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

CREADDICT, SARL ]  
 ]  
 Petitioner, ]  
 ]  
 v. ]  
 ]  
 SWISS WATCH INTERNATIONAL, INC. ]  
 ]  
 ]  
 Registrant. ]  
 \_\_\_\_\_ ]

Cancellation No. \_\_\_\_\_  
Reg. No. 3,996,227

# 85047926

**PETITION FOR CANCELLATION**

Petitioner, CREADDICT by and through its attorneys noted herein, hereby petitions this Honorable Board to order the cancellation of United States Trademark Registration, No. 3,996,227, registered July 19, 2011 to SWISS WATCH INTERNATIONAL, INC., a corporation of Florida, for the mark **red line** as applied to watches, namely, horological and chronometric instruments, namely, men's and women's wrist watches in Class 14.

LAW OFFICES  
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3 837-9600

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08-01-2012

Petitioner believes that it will be damaged by the existence on the Register of this mark in Class 14 for the reasons as set forth below and therefore seeks relief by cancellation.

1. Creaddict is an SARL (société a responsabilité limitée) organized under French law and maintains a business address at 161 rue Saint Honoré, Paris, France 75001.

2. Registrant, Swiss Watch International, Inc., is understood to be a corporation of Florida, having a business address of 101 S. State Roads 7, Suite 201, Hollywood, Florida 33023.

3. The Registration here sought to be canceled covers the words "**red line**" shown in lower case red letters as applied to watches, namely, horological and chronometric instruments, namely, men's and women's wrist watches in Class 14. The Registration issued July 19, 2011 and the mark is not incontestible.

4. Petitioner since long prior to the filing date of the intent-to use application which matured as the registration here sought to be canceled (May 26, 2010), has been engaged in the business of marketing in commerce, a quality line of jewelry namely, diamonds, bracelets, necklaces and chains under the trademark **red Line** in a stylized form as shown below:

redLine

5. The trademark **red Line** was adopted by Petitioner as a trademark for its high quality jewelry line at least as early as May 16, 2006 and has been used in interstate and foreign commerce with the United States since that time. Such use has continued uninterrupted to date.

6. Petitioner's mark **red Line** is prominently displayed on Petitioner's goods by means of labels and tags and by printing the mark on invoices and receipts and by using the

mark on many types of advertising materials and otherwise in manners customary in the trade.

7. The mark of the Registrant and the mark of Petitioner are virtually identical, both displayed in the same shade of red and are both shown predominately in lower case *sans serif* type fonts. The marks have the same appearance, pronunciation and have the same meaning, and are used on goods that are similar and move in the same channels of trade, so as to cause possible and likely confusion in the minds of the purchasers as to the source of the goods.

8. The goods of the Registrant as set forth in its registration are similar or identical to the goods sold and distributed by Petitioner under its mark. Petitioner's goods are believed to be sold through the same channels of trade and to the same consumers as Registrant's goods and accordingly constitute merchandise of the same descriptive properties and therefore confusion as to source of origin is likely to result.

9. Petitioner recently filed, an application for United States Trademark registration, No. 85/689,729 covering the mark **red Line** applied to its goods enumerated supra and other goods on which it has a bona fide intent to use the mark. This application is presently pending and no official action has been issued as of this date.

10. Petitioner has over the past six years built up valuable good will in the United States in the trademark **red Line** and as a result the trade and its customers have come to know, recognize and identify said goods bearing the trademark **red Line** as the goods of the Petitioner. If Registrant were permitted to retain its registration for its mark **red line** as applied to its watches as set forth in its certificate of registration, confusion in the trade would result by reason of the marks being nearly identical and the goods being closely related. Purchasers familiar with Petitioner's **red Line** brand of jewelry would believe that Registrant's **red line** watches were the goods of the Petitioner. Any defects or faults in the quality of Registrant's **red line** brand of

watches would reflect upon and seriously injure the reputation which Petitioner has established for its goods over a six year time period. This confusion would result in loss of sales to Petitioner and damage to its reputation.

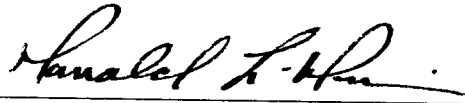
**WHEREFORE**, Petitioner respectfully moves the Trademark Trial and Appeal Board to cancel the registration of the Registrant, No. 3,996,227.

A check in the amount of \$300 is attached hereto as required by the Rules of Practice.

Respectfully submitted,

CREADDICT

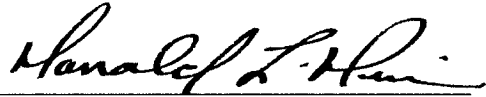
By



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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the aforesaid Petition to Cancel was served by the undersigned upon the listed correspondent of the Registrant, Amaury Cruz, c/o Amaury Cruz & Associates, 1560 Lenox Avenue, Suite 207, Miami Beach, FL 33139-3390, by first class mail with proper postage affixed, this first day of August, 2012.



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Donald L. Dennison