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

Proceeding	92047907
Party	Plaintiff IWC, a Division of Richemont North America, Inc.; Richemont International S.A.
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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. 2,709,221)
Date of Issue: April 22, 2003)
_____)

IWC, A Division Of)
RICHEMONT NORTH AMERICA, INC.;)
RICHEMONT INTERNATIONAL S.A.,)
 Petitioners,)
v.)
))
FINETIME, INC.,)
 Registrant.)
-----X

Cancellation No. 92047907

**PETITIONERS' BRIEF IN OPPOSITION TO
REGISTRANTS' MOTION TO SUSPEND PROCEEDINGS**

Petitioners IWC, division of Richemont North America, Inc. and Richemont International S.A. (collectively “Petitioners”) oppose the motion by Registrant Finetime, Inc. (“Registrant”) to suspend proceedings before the Trademark Trial and Appeal Board (the “Board”) pending disposition of the civil action pending in the United States District Court for the Southern District of New York.

I. The Motion Should Be Denied Because There Is An Independent Basis For The Petition Not Raised In The Civil Action

Registrant is correct that in both the civil action and this petition, Petitioners seek cancellation of the same registration. However, in this action, there is an additional basis for this relief pleaded in the Petition which is not before the district court – fraud on the Trademark Office.

The Petition alleges:

Upon information and belief, [Registrant] Finetime obtained Registration No. 2,709,221 fraudulently by (1) representing in the underlying application that it had used the mark prior to the filing thereof and at least as early as 1992 when (2) in fact it had not so used the mark to the filing of the application.

* * *

Discovery in the civil action has confirmed that the statements made in support of the application by Finetime in its application for Registration No. 2,709,221 were false when made, that there is no basis or proof for such statements, and that Finetime knew or should have known of their falsity thereof.

(Petition for Cancellation, ¶¶ 21, 23)

Such allegations, if true, are a basis for cancellation of the registration. *See Standard Knitting, Ltd. v. Toyota Jidosha Kabushiki Kaisha*, 2006 TTAB LEXIS 9 (TTAB 2006); *Medinol Ltd. v. Neuro Vasx Inc.*, 67 U.S.P.Q.2D 1205 (TTAB 2003). Consideration of such

allegations of fraud, which are not before the district court, should not be delayed until the civil action is resolved.

WHEREFORE, Petitioners request that Registrant's motion be DENIED.

Dated: September 24, 2007
New York, New York

IWC, division of RICHEMONT NORTH
AMERICA, INC. and RICHEMONT
INTERNATIONAL, S.A.

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