

ESTTA Tracking number: **ESTTA206695**

Filing date: **04/23/2008**

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 | Retriever Style, LLC | | |
| Entity | Limited Liability Company | Citizenship | Oregon |
| Address | 6107 SW Murray Blvd. #106 Beaverton, OR 97008 UNITED STATES | | |

| | | | |
|----------------------|---|--|--|
| Attorney information | Hillary A. Brooks Marger, Johnson & McCollom, P.C. 210 S.W. Morrison St., Ste. 400 Portland, OR 97204 UNITED STATES docketing@techlaw.com Phone:(503) 274-4622 | | |
|----------------------|---|--|--|

Registration Subject to Cancellation

| | | | |
|-----------------|---|-------------------|------------|
| Registration No | 3070238 | Registration date | 03/21/2006 |
| Registrants | Fadal, Barney J. 701 Timber Elm Seguin, TX 78155 UNITED STATES Mares, David J. 9949 Spring Branch Road Spring Branch, TX 78070 UNITED STATES | | |

Goods/Services Subject to Cancellation

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| Class 025. First Use: 2003/11/28 First Use In Commerce: 2003/11/28 All goods and services in the class are cancelled, namely: Clothing, namely, polo shirts, golf shirts, t-shirts, sweaters, pullovers, and caps |
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Grounds for Cancellation

| | |
|-------------|--------------------------|
| Abandonment | Trademark Act section 14 |
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| | |
|-------------|--|
| Attachments | 5625-0003_Petition_to_Cancel_04_23_08.pdf (3 pages)(183163 bytes) |
|-------------|--|

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 | /Hillary A. Brooks/ |
| Name | Hillary A. Brooks |
| Date | 04/23/2008 |

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

In the matter of trademark registration No. 3,070,238
Filed July 30, 2004
For the mark RETRIEVER WEAR
Class 25
Published in the Official Gazette on December 27, 2005

| | | |
|--------------------------------------|---|--------------------|
| RETRIEVER STYLE, LLC |) | |
| |) | Petition No. _____ |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | |
| MARES, DAVID J. and FADAL, BARNEY J. |) | |
| |) | |
| Registrants. |) | |

PETITION TO CANCEL

1. RETRIEVER STYLE, LLC, an Oregon limited liability company having its principal place of business at 6107 SW Murray Blvd., #106, Beaverton, Oregon 97008 (Petitioner), believes that it is damaged by registration of the mark RETRIEVER WEAR that is the subject of U.S. Trademark Registration No. 3,070,238 for clothing, namely, polo shirts, golf shirts, t-shirts, sweaters, pullovers, and caps, by MARES, DAVID J. and FADAL, BARNEY J., individuals of the United States having addresses of 9949 Spring Branch Road, Spring Branch, TX 78070 and 701 Timber Elm, Seguin, TX 78155, respectively (Registrants). U.S. Trademark Registration No. 3,070,238 was filed July 30, 2004, published in the Official Gazette on December 27, 2005, and registered on March 21, 2006. Petitioner requests cancellation of U.S. Trademark Registration No. 3,070,238.

As grounds for cancellation, Petitioner alleges as follows:

2. Upon information and belief, Respondents have not, or are no longer, using the mark shown in U.S. Trademark Registration No. 3,070,238 as a trademark for the Registrants'

goods and services in the United States, and have no intent to resume such use.

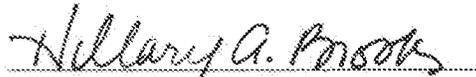
3. Upon information and belief, Respondents have abandoned any and all rights they may have had in U.S. Trademark Registration No. 3,070,238.

4. Petitioner will be damaged by continuance of Registration No. 3,070,238 in that the Registration has been cited against Petitioner's U.S. Trademark Application Serial No. 77/048,300 and may delay or impair Petitioner's ability to register its mark.

Petitioner requests the Board cancel U.S. Trademark Registration No. 3,070,238.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Hillary A. Brooks

Reg. No. 45,815

Attorneys for Petitioner

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street
Portland, OR 97204
(503) 222-3613

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that this PETITION TO CANCEL was electronically filed with the Trademark Trial and Appeal Board on April 23, 2008.

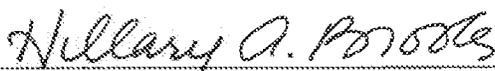
CERTIFICATE OF SERVICE

The undersigned hereby certifies that the PETITION TO CANCEL was served via First Class Mail as follows:

David J. Mares
9949 Spring Branch Road
Spring Branch, TX 78070

Barney J. Fadal
701 Timber Elm
Seguin, TX 78155

on this 23 day of April, 2008.



Hillary A. Brooks