

ESTTA Tracking number: **ESTTA1181328**

Filing date: **12/28/2021**

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 has filed a petition to cancel the registration indicated below.

Petitioner information

Name	Sam Safari		
Entity	Individual	Citizenship	UNITED STATES
Address	8 BETHUNE ST. APT. 2 NEW YORK, NY 10014 UNITED STATES		

Attorney information	MORRIS E. TUREK YOURTRADEMARKATTORNEY.COM 167 LAMP AND LANTERN VILLAGE, #220 CHESTERFIELD, MO 63017-8208 UNITED STATES Primary email: morris@yourtrademarkattorney.com (314) 749-4059		
Docket no.			

Registration subject to cancellation

Registration no.	2732509	Registration date	07/01/2003
Register	Principal		
Registrant	Chateau International Inc. 330 FIFTH AVENUE, ROOM 704 NEW YORK, NY 10001 UNITED STATES		

Goods/services subject to cancellation

Class 009. First Use: 1995/01/01 First Use In Commerce: 1995/01/01 All goods and services in the class are subject to cancellation, namely: Eyeglass frames, sunglasses, cases for eyeglasses, cases for contact lenses, chains for eyeglasses, eyeglass lenses, contact lenses, eyeglasses
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Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	CHATEAU Petition for Cancellation FINAL.pdf(173818 bytes)
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Signature	/met20/
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Name	Morris E. Turek
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Date	12/28/2021
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sam Safari)
)
Petitioner,)
)
v.) Cancellation No. _____
)
Chateau International Inc.)
)
Registrant.)
_____)

PETITION FOR CANCELLATION

Sam Safari (“Petitioner”) is a United States citizen with a mailing address of 8 Bethune St., Apt. 2, New York, NY 10014.

According to the USPTO records, the name and address of the current owner of U.S. Registration No. 2,732,509 is Chateau International Inc., 330 Fifth Avenue, Room 704, New York, NY 10001 (“Registrant”).

Pursuant to 15 U.S.C. §1064, Petitioner believes he is damaged by Registration No. 2,732,509 and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Registrant is the owner of U.S. Registration No. 2,732,509 for the following trademark for “eyeglass frames, sunglasses, cases for eyeglasses, cases for contact lenses, chains for eyeglasses, eyeglass lenses, contact lenses, eyeglasses,” in International Class 9 (“Registrant’s Mark”):



2. On February 12, 2021, Petitioner filed an application with the USPTO under §1(b) seeking to register the trademark CHATEAUX for “eyewear and lenses, namely, spectacles, eyeglasses, reading glasses, sunglasses, eyeglass lenses, tinted eyeglass lenses, sunglass lenses, and accessories related thereto, namely, eyeglass cases,” in International Class 9 (“Petitioner’s Mark”).

3. Petitioner’s application was assigned Serial No. 90527141 by the USPTO. Petitioner has attached a status and title copy of his application as **Exhibit A**.

4. On September 16, 2021, the Trademark Examining Attorney assigned to review Petitioner’s application cited Registrant’s Mark as a basis for refusing registration of Petitioner’s Mark under Trademark Act §2(d).

5. Upon information and belief, Registrant has made no use of Registrant’s Mark in connection with the products recited in Registration No. 2,732,509 for a period of at least three years preceding the filing of this Petition for Cancellation. Registrant’s websites are no longer active, Google indicates that Registrant has permanently closed, and Registrant has been unable to find any recent use of Registrant’s Mark online or otherwise.

6. Upon information and belief, Registrant has no current intent to resume use of Registrant’s Mark in connection with the products recited in Registration No. 2,732,509.

7. Upon information and belief, Registrant had an intent not to resume use of Registrant's Mark in connection with the products recited in Registration No. 2,732,509 at the time it discontinued use.

8. As a result of Registrant's failure to use Registrant's Mark, and Registrant's intent not to resume use of Registrant's Mark, Registrant's Mark has become abandoned, both at common law and under the Lanham Act.

9. Petitioner is damaged by Registration No. 2,732,509 because Petitioner is unable to obtain a federal registration for Petitioner's Mark while Registrant's registration exists on the Principal Register.

10. Petitioner is further damaged by Registration No. 2,732,509 because such registration gives color of exclusive statutory rights to Registrant in violation of the Lanham Act and to the exclusion of Petitioner.

WHEREFORE, Petitioner is damaged by U.S. Registration No. 2,732,509 and prays that the same be canceled pursuant to 15 U.S.C. §1064.

Respectfully submitted,

SAM SAFARI

By: _____/met20/

Dated: _____ 12/28/2021

Morris E. Turek

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Attorney for Petitioner

Sam Safari

EXHIBIT A

Generated on: This page was generated by TSDR on 2021-12-28 11:30:08 EST

Mark: CHATEAUX

Chateaux

US Serial Number: 90527141

Application Filing Date: Feb. 12, 2021

Register: Principal

Mark Type: Trademark

TM5 Common Status
Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Sep. 16, 2021

Mark Information

Mark Literal Elements: CHATEAUX

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Eyewear and lenses, namely, spectacles, eyeglasses, reading glasses, sunglasses, eyeglass lenses, tinted eyeglass lenses, sunglass lenses, and accessories related thereto, namely, eyeglass cases

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Safari, Sam

Owner Address: Apt. 2
8 Bethune St.
New York, NEW YORK UNITED STATES 10014

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael Springer

Docket Number: 0013-0003a

Attorney Primary Email Address: mspringer@springer-law.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MICHAEL SPRINGER
SPRINGER LAW PLLC
25 CENTRAL PARK WEST
16N
NEW YORK, NEW YORK UNITED STATES 10023
Phone: 718-635-0209

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 16, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2021	NON-FINAL ACTION E-MAILED	6325
Sep. 16, 2021	NON-FINAL ACTION WRITTEN	76081
Sep. 09, 2021	ASSIGNED TO EXAMINER	76081
May 17, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 16, 2021	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: DWYER, JOHN D

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: TMO LAW OFFICE 116 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Sep. 16, 2021