as administrative agent. However, LIGI remains the beneficial owner and real party in interest for Reg. No. 2,025,737.

9. LIGI has asserted rights in Reg. No. 2,025,737 as a basis for seeking to enjoin LG's use of the LG "Life's Good" tagline.

10. LIGI has used "Life is good." as mere ornamentation to adorn its products and to market the message of optimism inherent in the ordinary meaning of the expression "life is good." LIGI has continued to use "Life is good." in this manner despite previously having been refused registration of the mark "LIFE IS GOOD" (Serial No. 74/633,170) on the ground that LIGI's use was a merely ornamental, non-trademark use.

**FIRST GROUND FOR CANCELLATION**  
**FRAUD ON THE PTO IN OBTAINING REGISTRATION**

11. Petitioners repeat and reallege every allegation set forth in Paragraphs 1 through 10.

12. Registrant made false statements in its declaration in support of its application Serial No. 75/066,995 to register the mark LIFE IS GOOD.

13. Specifically, Registrant falsely stated that it first used the mark LIFE IS GOOD in connection with the goods covered by application Serial No. 75/066,995 on June 1, 1994, when in fact it did not begin using LIFE IS GOOD on any goods (let alone the goods covered by application Serial No. 75/066,995) until September 1994.

14. Specifically, Registrant falsely stated that at the time it filed application Serial No. 75/066,995 it was using the mark LIFE IS GOOD on the goods listed in that application, when in fact it did not use LIFE IS GOOD as a mark to identify the source of the goods listed in that application as of the March 4, 1996 filing date.

15. Registrant knew or should have known these statements were false.

16. Based on these false statements, Registrant's application Serial No. 75/066,995 matured into Reg. No. 2,025,737.

17. Registrant's acts constitute fraud on the United States Patent and Trademark Office.

**SECOND GROUND FOR CANCELLATION  
FUNCTIONALITY**

18. Petitioners repeat and reallege every allegation set forth in Paragraphs 1 through 17.

19. The phrase "life is good" is a commonly used expression that is functional as used by Registrant.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioners request that Registration No. 2,025,737 be cancelled.

The filing fee is being paid by credit card. Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully submitted,

LG ELECTRONICS, U.S.A., INC.,  
LG ELECTRONICS MOBILECOMM  
U.S.A., INC.,

Dated: March 14, 2006

By: 

Mark Sommers  
Douglas A. Rettew  
Timothy A. Lemper  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Ave. NW  
Washington, DC 20001  
Tel: (202) 408-4000  
Attorneys for Petitioners