

ESTTA Tracking number: **ESTTA223812**

Filing date: **07/14/2008**

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	Bath & Body Works Brand Management, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	7 Limited Parkway East Reynoldsburg, OH 43068 UNITED STATES		

Attorney information	Frank J. Colucci COLUCCI & UMANS 218 East 50th Street New York, NY 10022 UNITED STATES scarsdale@colucci-umans.com Phone:212 935 5700
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Registration Subject to Cancellation

Registration No	2799365	Registration date	12/23/2003
Registrant	Finanz St. Honore B.V. 720 South Powerline Road Suite D Deerfield Beach, FL 33442 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2003/02/27 First Use In Commerce: 2003/02/27 All goods and services in the class are cancelled, namely: Artificial nails; decorated press-on nails; fingernail-grooming and toenail grooming products and fingernail-care and pedicure preparations, namely, fingernail and toenail decorations, hand and foot scrub solutions, non-medicated soak salts and solutions, lotions, masks, hand and foot gels, bath gels, creams, nail pencils, nail whitening gel, soaps, nail adhesives, artificial nail tips, acrylic nails, nail polish removers, callus creams, nail enamel, nail-polish corrector pens, silk wraps, and pumice stones and nail and callus foot-smoothing blocks; lipstick; cosmetics and make-up in the nature of body and nail paint and decorations

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	2799365 HEY SUGAR Cancellation.PDF (3 pages)(100809 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	/frank j. colucci/
Name	Frank J. Colucci
Date	07/14/2008

2. Registration No. 2,799,365 of registrant, Finanz St. Honore B. V., of the mark HEY, SUGAR for "artificial nails, decorated press-on nails; fingernail-grooming and toenail grooming products and fingernail-care and pedicure preparations, namely, fingernail and toenail decorations, hand and foot scrub solutions, non-medicated soak salts and solutions, lotions, masks, hand and foot gels, bath gels, creams, nail pencils, nail whitening gel, soaps, nail adhesives, artificial nail tips, acrylic, nails, nail polish removers, callus creams, nail enamel, nail-polish removers, callus creams, nail enamel, nail-polish corrector pens, silk wraps, and pumice stones and nail and callus foot-smoothing blocks; lipstick; cosmetics and make-up in the nature of body and nail paint and decorations" in International Class 3, has been cited as a bar to registration of petitioner's Application Serial No. 77/103,386, on the basis of a likelihood of confusion between petitioner's mark and registrant's mark, in a final Office Action dated November 14, 2007.

3. Upon information and belief, registrant has ceased all use of the HEY, SUGAR mark in respect of all goods set forth in Registration No. 2,799,365, with no intent to resume such use.

4. Upon information and belief, registrant has discontinued use of the mark HEY, SUGAR in respect of all goods set forth in Registration No. 2,799,365 for at least three (3) consecutive years, which constitutes *prima facie* abandonment as a matter of law pursuant to 15 U.S.C. §1127.

5. In view of the foregoing, registrant's Registration No. 2,799,365 should be cancelled on the grounds of abandonment.

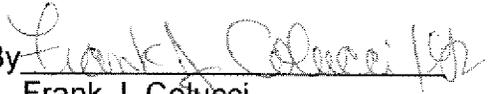
6. Petitioner is being damaged by the continued registration of the HEY, SUGAR mark since the registration is preventing petitioner from registering its HELLO SUGAR mark as set forth in its Application Serial No. 77/103,386.

WHEREFORE, petitioner requests that United States Registration No. 2,799,365 be cancelled.

Dated: New York, New York
July 14, 2008

Respectfully submitted,

COLUCCI & UMANS

By 
Frank J. Colucci
Attorney for Petitioner
218 East 50th Street
New York, New York 10022
(212) 935-5700

Certificate of Service

I hereby certify that a copy of the foregoing Petition for Cancellation was served on registrant, Finanz St. Honore B.V., via first-class mail, through its attorney of record Jeffrey B. McGovern, Esq., at Suite D, 720 South Powerline Road, Deerfield Beach, Florida 33442 on this 14th day of July, 2008.

