

ESTTA Tracking number: **ESTTA560408**

Filing date: **09/19/2013**

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	New Wave Group Licensing SA		
Entity	joint stock company	Citizenship	Switzerland
Address	Chemin des Polonais 3 Cortailod, CH2016 SWITZERLAND		

Attorney information	Parna A. Mehrbani Lane Powell PC 601 SW 2nd Avenue, Suite 2100 Portland, OR 97204 UNITED STATES trademarks@lanepowell.com Phone:(503) 778-2127		
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Registration Subject to Cancellation

Registration No	1938017	Registration date	11/28/1995
Registrant	MONTBLANC LEATHER GMBH HEINRICH-KRUMM -STRASSE 10 OFFENBACH AM MAIN, GERMANY		

Goods/Services Subject to Cancellation

Class 018. First Use: 1889/00/00 First Use In Commerce: 1958/00/00 All goods and services in the class are cancelled, namely: leather goods, namely saddlery, suitcases, travel bags; travel satchels; suit and dress bags for travel, garment bags for travel, flight bags, cosmetic and toiletry cases sold empty, [shirt, necktie and shoe cases for travel, tote bags,] shopping bags, hand bags, shoulder bags for men and women, wrist bags, and brief cases

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Scan.pdf(106869 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	/Parna Mehrbani/
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Name	Parna A. Mehrbani
Date	09/19/2013

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

In the Matter of Trademark Registration No. 1,938,017

For the Mark SEEGER

Date Registered November 28, 1995

New Wave Group Licensing SA, Petitioner, v. Montblanc Leather GmbH, Registrant.	PETITION TO CANCEL Cancellation No. _____
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1. New Wave Group Licensing SA (“Petitioner”), is a Joint Stock Company organized under the laws of Switzerland with its principal place of business at Chemin des Polonais 3, Cortaillod CH2016, Switzerland.

2. Karl Seeger - Lederwarenfabrik GmbH obtained a registration on the Principal Register for the mark SEEGER for “leather goods, namely saddlery, suitcases, travel bags; travel satchels; suit and dress bags for travel, garment bags for travel, flight bags, cosmetic and toiletry cases sold empty, [shirt, necktie and shoe cases for travel, tote bags,] shopping bags, hand bags, shoulder bags for men and women, wrist bags, and brief cases” in International Class 18, registered November 28, 1995, under Registration No. 1,938,017 (the “Registration”).

3. The records of the U.S. Patent and Trademark Office (“USPTO”) indicate that a name change from Karl Seeger - Lederwarenfabrik GmbH to Montblanc Leather GMBH (“Registrant”) occurred on March 11, 2002, and was recorded with the USPTO on November 2, 2005.

4. The records of the USPTO list the Registrant’s address as Heinrich-Krumm – Strasse 10, Offenbach Am Main, Germany. However, based on Petitioner’s investigation,

Registrant no longer exists as an entity and its successor in interest may have been liquidated in bankruptcy.

5. Petitioner believes that it will be damaged by the Registration, and hereby petitions to cancel the same. Petitioner has been refused registration of its mark SEGER because of the Registration. The grounds for cancellation are as follows:

6. Pursuant to 15 U.S.C. §§ 1064(3) and 1065, a registered mark, even if deemed “incontestable” may be canceled if it “becomes the generic name for the goods or services, or a portion thereof, for which it is registered, or is functional, or has been abandoned, or its registration was obtained fraudulently[.]”

7. Upon information and belief, neither Registrant, nor its predecessors in interest or successors in interest, has used the SEGER mark (the “Mark”) in connection with the goods identified in the Registration during at least the past three years, and Registrant has abandoned the Mark with no intention to resume use of the Mark.

8. Upon information and belief, as a result of the Registrant’s abandonment of the Mark, the Registration is subject to cancellation.

WHEREFORE, Petitioner prays that the Registration be canceled and that this Petition to Cancel be sustained in favor of Petitioner.

Date: September 19, 2013

RESPECTFULLY SUBMITTED,

LANE POWELL PC

By 

Parva A. Mehrbani

Oregon State Bar No. 053235

Attorneys for Petitioner New Wave Group
Licensing SA

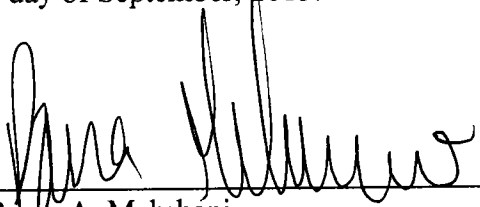
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **PETITION TO CANCEL** was served upon the owner of record and the correspondence address of record in the USPTO pursuant to 37 C.F.R. §§ 2.111(b) and 2.119:

Montblanc Leather GmbH
Heinrich-Krumm -Strasse 10
Offenbach Am Main
Germany

Jon O. Nelson
Banner & Witcoff Ltd.
10 S Wacker Drive, Suite 3000
Chicago, IL 60606

by mailing the same via first class mail on the 19th day of September, 2013.



Parra A. Mehrbani