

ESTTA Tracking number: **ESTTA374605**

Filing date: **10/22/2010**

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	Felina GmbH		
Entity	Limited Liability Company	Citizenship	Germany
Address	Lange Roetterstrasse 11-17 Mannheim, 68167 GERMANY		

Attorney information	P. Jay Hines Cantor Colburn LLP 1800 Diagonal Road Suite 510 Alexandria, VA 22314 UNITED STATES tm-dc@cantorcolburn.com Phone:703-236-4500		
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Registration Subject to Cancellation

Registration No	3324929	Registration date	10/30/2007
International Registration No.	NONE	International Registration Date	NONE
Registrant	GIA TEKSTIL VE DIS TICARET LIMITED SIRKETI H. Cevdet Pasa Sk. No: 1 Å#am 2 Apt. D. 18 Nisantasi; Sisli/Istanbul, TURKEY		

Goods/Services Subject to Cancellation

Class 025. All goods and services in the class are cancelled, namely: Clothing made of combined cotton, knitted fabric, jean, leather, paper, namely, tops, skirts, pants, trousers, jeans, shirts, dresses, chemisettes; sports clothing, namely uniforms, jogging suits, sport coats, sport shirts, sports bras, sports jackets, sports jerseys, breeches for sports; bath clothing, namely bath robes; beachwear, underwear, gloves, socks, headgear for wear, namely hats, berets, caps, caps with a visor; clothing for babies, namely dresses, bloomers, onepiece infantwear; wadded textile babies' diapers; jackets for babies, nylon underwear, baby bibs, excluding baby bibs of paper; ties, bow-ties, shawls, pareos, collars, bandanas, muffs, headbands, wristbands; belts, suspenders, garters
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Felina Petition for Cancellation.pdf (4 pages)(888428 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	/pjh/
Name	P. Jay Hines
Date	10/22/2010

[UN: USUAL]

3. To the best of Petitioner's knowledge, Respondent is the current owner of record of Registration No. 3,324,929 for the following mark for "Clothing made of combined cotton, knitted fabric, jean, leather, paper, namely, tops, skirts, pants, trousers, jeans, shirts, dresses, chemisettes; sports clothing, namely uniforms, jogging suits, sport coats, sport shirts, sports bras, sports jackets, sports jerseys, breeches for sports; bath clothing, namely bath robes; beachwear, underwear, gloves, socks, headgear for wear, namely hats, berets, caps, caps with a visor; clothing for babies, namely dresses, bloomers, onepiece infantwear; wadded textile babies' diapers; jackets for babies, nylon underwear, baby bibs, excluding baby bibs of paper; ties, bow-ties, shawls, pareos, collars, bandanas, muffs, headbands, wristbands; belts, suspenders, garters," in International Class 25:



4. Respondent's mark has been cited against Petitioner's noted pending application and Petitioner appealed the refusal of registration based on Section 2(d) of the Trademark Act. Extensions of time to file the appeal brief were obtained up until the present.

5. Upon information and belief, Respondent has never commenced use of the mark in the United States and/or abandoned use of the mark represented by trademark Registration No. 3,324,929, without intent to resume use.

5. Upon information and belief, Respondent has abandoned use of the mark represented by trademark Registration No. 3,324,929 as a result of never commencing use in the United States or discontinuing use for a period of at least three consecutive years, with no intent to resume such use.

6. The continued registration of Respondent's abandoned mark threatens great and

irreparable damage to Petitioner's interest in and rights to the mark [UN: USUAL].

WHEREFORE, this Petitioner, Felina Gmbh, believes and avers that it is being and will continue to be damaged by registration of Respondent's mark as aforesaid, and prays that said Registration be cancelled and that this Cancellation be sustained in favor of Petitioner.

Petitioner has appointed P. Jay Hines, a member of the law firm of Cantor Colburn LLP, and member of the Bar of the state of Virginia and the District of Columbia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

P. Jay Hines
Cantor Colburn LLP
1800 Diagonal Road
Suite 510
Alexandria, Virginia 22314
Tel: (703) 236-4500
Fax No.: (703) 236-4501

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Petitioner's Deposit Account No. 061130.

Respectfully submitted,
FELINA GMBH

Date: *October 22* 2010

By: _____



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CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that the foregoing PETITION FOR CANCELLATION is being electronically filed with:

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313

and that the foregoing PETITION FOR CANCELLATION is being sent via first class mail to:

Adam S. Weiss
Schiff Hardin LLP
PO Box 06079
233 South Wacker Drive, Suite 6600
Chicago, Illinois 60606-0079

This 22nd day of October 2010.



Denise Countiss-Lowe