

ESTTA Tracking number: **ESTTA383207**

Filing date: **12/11/2010**

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	Connoisseurs Products Corporation		
Entity	Corporation	Citizenship	Massachusetts
Address	17 Presidential Drive Woburn, MA 01801 UNITED STATES		

Correspondence information	Heidi Schiller 197 Elm Street Suite 1730 Northampton, MA 01060 UNITED STATES hs1@mindspring.com Phone:617-504-0436		
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Registration Subject to Cancellation

Registration No	3029654	Registration date	12/13/2005
Registrant	RAPAPORT, MARTIN 133 E.Warm Springs Road Las Vegas, NV 89119 UNITED STATES		

Goods/Services Subject to Cancellation

Class 014. First Use: 2002/06/00 First Use In Commerce: 2002/06/00 All goods and services in the class are cancelled, namely: JEWELRY, DIAMONDS, PRECIOUS STONES, SEMI-PRECIOUS STONES, GEMS

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1048830	Application Date	03/25/1976
Registration Date	09/28/1976	Foreign Priority Date	NONE
Word Mark	CONNOISSEURS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1946/09/04 First Use In Commerce: 1946/09/04		

	CLEANING SOLUTION FOR DIAMONDS, PEARLS, OTHER PRECIOUS STONES, PRECIOUS METALS, COSTUME JEWELRY, AND EYEGLASSES
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U.S. Registration No.	1301394	Application Date	11/02/1983
Registration Date	10/23/1984	Foreign Priority Date	NONE
Word Mark	CONNOISSEURS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1983/09/00 First Use In Commerce: 1983/09/00 Sonic Cleaning Machine for Cleaning Jewelry Including Diamonds, Pearls, Other Precious Stones and Precious Metals, Costume Jewelry and Eyeglasses		

U.S. Registration No.	1829850	Application Date	01/02/1992
Registration Date	04/05/1994	Foreign Priority Date	NONE
Word Mark	CONNOISSEURS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1993/02/00 First Use In Commerce: 1993/02/00 jewelry bags for storage or travel, jewelry rolls for travel, jewelry cases for travel not made of precious metal		

U.S. Registration No.	1800804	Application Date	03/02/1993
Registration Date	10/26/1993	Foreign Priority Date	NONE
Word Mark	CONNOISSEURS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1984/01/00 First Use In Commerce: 1984/01/00 polishing cloths		

Attachments	connoisseur cancellation.pdf (5 pages)(458405 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Heidi A. Schiller/
Name	Heidi Schiller
Date	12/11/2010

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

CONNOISSEURS PRODUCTS CORPORATION)

Petitioner)

v.)

MARTIN RAPAPORT)

Respondent)

Cancellation No. _____

U.S. REG. NO. 3,029,654
 Mark: CONNOISSEUR INTERNATIONAL
 Class: 014
 Reg. Date: 12/13/05

PETITION FOR CANCELLATION

By and through its undersigned attorney, Petitioner believes that it will be damaged by Registration No. 3,029,654 and hereby petitions for cancellation of the registration. As grounds therefor, it is alleged that:

- Petitioner, CONNOISSEURS PRODUCTS CORPORATION, a Massachusetts corporation, having a principal place of business at 17 Presidential Drive, Woburn, MA 01801 (hereinafter "Petitioner") has adopted, has used and uses the mark CONNOISSEURS (hereinafter the "Mark") in connection with *inter alia*, soaps, gels and cleaning solutions for jewelry, diamonds, pearls and other precious and semi-precious stones, precious metals, and costume jewelry; disposable cloths embedded with chemicals to clean and polish jewelry and precious metals; sonic cleaning machines for cleaning jewelry including diamonds, pearls, other precious stones and precious metals, costume jewelry and eyeglasses; jewelry bags for storage or travel; jewelry rolls for travel; jewelry cases for travel not made of precious metal; and polishing cloths (hereinafter the "Goods").

2. Respondent, the title holder of Registration No. 3,029,654 for the mark CONNOISSEUR INTERNATIONAL is Martin Rapaport, a United States citizen, (hereinafter "Respondent") having an address at 133 E. Warm Springs Road, Las Vegas, NV 89119.

3. Respondent secured U.S. Registration No. 3,029,654 (the '654 registration) on December 13, 2005 for the mark CONNOISSEUR INTERNATIONAL in International Class 14 for "jewelry, diamonds, precious stones, semi-precious stones, gems" (hereinafter "Respondent's Goods"). The registration asserts a date of first use anywhere and first use in interstate commerce of June 2002.

