

ESTTA Tracking number: **ESTTA343982**

Filing date: **04/26/2010**

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	The Colomer Group Spain, S.L.		
Entity	Sociedad de Responsabilidad Limi	Citizenship	Spain
Address	WTC Almeda Park, c/ Tirso de Molina, 40 E-08940 Cornellade Llobregat, Barcelona, SPAIN		

Attorney information	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman, LLP 2300 N Street, N.W. Washington, DC 20037 UNITED STATES va-logocops@pillsburywinthrop.com Phone:2026638000
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Registrations Subject to Cancellation

Registration No	2854532	Registration date	06/15/2004
Registrant	HELEN OF TROY LIMITED 13 8TH AVENUE, BELLEVILLE P.O. BOX 836E ST. MICHAEL, BARBADOS		

Goods/Services Subject to Cancellation

Class 008. First Use: 2004/02/09 First Use In Commerce: 2004/02/09 All goods and services in the class are cancelled, namely: Electric hair clippers

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	1299338	Registration date	10/09/1984
Registrant	HELEN OF TROY LIMITED 13 8th Avenue, Belleville P.O. Box 836E St. Michael, BARBADOS		

Goods/Services Subject to Cancellation

Class 009. First Use: 1978/01/11 First Use In Commerce: 1978/01/11 All goods and services in the class are cancelled, namely: Hair Curling Irons
Class 011. First Use: 1978/01/11 First Use In Commerce: 1978/01/11 All goods and services in the class are cancelled, namely: Electric Hand-Held Hair Dryers for Domestic and Commercial Use

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Style Master Cancellation Petition.pdf (4 pages)(98671 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	/Pat Jennings/
Name	Patrick J. Jennings
Date	04/26/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The Colomer Group Spain, S.L.,)
)
 Petitioner,)
)
 v.) Cancellation No. _____
) Reg. Nos. 2,854,532 and 1,299,338
)
 Helen of Troy Limited,)
)
 Registrant.)

PETITION TO CANCEL

The Colomer Group Spain, S.L. (“Petitioner”) is or will be damaged by the continued registration of the marks set forth in United States Trademark Registration Nos. 2,854,532 and 1,299,338 and hereby petitions to cancel the same. As grounds for the cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Petitioner

1. Petitioner is a Spanish Sociedad de Responsabilidad Limitada having a principal place of business at WTC Almeda Park, c/ Tirso de Molina, 40, E-08940 Cornelláde Llobregat, Barcelona, Spain.
2. On September 7, 2009, Petitioner filed an extension of protection under the Madrid Protocol to register the mark ^{STYLE} **MASTERS** (“Petitioner’s Mark”) in the United States Patent and Trademark Office for use in connection with “hair lotions, products for hair care, hair treatments, hair conditioners, hair masks (treatments), hair gel, hair colourants, hair dyes, hair spray, shampoos and permanent waving products” in International Class 3.

3. On December 10, 2009, the United States Patent and Trademark Office refused to register Petitioner's Mark based on an alleged likelihood of confusion with two registrations for the mark STYLEMASTER (collectively referred to herein as the "STYLEMASTER Marks") set forth in Reg. Nos. 2,854,532 and 1,299,338, respectively.

Registrant and its Marks

4. Upon information and belief, Helen of Troy Limited ("Registrant") is a Barbados corporation with an address of Whitepark House, Whitepark Road, P.O. Box 836E, Bridgetown, Barbados.

5. Issued on June 15, 2004, Reg. No. 2,854,532 covers "electric hair clippers" in International Class 8.

6. Issued on October 9, 1984, Reg. No. 1,299,338 covers "hair curling irons" in International Class 9 and "electric hand-held hair dryers for domestic and commercial use" in International Class 11.

Count I: Abandonment, 15 U.S.C. § 1064

7. Petitioner repeats and re-alleges each and every allegation set forth in Paragraphs 1-6.

8. Upon information and belief, Registrant has abandoned the STYLEMASTER Marks with an intent not to resume use of the marks.

9. Upon information and belief, Registrant is not currently making a bona fide use of the STYLEMASTER Marks in the ordinary course of trade in connection with "electric hair clippers," "hair curling irons," and "electric hand-held hair dryers for domestic and commercial use."

10. Upon information and belief, Registrant has not used the STYLEMASTER Marks in commerce in the United States in connection with “electric hair clippers,” “hair curling irons,” and “electric hand-held hair dryers for domestic and commercial use” for at least three consecutive years, giving rise to a presumption of abandonment.

WHEREFORE, Petitioner respectfully requests that the Trademark Trial and Appeal Board cancel Reg. Nos. 2,854,532 and 1,299,338 in their entireties.

Respectfully submitted,

Dated: April 26, 2010

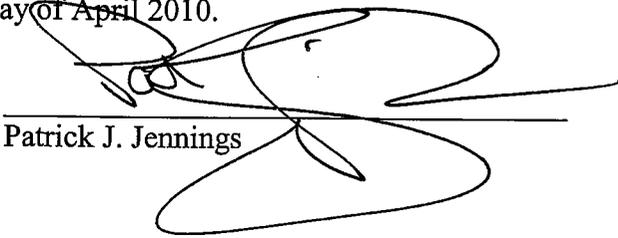


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Attorneys for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "PETITION TO CANCEL" has been served on Helen of Troy Limited at Whitepark House, Whitepark Road, P.O. Box 836E, Bridgetown, Barbados, by FedEx, this 26th day of April 2010.



Patrick J. Jennings