

TTAB

**UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Mailed: March 15, 2005

Shepard Clothing Company, Inc.
800 Acushnet Avenue
New Bedford, MA 02741

Cancellation No. 92044317
Reg. No. 1966144

ROBERT SALTER
SALTER & MICHAELSON
321 SOUTH MAIN STREET
PROVIDENCE, RI 02903

**SUPERIOR APPAREL SOURCING COMPANY
LLC**

V.

Shepard Clothing Company, Inc.

Michelle Greenfield, Legal Assistant:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the



03-22-2005

Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	April 04, 2005
Discovery period to close:	October 01, 2005
30-day testimony period for party in position of plaintiff to close:	December 30, 2005
30-day testimony period for party in position of defendant to close:	February 28, 2006
15-day rebuttal testimony period for plaintiff to close:	April 14, 2006

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA28197**

Filing date: **03/15/2005**

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 Superior Apparel Sourcing Company, LLC

Entity Partnership **Citizenship** Massachusetts

Composed Of: Suresh Shah

Address 201 Griffen St.
Fall River, MA 02724
UNITED STATES

Attorney information Robert Salter, Esq.
Salter & Michaelson
321 South Main St.
Providence, RI 02903
UNITED STATES
rsalter@saltermichaelson.com Phone:401-421-3141

Registration Subject to Cancellation

Registration No 1966144 **Registration date** 04/09/1996

Registrant Shepard Clothing Company, Inc.
800 Acushnet Avenue
New Bedford, MA 02741
UNITED STATES

Goods/Services Subject to Cancellation Class 025. First Use: 19830600, First Use In Commerce: 19830600
Goods/Services: clothing, namely men's suits, sports jackets and blazers

**Grounds for
Cancellation**

The registered mark has been abandoned.

Attachments

wall street.pdf (1 page)

Signature

/Robert Salter/

Name

Robert Salter, Esq.

Date

03/15/2005

The owner of Registration Number 1966144, Shepard Clothing Company, Inc, has gone out of business and therefore is not using the WALL STREET trademark which is the subject of this cancellation procedure.

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P. O. BOX 1451
ALEXANDRIA, VA 22313-1451

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

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