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Filing date: **07/26/2006**

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	Ditto Apparel of California, Inc.		
Entity	Corporation	Citizenship	Louisiana
Address	Highway 8 East Colfax, LA 71417 UNITED STATES		

Attorney information	Marc P. Misthal Gottlieb, Rackman & Reisman, P.C. 270 Madison Avenue New York, NY 10016 UNITED STATES efiling@grr.com, mmisthal@grr.com Phone:(212) 684-3900		
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### Registration Subject to Cancellation

Registration No	2767215	Registration date	09/23/2003
Registrant	Stemrich, Cynthia 31824 Corte Mendoza Temecula, CA 92592 UNITED STATES		
Goods/Services Subject to Cancellation	Class 025. First Use: 2002/10/02 , First Use In Commerce: 2003/05/15 Goods/Services: Clothing, namely, young men's, children's and junior's jeans, shorts, t-shirts, tops, jackets and coats		

Attachments	Petition for Cancellation.pdf ( 4 pages )(55426 bytes )
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Signature	/Marc P. Misthal/
Name	Marc P. Misthal
Date	07/26/2006

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

In the Matter of Registration No.: 2,767,215  
Issued: September 23, 2003  
For The Mark: DITTOS (stylized)

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DITTO APPAREL OF	:	
CALIFORNIA, INC.,	:	
	:	
Petitioner,	:	
	:	Cancellation No.
-against-	:	
	:	
CYNTHIA STEMRICH,	:	
	:	
Registrant.	:	
-----X	:	

BOX TTAB FEE  
Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner, Ditto Apparel of California, Inc., a corporation duly organized and existing under the laws of Louisiana, located and doing business at Highway 8 East Colfax, Louisiana 71417(hereinafter "Ditto"), believes that it is or will be damaged by Registration No. 2,767,215 for the mark DITTOS (stylized) in International Class 25 covering "clothing, namely, young men's, children's and junior's jeans, shorts, t-shirts, tops, jackets and coats" and hereby petitions to cancel said Registration No. 2,767,215, pursuant to § 14 (3) of the Trademark Act of 1946, 15 U.S.C. § 1064 (3).

As grounds for the Petition, Petitioner, through its attorneys, alleges as follows:

1. Petitioner has been using the DITTOS mark in connection with clothing since at least as early as July 1, 1971.

2. Registrant is the owner of record of Registration No. 2,767,215 for the mark DITTOS (stylized) in International Class 25 for “clothing, namely, young men's, children's and junior's jeans, shorts, t-shirts, tops, jackets and coats”.

3. Upon information and belief, Registrant began using its DITTOS (stylized) mark on or about October 2, 2002, well after Petitioner began using its DITTOS mark.

4. Petitioner filed an application (Serial No. 78/751,299) for the mark DITTOS in International Class 25 for “men's and women's pants, tops, jackets and skirts”. In an Office Action dated May 22, 2006, the Examining Attorney refused registration of Petitioner's mark based on the existence of Registrant's registration.

5. Registrant's mark is identical to, a colorable imitation of, and confusingly similar to Petitioner's DITTOS mark.

6. The goods set forth in Registrant's DITTOS (stylized) registration are identical, similar and/or related to the goods on which Petitioner has used the DITTOS mark since at least as early as July 1, 1971, and on information and belief, the goods set forth in the Registrant's registration are sold through the same sources and/or similar channels of trade, and/or to the same general class of purchasers in and to which Petitioner's products are marketed and/or sold.

7. Registrant's registration of its DITTOS (stylized) mark is likely to cause confusion, mistake and/or to deceive as to origin, sponsorship and/or association of

Petitioner's goods sold under its DITTOS mark, and/or to mislead purchasers of Registrant's and/or Petitioner's goods, and/or the public in general, into believing that Petitioner's goods are sold by, emanate from and/or in some way, directly or indirectly, are associated with Registrant and/or Registrant's DITTOS (stylized) mark, or products, or vice versa, to the damage and detriment of Petitioner.

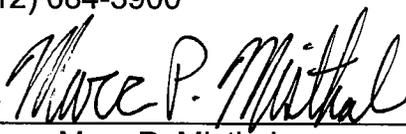
8. Petitioner is therefore likely to be damaged by Registrant's registration for its DITTOS (stylized) mark, and, insofar as Registrant's registration may prevent petitioner from securing a registration for its DITTOS mark, has already been damaged.

WHEREFORE, Petitioner prays that its Petition to Cancel be granted, and that Registration No. 2,767,215 for DITTOS (stylized) be canceled pursuant to Section 14 (3) of the Trademark Act of July 5, 1946, 15 U.S.C. § 1064 (3).

Petitioner submits herewith the required fee for filing the Petition to Cancel in the amount of \$300.00. The Commissioner is authorized to charge any additional required fees, or to credit any overpayment, to Deposit Account No. 07-1730.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.  
Attorneys for Petitioner  
270 Madison Avenue  
New York, New York 10016-0601  
(212) 684-3900

By   
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Marc P. Mithal

Dated: New York, New York  
July 26, 2006

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that this PETITION FOR CANCELLATION is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) this 26th day of July, 2006.

  
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