

ESTTA Tracking number: **ESTTA541431**

Filing date: **06/03/2013**

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	Strategic Marks, LLC		
Entity	LLC	Citizenship	California
Address	47 Ocean Heights Drive Newport Coast, CA 92657 UNITED STATES		

Attorney information	Benjamin Ashurov, Esq. KB-Ash Law Group 5674 Sonoma Drive, Ste A Pleasanton, CA 94566 UNITED STATES Bashurov@Kb-Ash.com Phone:(415) 754-9346		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	1843309	Registration date	07/05/1994
Registrant	FEDERATED WESTERN PROPERTIES, INC 4441 S POLARIS AVE LAS VEGAS, NV 89103 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1870/00/00 First Use In Commerce: 1870/00/00 All goods and services in the class are cancelled, namely: retail department store services

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Related Proceedings	U.S. Trademark Application and assigned serial number '85933432'
---------------------	--

Attachments	Goldsmith's Petition to kill mark.pdf(395919 bytes) Goldsmith's Cancellation Petition _Strategic Marks LLC.pdf(155987 bytes)
-------------	---

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	/Ellia Y Kassoff/
-----------	-------------------

Name	Benjamin Ashurov, Esq.
Date	06/03/2013

Strategic Marks, LLC
47 Ocean Heights Drive
Newport Coast, CA 92657
949-424-1664
kassoff@strategicmarks.com

US Patent and Trademark office
Washington, D.C. USA

Registration Number : 1843309

MARK: Goldsmith's

Petitioner seeks to cancel U.S. Registration Number 1843309 on the grounds that the registered name Goldsmith's has been abandoned due to non-use in commerce since 2005. There are no longer any department stores or products in the US under the Goldsmith's nameplate, (see highlighted portion).

In addition, we have submitted trademark application 85933432 which we plan to pursue.



The traditional Goldsmith's logo.

Goldsmith's was a [department store](#) founded in [Memphis, Tennessee](#) in 1870 by German immigrant brothers Jacob and Isaac Goldsmith. With a \$500 investment, they opened a [dry goods](#) store on a muddy lane called [Beale Street](#). It grew into a chain largely located in the Memphis metropolitan area, until 2005, when the nameplate was eliminated and replaced by [Macy's](#). Goldsmith's stores were subsequently folded into Federated's Macy's Central division, reorganized into Macy's South, and today into a differently configured [Macy's Central](#), the current division encompassing the stores.

Goldsmith's original store on Beale Street was relocated in 1895 to a larger facility at Main and Gayoso, which it occupied through most of the 20th century. In 1952 Goldsmith's expanded its downtown location, expanding into the adjoining former Gayoso Hotel. The department store began to build suburban locations in the 1960s, beginning with its Oak Court store at Poplar and Perkins. By 1978 Goldsmith's occupied 800,000 sq ft (74,000 m²) of retail space and 200,000 sq ft (19,000 m²) of warehouse space in the city.¹¹

Goldsmith's was acquired by [Federated Department Stores](#) in 1959, and added in 1988 to an [Atlanta, Georgia](#)-headquartered division led by that city's [Rich's](#) chain. The downtown Memphis location was closed in 1993. The division expanded to include [Cincinnati, Ohio](#)-based [Lazarus](#) in 1995, with all of the division co-branded with Macy's in 2003. At the time of the most recent name change to Macy's, five Goldsmith's-Macy's stores remained in

existence. Additional stores were previously operated in the [Raleigh](#) neighborhood of northeast Memphis, and in the current Pembroke Square area of [downtown Memphis](#).



Merged logo

Macy's Inc.'s current employee volunteer program, Partners in Time, was founded in 1989 at Goldsmith's (and Rich's) as a way to give back to the community.

Among the popular slogans of the store, one was "Memphis' Greatest Store," words seen prior to the name change on the outside of the store at the Oak Court Mall. Two other widely used slogans were "All about the South" and "A Mid-South tradition since 1870."

References

1. [^](#) Sigafos, R.A. *Cotton Row to Beale Street: A business history of Memphis*. Memphis State University Press, 1979.

