

**TTAB**

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

Mailed: November 8, 2007

Cancellation No. 92048403  
Registration No. 1718274

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

74/146,612

Hobbs Limited

v.

Associated Footwear, Inc.

James D. Zalewa and Boris Umansky  
Leydig Voit & Mayer, Ltd.  
Two Prudential Plaza, 180 N. Stetson Suite 4900  
Chicago, IL 60601

*Rochelle Ricks, Paralegal Specialist:*

A petition to cancel the above-identified registration has been filed. A service copy of the petition for cancellation was forwarded to registrant (defendant) by the petitioner (plaintiff). An electronic version of the petition for cancellation is viewable in the electronic file for this proceeding via the Board's TTABVUE system:  
<http://ttabvue.uspto.gov/ttabvue/>.

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 ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: <http://www.uspto.gov/main/trademarks.htm>. The Board's main webpage (<http://www.uspto.gov/web/offices/dcom/ttab/>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for the



11-26-2007

defendant, then such address must be provided to the Board. Likewise, if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

**Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order.** (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVUE system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

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

Time to Answer	12/18/07
Deadline for Discovery Conference	1/17/08
Discovery Opens	1/17/08
Initial Disclosures Due	2/16/08
Expert Disclosures Due	6/15/08
Discovery Closes	7/15/08
Plaintiff's Pretrial Disclosures	8/29/08
Plaintiff's 30-day Trial Period Ends	10/13/08
Defendant's Pretrial Disclosures	10/28/08
Defendant's 30-day Trial Period Ends	12/12/08
Plaintiff's Rebuttal Disclosures	12/27/08
Plaintiff's 15-day Rebuttal Period Ends	1/26/09

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their

dispute. Discussion of the third subject should include a discussion of whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVue record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

**The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board.** The standard order is available for viewing at: <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

**Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date.** The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

**The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case.** In addition, the assigned

interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

**The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses.** See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

**Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b).** An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

**ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA).** Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

**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".

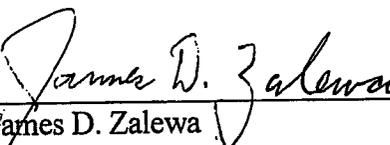
WHEREFORE, by its undersigned attorneys, Petitioner Hobbs Limited respectfully requests that Registration No. 1,718,274 for the mark "J.J. HOBBS" be cancelled and that this Petition for Cancellation be sustained.

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.  
Two Prudential Plaza, Suite 4900  
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

A handwritten signature in black ink, appearing to be "P. Heller", written over a horizontal line.

# **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.**

**This page was generated by the TARR system on 2007-11-02 18:16:16 ET**

**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**

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

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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**

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**GOODS AND/OR SERVICES**

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**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

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**ADDITIONAL INFORMATION**

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**Section 2(f)**

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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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

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

ANNETTE P. HELLER

**Correspondent**

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

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# **Exhibit 2**



## Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Nov 2 04:06:15 EDT 2007

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### Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)

# HOBBS

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

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)

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

**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

United States Patent

Commissioner for Trademark

P.O. Box 1451

Alexandria, VA, 22313-1451

If Undeliverable Return in Ten Days

AN EQUAL OPPORTUNITY EMPLOYER

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE: \$300

92048403

ASSOCIATED FOOTWEAR, INC.  
7750 CLAYTON ROAD  
SUITE 202  
ST. LOUIS, MO 63117