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

Proceeding no.	92089368
Party	Plaintiff Avani Gregg Brands LLC
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Attachments	AvaniGregg-AmendPetitiontoCancel-11-17-2025.pdf(157358 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

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Avani Gregg Brands LLC,	)	
	)	
V.	)	<b>Registration No.: 6,161,185</b>
	)	<b>Registered: September 29, 2020</b>
Garment Lane, Inc.,	)	
	)	<b>Cancellation No.: 92089368</b>
	)	
	)	
	)	
	)	
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**AMENDED PETITION TO CANCEL**

Avani Gregg Brands, LLC (“Petitioner”) believes that it will be damaged by the registration of the AVANI trademark owned by Garment Lane, Inc. (“Respondent”), Registration No. 6,161,185, in International Class 35 and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges that:

**GROUND NO. 1 – ABANDONMENT.**

1. Petitioner is a Delaware limited liability company with a place of business in New York, New York.
  
2. Petitioner is seeking to register AVANI and AVANI GREGG as trademarks in International Class 25. The United States Patent and Trademark Office (“USPTO”) issued office

actions refusing registration of Petitioner's AVANI and AVANI GREGG applications (Serial Nos. 98,888,844 and 98,888,851) because of Respondent's AVANI mark, Registration No. 6,161,185.

3. Respondent's registration covers retail online services featuring clothing. When Respondent filed its application on December 21, 2018, it submitted a specimen depicting clothing sold from its purported online store using the www.avaniclothing.com domain name.

4. On or about May 22, 2019, that domain name expired which effectively means that the store, that served as Respondent's basis of use in interstate commerce, has been closed for more than six years.

5. Based on the foregoing, Respondent has abandoned the Avani trademark, if it ever used that mark, as a matter of law since it intended to abandon that trademark by closing its online store and/or making no use of the Avani mark in interstate commerce for an online clothing store for more than six consecutive years without an intent to resume use which serves the basis of this ground to grant Petitioner's cancellation petition.

#### **GROUND NO. 2 – FRAUD ON THE USPTO.**

6. Petitioner repeats and realleges Paragraphs 1 to 5 of this petition as if fully set forth herein.

7. On December 21, 2018, Respondent filed its Avani trademark application and submitted a specimen that purported to be a current page from Respondent's website.

8. However, the date on that specimen is 1/4/2011, more than seven years before the date on which Respondent filed its trademark application.

9. The history of Respondent's website exhibits that the website was not active in 2018 and in prior years, of which Respondent was undoubtedly aware. Since that website was not active during that time period, it could not have included the Avani trademark on it.

10. Respondent's submission of a website screenshot from 2011 to the USPTO, when the website was no longer active when Respondent filed its Avani application, and misrepresenting that Respondent was using the Avani mark in interstate commerce constitutes knowingly making false and material representations of fact with the intent to deceive the USPTO.

11. Based on the foregoing, Petitioner respectfully requests cancellation of the Respondent's application.

**GROUND NO. 3 – RESPONDENT FAILED TO COMPLY WITH USPTO  
REQUIREMENTS BY FILING AN IMPROPER SPECIMEN.**

12. Petitioner repeats and realleges Paragraphs 1 to 5 and 7 to 11 of this petition as if fully set forth herein.

13. Respondent did not comply with USPTO requirements by submitting an improper specimen.

14. Based on the foregoing, Petitioner respectfully requests cancellation of the Respondent's application.

**GROUND NO. 4 – NO USE OF THE AVANI MARK IN INTERSTATE  
COMMERCE FOR MORE THAN 10 YEARS.**

15. Petitioner repeats and realleges Paragraphs 1 to 5, 7 to 11 and 13 to 14 of this petition as if fully set forth herein.

16. Based on the fact that Respondent has not used the Avani mark for online retail store services for more than 10 years, if it ever did, Petitioner respectfully requests cancellation of the Respondent's application.

WHEREFORE, Petitioner prays that Registration No. 6,616,185 be cancelled.

Dated: November 17, 2025  
Culver City, CA

Respectfully submitted,

/Kenneth A. Feinswog/  
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The undersigned hereby certifies that a copy of this submission has been served upon all parties, at their address of record by email on this date.

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