

ESTTA Tracking number: **ESTTA344803**

Filing date: **04/29/2010**

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    | HB Home Design, LLC                                |             |    |
| Entity  | limited liability company                          | Citizenship | CT |
| Address | 44 Main St.<br>Westport, CT 06880<br>UNITED STATES |             |    |

|                      |  |  |  |
|----------------------|--|--|--|
| Attorney information | Gerry A. Fifer<br>Law Offices of Gail J. Berritt<br>9 Berndale Drive<br>Westport, CT 06880<br>UNITED STATES<br>gail@berrittlaw.com,gerry@panix.com Phone:(203)222-7449 |  |  |
|----------------------|--|--|--|

**Registration Subject to Cancellation**

|                 |   |                   |            |
|-----------------|---|-------------------|------------|
| Registration No | 3232727   | Registration date | 04/24/2007 |
| Registrant      | Housatonic Valley Materials LLC<br>20 Bank Street<br>New Milford, CT 06776<br>UNITED STATES |                   |            |

**Goods/Services Subject to Cancellation**

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| Class 035. First Use: 2005/05/01 First Use In Commerce: 2005/05/28<br>All goods and services in the class are cancelled, namely: Retail furniture stores |
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**Grounds for Cancellation**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

**Mark Cited by Petitioner as Basis for Cancellation**

|                      |          |                       |            |
|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 77789898 | Application Date      | 07/27/2009 |
| Registration Date    | NONE     | Foreign Priority Date | NONE       |
| Word Mark            | HB HOME  |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         | <b>HB HOME</b>   |
| Description of Mark | NONE   |
| Goods/Services      | Class 035. First use: First Use: 2004/06/01 First Use In Commerce: 2005/10/31<br>Retail store services featuring home furnishings<br>Class 042. First use: First Use: 2004/06/01 First Use In Commerce: 2005/10/31<br>Interior design services |

|             |  |
|-------------|--|
| Attachments | 77789898#TMSN.jpeg ( 1 page )( bytes )<br>HBpettocancel.txt ( 1 page )(630 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 | /GAF/          |
| Name      | Gerry A. Fifer |
| Date      | 04/29/2010     |

Plaintiff-applicant was refused registration of pending application s.n. 77/789,898 under Sec. 1052(d) (likelihood of confusion) with the cited registration. Plaintiff has priority of use, as it was using the mark at least as early as 4/30/05 in Connecticut.

Defendant-registrant's date of first use was in May 2005, according to its registration.

If, as the trademark examining attorney contends, plaintiff's mark so resembles defendant's mark as to be likely, when applied to the services of the plaintiff, to cause confusion, then plaintiff will be damaged by defendant's registration, which therefore should be canceled.