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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	Mr. Jeff Griffith		
Entity	Individual	Citizenship	UNITED STATES
Address	285 Rolling Rock Road Columbia, SC 29212 UNITED STATES		

Attorney information	Thomas L. Moses Monahan & Moses, LLC 13-B West Washington Street Greenville, SC 29601 UNITED STATES tom.moses@momolaw.com Phone:(864) 241-4604		
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**Registration Subject to Cancellation**

Registration No	2838971	Registration date	05/04/2004
Registrant	Bustout Clothing Corporation 7713 E Sheridan St. Scottsdale, AZ 85257 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 2001/08/01 First Use In Commerce: 2003/03/15 All goods and services in the class are cancelled, namely: clothing, namely, socks, pants, jeans, swimsuits, shorts, T-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation.pdf ( 3 pages )(466536 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	/Thomas L. Moses/
Name	Thomas L. Moses

Date	08/11/2009
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Jeff Griffith, Individual	)	
	)	
Petitioner,	)	PETITION FOR CANCELLATION
	)	
v.	)	Cancellation No. _____
	)	Registration No. 2,838,971
Bustout Clothing Corporation,	)	
	)	
Registrant.	)	
_____	)	

PETITION FOR CANCELLATION OF U.S. Reg. No. 2,838,971

1. Jeff Griffith (Petitioner), is an individual, located at 285 Rolling Rock Road, Columbia, South Carolina 29212.
2. Upon information and belief, Bustout Clothing Corporation (Registrant), is a corporation organized under the laws of Arizona, having a principal place of business at 7713 East Sheridan Street, Scottsdale, Arizona 85257.
3. Petitioner Jeff Griffith ("Petitioner") applied for Petitioner's Mark on July 31, 2009, and said application was assigned serial number 77/794,814,
4. Application serial number 77/794,814 seeks the registration of Petitioner's Mark, depicted as follows:



5. Application serial number 77/794,814 seeks registration of Petitioner's Mark in connection with the following goods:

"Clothing, namely, short-sleeved or long-sleeved t-shirts, hats, sweatshirts, jackets, thermal shirts, hooded sweatshirts" in International Class 25.

6. Upon information and belief, Registrant Bustout Clothing Corporation is the owner of the following United States Trademark Registration: 2,838,971 for the mark BUSTOUT for "Clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits" in International Class 25.

7. Upon information and belief, neither Registrant Bustout Clothing Corporation, nor any of its licensees or assignees is currently using the BUSTOUT Mark for clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits, as set forth in United States Trademark Registration: 2,838,971

8. Upon information and belief, neither Registrant Bustout Clothing Corporation, nor any of its licensees or assignees has used the BUSTOUT Mark for t-shirts, sweatshirts, shorts or hats for a period of at least 3 years, and Registrant's mark has lost all capacity as a source indicator for clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits.

9. Upon information and belief, neither Registrant Bustout Clothing Corporation, nor any of its licensees or assignees intends to resume using the BUSTOUT Mark for clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties,

jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits.

10. Registrant Bustout Clothing Corporation has thus abandoned its registered mark by discontinuing use of said mark for a period of at least 3 years on clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits. The continued registration of Registrant's Mark is likely to impair Petitioner's ability to obtain a U.S. registration for its Mark, thus Petitioner is being damaged by the continuing registration of Registrant's mark as applied to clothing, namely, socks, pants, jeans, swimsuits, shorts, t-shirts, shirts, underwear, ties, jackets, coats, skirts, blouses, hats, belts, sweatshirts, sweatpants, sweaters, vests, and sweatsuits.

**RELIEF REQUESTED**

Petitioner requests that Registration Number 2,838,971 be cancelled from the Principal Register on the grounds that Bustout Clothing Corporation has abandoned its Mark by discontinuing use of the mark on said goods.

WHEREFORE, Registration Number 2,838,971 should be cancelled from the Principal Register in accordance with Section 14 of the Trademark Act.

August 11, 2009

Respectfully submitted,



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