

ESTTA Tracking number: **ESTTA393005**

Filing date: **02/11/2011**

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	Blue Box Toy Factory, Ltd.		
Entity	company	Citizenship	Hong Kong
Address	98 Granville Road, Tsimshatsui East Kowloon, HONG KONG		

Attorney information	Peter S. Sloane Leason Ellis LLP 81 Main Street, Suite 503 White Plains, NY 10601 UNITED STATES sloane@leasonellis.com, reuber@leasonellis.com, tmdocket@leasonellis.com Phone:914-821-9073
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Registration Subject to Cancellation

Registration No	3166567	Registration date	10/31/2006
Registrant	Battat Incorporated 44 Martina Circle Plattsburgh, NY 12901 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2005/06/30 First Use In Commerce: 2005/06/30
All goods and services in the class are cancelled, namely: Toys, namely Dolls and Doll Accessories

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	00104971.PDF (3 pages)(60100 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	/peter sloane/
Name	Peter S. Sloane
Date	02/11/2011

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 3,166,567
Registered October 31, 2006

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BLUE BOX TOY FACTORY, LTD.,	:
	:
Petitioner,	:
	:
v.	:
	:
BATTAT INCORPORATED,	:
	:
Registrant.	:
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PETITION FOR CANCELLATION

Blue Box Toy Factory, Ltd. (“Petitioner”), a Hong Kong company with its offices at 1203 East Ocean Center, 98 Granville Road, Tsimshatsui East, Kowloon, Hong Kong, believes that it will be damaged by the continued existence of Registration No. 3,166,567 of the mark B CUTE for dolls and doll accessories, issued October 31, 2006, and therefore petitions to cancel the same pursuant to Section 14(c) of the Lanham Trademark Act of 1946, 15 U.S.C. §1064(c).

As grounds for its cancellation, Petitioner, by its attorneys, Leason Ellis LLP, alleges as follows:

1. On information and belief, use of the mark B CUTE for dolls and doll accessories has been discontinued with intent not to resume use. Thus, the Registrant, Battat Incorporated, has abandoned its trademark.

2. Petitioner is being damaged by the continued registration of the mark at issue because Registrant has sued Petitioner for trademark infringement and related causes of action based upon rights alleged in the Registration.

WHEREFORE, it is respectfully requested that this cancellation action be sustained
and that Registration No. 3,166,567 be cancelled.

Date: February 11, 2011
White Plains, New York

Respectfully submitted,



Peter S. Sloane
Cameron S. Reuber

LEASON ELLIS LLP
81 Main Street, Suite 503
White Plains, New York 10601
Tel.: (914) 821-9073

Attorneys for Petitioner

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **PETITION FOR CANCELLATION** was served upon counsel of record for Registrant, this 11th day of February, 2011, by First-Class mail, postage prepaid, addressed as follows:

Andrew S. Langsam, Esq.
Pryor Cashman LLP
7 Times Square
New York, New York 10036-6569

A handwritten signature in black ink, appearing to read 'Peter S. Sloane', written over a horizontal line.

Peter S. Sloane