4. Petitioner is the owner of U.S. Registration No. 1,048,830 (the '830 registration) for the Mark for use in connection with "cleaning solution for diamonds, pearls, other precious stones, precious metals, costume jewelry and eyeglasses" in International Class 003. The '930 registration recites a date of first use anywhere and in interstate commerce of September 4, 1946. The '930 registration issued September 28, 1976.

5. Petitioner is the owner of U.S. Registration No. 1,301,394 (the '394 registration) for the Mark for use in connection with "sonic cleaning machine for cleaning jewelry including diamonds, pearls, other precious stones and precious metals, costume jewelry and eyeglasses" in International Class 009. The '394 registration recites a date of first use anywhere and in interstate commerce of September 1983. The '394 registration issued October 23, 1984.

6. Petitioner is the owner of U.S. Registration No. 1,829,850 (the '850 registration) for the Mark for use in connection with jewelry bags for storage or travel, jewelry rolls for travel, jewelry cases for travel not made of precious metal" in Class 18. The '850 registration recites a date of first use anywhere and in interstate commerce of February 1993. The '850 registration issued on April 5, 1994.

7. Petitioner is the owner of U.S. Registration No. 1,800,804 (the '804 registration) for the Mark for use in connection with "polishing cloths" in International Class 21. The '804 registration recites a date of first use anywhere and in interstate commerce of January 1984. The '804 registration issued on October 26, 1993.

8. Petitioner adopted and used the tradename CONNOISSEURS PRODUCTS CORPORATION at least as early as April 1959 and has continued and continues to use CONNOISSEURS PRODUCTS CORPORATION as its corporate name and tradename and CONNOISSEURS as its tradename since that time.

9. Petitioner has used, advertised and promoted its CONNOISSEURS mark extensively over the last 50 years. From a date commencing decades prior to Respondent's registration date and its alleged date of first use, Petitioner has continuously used the Mark as a trademark for the Goods. Petitioner has been using its Mark for all of the goods recited in '830, '394, '850 and '804 registrations for at least 8 years prior to the Respondent's date of first use in interstate commerce and 11 years prior to the issuance of the Respondent's registration of the '654 registration. As a result of such use and promotion, Petitioner's CONNOISSEURS mark has developed and represents valuable goodwill inuring to the benefit of Petitioner.

10. Petitioner adopted and commenced use of Petitioner's Mark as a trademark and tradename long before Registrant adopted, used and applied to register the CONNOISSEUR INTERNATIONAL mark. Petitioner's usage of the CONNOISSEURS as a trademark commenced at least as early as September 1946. Petitioner therefor has priority over Registrant with respect to the mark at issue.

11. Respondent's Goods are closely related to the Goods in connection with which Petitioner has used and continues to use its Mark. In addition, on information and belief, Respondent's jewelry is sold and marketed to the same consumers who purchase Respondent's Goods. The Petitioner's and Registrant's goods sold under the CONNOISSEURS and CONNOISSEUR INTERNATIONAL marks respectively are related, sold through the same channel of trade, and could be used together by purchasers.

12. Due to the similarity between Respondent's registered mark CONNOISSEUR INTERNATIONAL and Petitioner's previously used and registered CONNOISSEURS mark, the closely related nature of the goods of the respective parties, customers and potential customer are like to be confused, mistaken and deceived as to the source of Respondent's Goods, all to

Petitioner's damage. Customers and potential customers are likely to believe that Respondent's Goods originate from, or are licensed or approved by Petitioner, when that is not the case. Any dissatisfaction with the goods of Respondent will be attributed to Petitioner, all to Petitioner's damage.

13. On information and belief, prior to November 13, 2008, Respondent had ceased to use the mark shown in the '654 registration on Respondent's Goods for at least a three to four year period. As a result, Respondent had abandoned its CONNOISSEUR INTERNATIONAL mark and the '654 registration is subject to cancellation pursuant to 15 U.S. C. §1064(3), and Petitioner requests same.

14. Continued registration of the '654 registration will result in damage to Petitioner under the provisions of Section 2(d) of the Trademark Act of 1946, 15 USC Section 1052(d), pursuant to the allegations stated above. Petitioner requests that the Board cancel Registrant's mark.

WHEREFORE, Petitioner prays that Registration No. 3,029,654 be cancelled and that this Petition for Cancellation be sustained.

Respectfully submitted,

CONNOISSEURS PRODUCTS CORPORATION

By its attorney,


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Fax: 617-507-6585
E-mail: hsl@mindspring.com

Date:

12/10/10

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION was served, via first-class mail, postage prepaid to:

Martin Rapaport
133 East Warm Springs Road
Las Vegas, NV 89118

Ivan Lipshitz
Corporate Legal Counsel
Rapaport Group of Companies
133 East Warm Springs Road
Las Vegas, NV 89118

this 11th day of December, 2010


Heidi A. Schiller