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Filing date: **02/09/2007**

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

Name	Artemis Marketing Corp. f/k/a Rooms To Go, Inc.		
Entity	Corporation	Citizenship	Nevada
Address	11540 Highway 92 East Seffner, FL 33584 UNITED STATES		

Attorney information	Mark I. Feldman DLA Piper US LLP P.O. Box 64807 Chicago, IL 60664-0807 UNITED STATES ch.tm@dlapiper.com,mark.feldman@dlapiper.com,amy.ziegler@dlapiper.com Phone:312-368-4000
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Registration Subject to Cancellation

Registration No	3120019	Registration date	07/25/2006
Registrant	Kindle, Xhazzie 163 Jersey Street Marblehead, MA 01945 UNITED STATES		
Goods/Services Subject to Cancellation	Class 045. First Use: 2004/04/01 , First Use In Commerce: 2004/04/01 Goods/Services: Professional organizational services for home or personal purposes, namely, organizing personal spaces in the home featuring the organizing of closets and homes		

Attachments	Petition to Cancel.pdf (4 pages)(490724 bytes)
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Signature	/Amy Crout Ziegler/
Name	Amy Crout Ziegler
Date	02/09/2007

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

In re Registration No. 3,120,019
Mark: ROOM TO GO PROFESSIONAL ORGANIZING
Registered: July 25, 2006

ARTEMIS MARKETING CORP. f/k/a ROOMS)	
TO GO, INC.,)	
)	
Petitioner,)	Cancellation No.
)	
v.)	
)	
XHAZZIE KINDLE,)	
)	
Registrant.)	
)	

PETITION TO CANCEL

U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

ARTEMIS MARKETING CORP. f/k/a ROOMS TO GO, INC., a Nevada corporation, located at 11540 Highway 92 East, Seffner, Florida 33584 (hereinafter "Petitioner"), believes that it is and will be damaged by the continued registration of the mark shown in Registration No. 3,120,019 ("the '019 Registration"), registered July 25, 2006, by Xhazzie Kindle (hereinafter "Registrant"), and hereby petitions to cancel the registration of such mark under Section 14 of the Trademark Act of July 5, 1946 (15 U.S.C. § 1064).

The grounds for the cancellation are as follows:

1. Petitioner is a well-known leader in the retail sale of residential furniture. Since 1991, Petitioner has used its well known ROOMS TO GO trademark in connection with the retail sale of residential furniture.

2. Petitioner owns multiple registrations on the Principal Register of the United States Patent and Trademark Office for the mark ROOMS TO GO and variations thereof in connection with furniture and retail furniture store services that registered on or before July 25, 2006, including the following:

Mark	Registration No.	Registration Date
ROOMS TO GO	1,756,239	March 2, 1993
ROOMS TO GO and Design	1,801,702	October 26, 1993
ROOMS TO GO	2,396,055	October 17, 2000
ROOMS TO GO .STUDIO	2,828,390	March 30, 2004
ROOMS TO GO .BED	2,828,391	March 30, 2004
ROOMS TO GO.BEDS	2,944,384	April 26, 2005

3. Reg. Nos. 1,756,239, 1,801,702, and 2,396,055 have become incontestable pursuant to 15 U.S.C. § 1065.

4. On July 6, 2005, Registrant filed the application for the '019 Registration for the mark ROOM TO GO PROFESSIONAL ORGANIZING for “[p]rofessional organizational services for home or personal purposes, namely, organizing personal spaces in the home featuring the organizing of closets and homes.”

5. On July 25, 2006, the certificate of registration for the '019 Registration was issued on the Principal Register of the United States Patent and Trademark Office.

6. Each of the marks listed in Paragraph 2 registered on or before the filing date of the '019 Registration.

7. Petitioner's use of its ROOMS TO GO mark and variations thereof pre-dates the filing date of the application for the '019 Registration.

8. The '019 Registration for the ROOM TO GO PROFESSIONAL ORGANIZING mark should be cancelled on the grounds of Petitioner's prior rights in the ROOMS TO GO mark.

9. The mark registered by Registrant is confusingly similar to Petitioner's ROOMS TO GO mark in which Petitioner has rights, and the registration and use of the ROOM TO GO PROFESSIONAL ORGANIZING mark by Registrant is likely to cause confusion or mistake in the minds of the public and to lead the public and prospective purchasers to believe that Registrant's services are those of Petitioner or are endorsed, sponsored or otherwise affiliated with Petitioner, all to the damage and injury of the purchasing public and to the damage and injury of Petitioner.

10. The '019 Registration for the ROOM TO GO PROFESSIONAL ORGANIZING mark should be cancelled based on a likelihood of confusion with Petitioner's prior rights in the ROOMS TO GO mark.

WHEREFORE, Petitioner files this Petition to Cancel and prays that the aforesaid registration of Xhazzie Kindle be cancelled; and for such other and further relief as may be deemed just and proper.

The \$300.00 filing fee for this petition to cancel the '019 Registration in one class should be charged to Deposit Account No. 18-2284. All correspondence regarding this cancellation should be addressed to:

Mark I. Feldman
DLA PIPER US LLP
P.O. Box 64807
Chicago, Illinois 60664-0807
(312) 368-4000
ch.tm@dlapiper.com, mark.feldman@dlapiper.com

Respectfully submitted,

ARTEMIS MARKETING CORP. f/k/a ROOMS TO GO, INC.

By:  2/9/07

Mark I. Feldman
Amy C. Ziegler
DLA PIPER US LLP
P.O. Box 64807
Chicago, Illinois 60664-0807
(312) 368-4000
Attorneys for Petitioner