

ESTTA Tracking number: **ESTTA172890**

Filing date: **11/05/2007**

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	Hobbs Limited		
Entity	Limited Liability Company	Citizenship	United Kingdom
Address	42 Gloucester Avenue London, NW1 8JD UNITED KINGDOM		

Attorney information	James D. Zalewa and Boris Umansky Leydig Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Suite 4900 Chicago, IL 60601 UNITED STATES trademark@leydig.com,jzalewa@leydig.com,bumansky@leydig.com Phone:312-616-5600
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Registration Subject to Cancellation

Registration No	1718274	Registration date	09/22/1992
Registrant	Associated Footwear, Inc. 7750 Clayton Road, Suite 202 St. Louis, MO 63117 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 1989/12/00 First Use In Commerce: 1989/12/00 All goods and services in the class are cancelled, namely: shoes and boots
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	261060 Petition for Cancellation J.J. HOBBS.pdf (4 pages)(244204 bytes) 261060 Exhibit 1.pdf (5 pages)(221787 bytes) 261060 Exhibit 2.pdf (2 pages)(143240 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	/James D. Zalewa/
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Name	James D. Zalewa and Boris Umansky
Date	11/05/2007

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

HOBBS LIMITED)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	Registration No. 1,718,274
)	
ASSOCIATED FOOTWEAR, INC.)	Registration Date: September 22, 1992
)	
Owner-Respondent.)	

PETITION FOR CANCELLATION

Petitioner, Hobbs Limited (“Petitioner”), a limited liability company organized in the United Kingdom and located and doing business at 42 Gloucester Avenue, London NW1 8JD, United Kingdom, believes that it is or will likely be damaged by Trademark Registration No. 1,718,274 for the mark “J.J. HOBBS” (“Respondent”), registered to Associated Footwear, Inc. As a result, Petitioner hereby petitions to cancel Registration No. 1,718,274 pursuant to 15 U.S.C. §1064.

Respondent filed a trademark application for the mark “J.J. HOBBS” on March 11, 1991. The mark was registered on the Principal Register with a claim of distinctiveness under Lanham Act Section 2(f), 15 U.S.C. §1052(f), on September 22, 1992 for “shoes and boots”, in International Class 25.

The Respondent claimed December 1989 as the date of first use of the mark and first use of the mark in commerce in connection with all of the goods listed in the registration. See Exhibit 1 attached hereto.

As grounds for this petition, Petitioner alleges as follows:

1. Petitioner owns a pending trademark application for the mark "HOBBS", Serial No. 77/083,673, for use in connection with clothing, footwear, and headgear in Class 25, based on an intent-to-use the mark in commerce as well as on a foreign registration. See Exhibit 2 attached hereto.

2. Petitioner's application to register the mark "HOBBS", Serial No. 77/083,673, for use in connection with clothing, footwear, and headgear, has been refused partially on the basis that the mark, when used in connection with the identified goods, is likely to be confused with the mark "J.J. HOBBS" in Respondent's Registration No. 1,718,274.

3. Petitioner is likely to be damaged by the continued registration of Respondent's "J.J. HOBBS" mark, Registration No. 1,718,274, as said mark is standing in the way of Petitioner's good faith attempt to register its mark "HOBBS".

4. Petitioner's investigation into Respondent has revealed that Respondent is likely no longer using the mark "J.J. HOBBS" in commerce, and has not used said mark in commerce for a period of at least three years. As a result, it is believed that Respondent has abandoned said mark with no intent to resume said use.

5. Respondent's mark has, therefore, lost all capacity as a source indicator for the goods identified in Registration No. 1,718,274 for the mark "J.J. HOBBS".

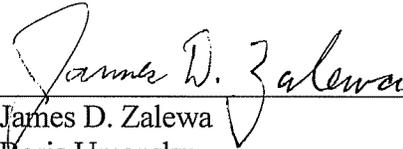
WHEREFORE, by its undersigned attorneys, Petitioner Hobbs Limited respectfully requests that Registration No. 1,718,274 for the mark "J.J. HOBBS" be cancelled and that this Petition for Cancellation be sustained.

