

ESTTA Tracking number: **ESTTA451279**

Filing date: **01/13/2012**

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

Proceeding	92054514
Party	Defendant James Harvey DBA Painful Pleasures
Correspondence Address	BRUCE C MCLAUGHLIN BRAUN BLAISING MCLAUGHLIN PC 915 L STREET, SUITE 1270 SACRA,EMTP, CA 95814 UNITED STATES mclaughlin@braunlegal.com
Submission	Voluntary Surrender Of Registration
Filer's Name	Bruce McLaughlin
Filer's e-mail	mclaughlin@braunlegal.com, bernardo@braunlegal.com
Signature	/Bruce McLaughlin/
Date	01/13/2012
Attachments	20120113_TTAB_Surrender_PPTE2.pdf (9 pages)(1048851 bytes)

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


In the matter of Registration No. 3749131
Date of Issue: February 16, 2010
Mark: PAINFUL PLEASURES TATTOO EST. 2009 (and Design)

Painful Pleasures, Inc.,)	
Petitioner,)	
)	
v.)	Cancellation No. 92054514
)	
James Harvey,)	
Registrant.)	
_____)	

VOLUNTARY SURRENDER OF REGISTRATION FOR CANCELLATION

Registrant, James Harvey, by and through his undersigned counsel, hereby voluntarily surrenders the above-identified registration for cancellation pursuant to Section 7 of the Trademark Act. A copy of the certificate of registration is attached. In compliance with 37 C.F.R §2.134(a) Registrant submits a redacted copy of the signed settlement agreement whereby Petitioner consents to the cancellation of the above-identified registration.¹

Dated this 13th day of January , 2012.



Bruce C. McLaughlin
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Attorneys for Registrant

¹ See paragraph 5.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of ANSWER TO PETITION TO CANCEL has been served on the following by delivering said copy this 13th day of January, 2012, via First Class Mail and Electronic Mail, to counsel for Petitioner at the following address:

NOEL K EGNATIOS
3499 HEATHERWOOD DR
EL CAJON, CA 92019
UNITED STATES
noel.egnatios@gmail.com


By: 
Bruce C. McLaughlin, Esq.

EXHIBIT A

Registration Certificate

United States of America

United States Patent and Trademark Office



Reg. No. 3,749,131 HARVEY, JAMES (CALIFORNIA SOLE PROPRIETORSHIP), DBA PAINFUL PLEASURES
Registered Feb. 16, 2010 SUITE B
5739 AUBURN BLVD
SACRAMENTO, CA 95841

Int. Cl.: 44

FOR: TATTOOING SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

**SERVICE MARK
PRINCIPAL REGISTER**

FIRST USE 1-0-2009; IN COMMERCE 1-0-2009.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TATTOO" AND "EST. 2009",
APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "PAINFUL PLEASURES" IN STYLIZED FONT
ARCHED UPWARDS. BELOW THE WORDS "PAINFUL PLEASURES" IS THE WORD
"TATTOO" IN UPPERCASE STYLIZED FONT. ABOVE THE WORD "TATTOO" ARE THE
WORDS "EST. 2009" IN STYLIZED FONT. TO THE LEFT AND RIGHT OF THE WORDS
"PAINFUL PLEASURES" ARE GRIFFINS. TO THE LEFT AND RIGHT OF THE WORDS
"EST. 2009" IS ORNAMENTAL FRAMEWORK. BEHIND THE WORDS AND DESIGN IS A
LARGE ORNAMENTAL FRAMEWORK.

SER. NO. 77-768,723, FILED 6-25-2009.

MARTHA FROMM, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

EXHIBIT B

Settlement Agreement

SETTLEMENT AGREEMENT

This settlement agreement ("Agreement") is made and entered into by and between Painful Pleasures, Inc. ("Painful Pleasures"), a Maryland corporation with a principal place of business in Hanover, Maryland, and James Harvey, an individual residing in Sacramento, California ("Harvey"). This Agreement is effective as of the date on which the last of the parties has executed it (the "Effective Date").

WHEREAS, Painful Pleasures is a distributor, retail seller and wholesaler of body jewelry, body piercing and tattoo supplies and accessories, operating since 1999.

WHEREAS, Painful Pleasures owns United States Trademark Registration No. 3,462,359 and has filed United States Trademark Applications Serial Nos. 85,416,243, 85,416,250, 85,416,262 and 85,416,277 for the mark PAINFUL PLEASURES ("PAINFUL PLEASURES Mark")

WHEREAS, Harvey owns United States Trademark Registration No. 3,749,131 for the mark PAINFUL PLEASURES TATTOO EST. 2009 and design ("PPE2009 Mark").