External links

- [Macy's, Inc. History](#) including some information about Goldsmith's
- [An article](#) about the impact of corporate changes at Goldsmith's from *Memphis Business Journal*

Regards,

Ellia Kassoff



Strategic Marks, LLC

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

In the matter of Trademark Registration No. 1843309

Mark: Goldsmith's

Registered on: July 5, 1994

Registered By: FEDERATED WESTERN PROPERTIES, INC. CORPORATION OHIO 4441
SOUTH POLARIS AVENUE LAS VEGAS NEVADA 89103

STRATEGIC MARKS, LLC.

Petitioner,

v.

FEDERATED WESTERN
PROPERTIES, INC. CORPORATION OHIO

Registrant.

PETITION TO CANCEL

Strategic Marks, LLC (“Petitioner”) hereby petitions to cancel Trademark Reg. No. 1843309 for **Goldsmith's** (the “Mark”) in international class 42 owned by FEDERATED WESTERN PROPERTIES, INC. CORPORATION OHIO 4441 SOUTH POLARIS AVENUE LAS VEGAS NEVADA 89103 (“Registrant”) with the following descriptions of goods or services: “Retail Department Store Services” (hereinafter the “Registration”). For the reasons set forth herein, Petitioner is damaged by the continued registration of the Mark.

FACTS

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is a limited liability company organized under the laws of the State of California with its principal business address at 47 Ocean Heights Drive, Newport Coast, CA 92657.

2. Petitioner is the owner of the pending United States trademark application for the standard character mark **Goldsmith's** Sr. No. 85933423 for “G & S: Mobile retail store services featuring clothing, shoes and general merchandise; On-line retail department store services; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring physical and virtual merchandise for use by members of an online community in connection with a designated website featuring fictional characters; On-line retail store services featuring clothing, shoes and general merchandise; Retail apparel stores; Retail department store services; Retail store services featuring a wide variety of consumer goods of others in International Class 35 (the “Application”). This application is currently awaiting examination by the USPTO.

3. Upon information and belief, Registrant is a corporation organized under the laws of the State of Delaware, with a business address of 4441 SOUTH POLARIS AVENUE LAS VEGAS NEVADA 89103

4. According to TSDR, Registrant currently owns the Registration.

5. Given that the Registration and the Application cover trademarks that are identical or nearly identical, and that the respective goods or services associated with the Registration and the Application are identical, nearly identical, or highly similar, Petitioner believes that the USPTO will refuse to register the Application in light of the continued registration of the Mark. Therefore, Petitioner will be damaged by the continued registration of the Mark.

ABANDONMENT

6. Petitioner realleges the allegations set forth in paragraphs 1 through 5 above.

7. Upon information and belief, Registrant has discontinued use of the Mark, with no intent to resume such use of the Mark in connection with any of the goods or services recited in the Registration.

8. Upon information and belief, Registrant has not used the Mark in commerce in connection with the goods or services recited in the Registration for at least the preceding three (3) years.

9. Upon information and belief, Registrant no longer uses the Mark in commerce in connection with the goods or services recited in the Registration; has not intent to resume any such use; and has abandoned the Mark pursuant 15 U.S.C. § 1127.

WHEREFORE, Petitioner requests that the Registration be cancelled.

Dated: June 3, 2013

Respectfully Submitted,

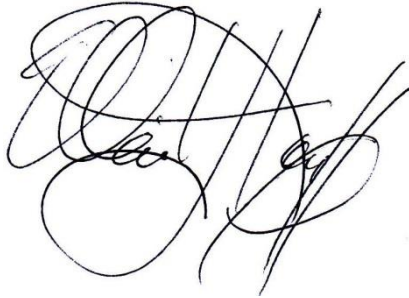
A handwritten signature in black ink, appearing to read 'Ellia Kassoff', written over a horizontal line.

Ellia Kassoff
CEO
Strategic Marks LLC
47 Ocean Heights Drive
Newport Coast, CA 92657

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2013, a true and correct copy of the foregoing PETITION TO CANCEL has been duly served by Email and by depositing such copy with the U.S. Postal Service in an envelope addressed to:

FEDERATED WESTERN PROPERTIES, INC. CORPORATION OHIO 4441 SOUTH POLARIS AVENUE LAS VEGAS NEVADA 89103

A handwritten signature in black ink, appearing to read 'Ellia Kassoff', is written over a horizontal line. The signature is stylized with large loops and a long, sweeping tail.

Ellia Kassoff