Please charge the filing fee of \$300, and any deficiencies, to USPTO deposit account No.

12-1216.

Respectfully submitted,

Date: Nov 5, 2007



James D. Zalewa
Boris Umansky
LEYDIG, VOIT & MAYER, LTD.
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180 North Stetson
Chicago, Illinois 60601
(312) 616-5600
Attorneys for Petitioner

CERTIFICATE OF FILING AND SERVICE

This Petition for Cancellation is being filed electronically pursuant to the ESTTA system. The fee of \$300 required in §2.6(a)(16) is enclosed. The Commissioner is authorized to charge payment of any additional fees associated with this filing or credit any overpayment to Deposit Account No. 12-1216. Petitioner's Petition for Cancellation is being served by certified mail, return receipt requested on the Respondent at the address of record in the Office as well as on the Attorney of Record listed in the Office records as follows:

Associated Footwear, Inc.
7750 Clayton Road, Suite 202
St. Louis, MO 63117

Annette P. Heller
14323 South Outer Forty Drive
Suite 5128
Town & Country, MO 63107

Dated: 11/5/07



Exhibit 1

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,718,274

Registered Sep. 22, 1992

**TRADEMARK
PRINCIPAL REGISTER**

J.J. HOBBS

ASSOCIATED FOOTWEAR, INC. (MISSOURI
CORPORATION)
7750 CLAYTON ROAD, SUITE 202
ST. LOUIS, MO 63117

FOR: SHOES AND BOOTS, IN CLASS 25 (U.S.
CL. 39).

FIRST USE 12-0-1989; IN COMMERCE
12-0-1989.
SEC. 2(F).

SER. NO. 74-146,612, FILED 3-11-1991.

JYLL A. SMITH, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

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Serial Number: 74146612 Assignment Information Trademark Document Retrieval

Registration Number: 1718274

Mark (words only): J.J. HOBBS

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2002-11-09

Filing Date: 1991-03-11

Transformed into a National Application: No

Registration Date: 1992-09-22

Register: Principal

Law Office Assigned: LAW OFFICE 7

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2002-11-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Associated Footwear, Inc.

Address:

Associated Footwear, Inc.
7750 Clayton Road, Suite 202
St. Louis, MO 63117
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Missouri

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

shoes and boots

Basis: 1(a)

First Use Date: 1989-12-00

First Use in Commerce Date: 1989-12-00

ADDITIONAL INFORMATION

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2002-11-09 - First renewal 10 year

2002-11-09 - Section 8 (10-year) accepted/ Section 9 granted

2002-08-21 - Combined Section 8 (10-year)/Section 9 filed

2002-08-21 - PAPER RECEIVED

1998-08-05 - Section 8 (6-year) accepted

1998-07-16 - Post Registration action mailed - Section 8

1998-07-13 - Post Registration action correction

1998-03-30 - Section 8 (6-year) filed

1992-09-22 - Registered - Principal Register

1992-06-30 - Published for opposition

1992-05-29 - Notice of publication

1992-03-20 - Approved for Pub - Principal Register (Initial exam)

1992-01-24 - Communication received from applicant

1991-08-08 - Non-final action mailed

1991-06-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

ANNETTE P. HELLER

Correspondent

ANNETTE P. HELLER
14323 SOUTH OUTER FORTY DRIVE
SUITE 5128
TOWN & COUNTRY, MO 63107

Exhibit 2



Trademarks > Trademark Electronic Search System (TESS)

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HOBBS

Word Mark	HOBBS
Goods and Services	IC 025. US 022 039. G & S: Clothing, footwear, headgear
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77083673
Filing Date	January 16, 2007
Current Filing Basis	1B;44E
Original Filing Basis	1B;44E
Owner	(APPLICANT) Hobbs Limited LTD LIAB CO UNITED KINGDOM 42 Gloucester Avenue London UNITED KINGDOM NW18JD
Attorney of Record	James D. Zalewa
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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