WHEREAS, on September 15, 2011, Painful Pleasures filed a Petition to Cancel the PPE2009 Mark, Cancellation No. 92054514, currently pending before the Trademark Trial and Appeal Board (the "Cancellation Petition");

WHEREAS, the parties desire to resolve all disputes between them on the terms set forth herein;

NOW THEREFORE, in consideration of the promises set forth herein, the parties agree as follows:

1.

[REDACTED]

2.

[REDACTED]

3.

[REDACTED]

4.

[REDACTED]

5. Harvey shall, within two (2) business days of Payment Date, initiate the process to surrender the PPE2009 Mark for voluntary cancellation. Harvey shall follow all required procedures to effect the cancellation of the PPE2009 Mark with the United States Patent and Trademark Office and shall also follow all required procedures, including as detailed in 37 CFR § 2.134(a), to effect withdrawal of the Cancellation by voluntary cancellation with the Trademark Trial and Appeal Board. Harvey or his counsel shall confirm in writing that these conditions have been satisfied within two (2) business days of Payment Date. Painful Pleasures acknowledges and consents to the voluntary cancellation by Harvey.

6.

[REDACTED]

[REDACTED]

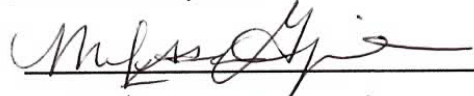
8.

[REDACTED]

9.

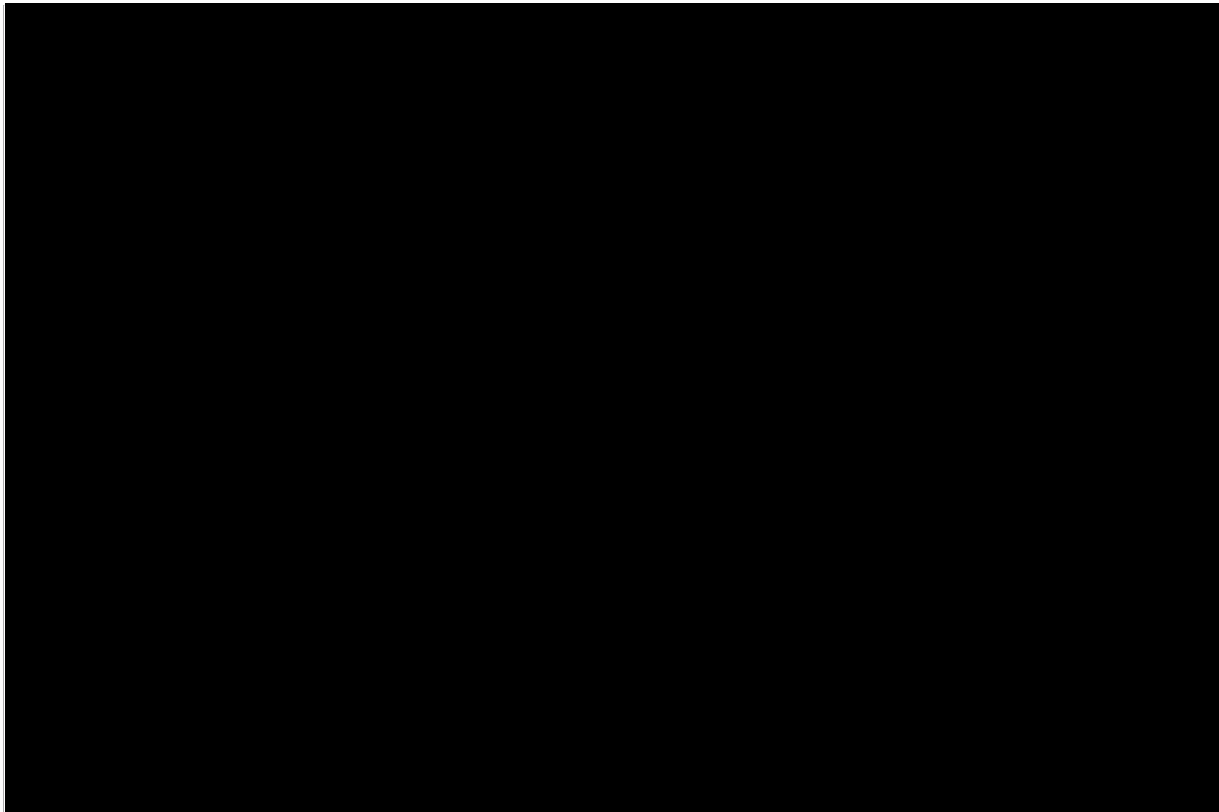
[REDACTED]

PAINFUL PLEASURES, INC.

By: 
Name: Melissa Gagnier
Title: COO
Date: 1/10/2012

JAMES HARVEY

By: _____
Date: _____



PAINFUL PLEASURES, INC.

By: _____

Name: _____

Title: _____

Date: _____

JAMES HARVEY

By:  _____

Date: 1/10/12 _____