

ESTTA Tracking number: **ESTTA448204**

Filing date: **12/23/2011**

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	King Koil Licensing Company, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	7501 S. Quincy Street, Suite 130 Willowbrook, IL 60527-5574 UNITED STATES		

Attorney information	Jonathan P. Froemel Barnes & Thornburg LLP PO Box 2786 Chicago, IL 60690-2786 UNITED STATES trademarks-ch@btlaw.com, jfroemel@btlaw.com, mcarrillo@btlaw.com, ekostiuk@btlaw.com Phone:312.357.1313		
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Registration Subject to Cancellation

Registration No	3929473	Registration date	03/08/2011
Registrant	Cathay Home Fashions Inc 261 Fifth Ave, Suite 401 New York, NY 10016 UNITED STATES		

Goods/Services Subject to Cancellation

Class 020. First Use: 2009/04/01 First Use In Commerce: 2009/04/28 All goods and services in the class are cancelled, namely: Furniture
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition For Cancellation.pdf (9 pages)(138631 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	/Jonathan P. Froemel/
Name	Jonathan P. Froemel
Date	12/23/2011

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

In re Registration No. 3,929,473)	
)	
KING KOIL LICENSING COMPANY, INC.,)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
CATHAY HOME FASHIONS INC.,)	
)	
Respondent.)	

PETITION FOR CANCELLATION

This Petition for Cancellation is submitted in the matter of U.S. Registration No. 3,929,473 which was registered by Cathay Home Fashions Inc. (hereinafter "Respondent"), a New York corporation, with a principal place of business at 261 Fifth Ave., Suite 401, New York, New York 10016. Registration No. 3,929,473 issued on March 8, 2011 for the design mark "SLIIP." King Koil Licensing Company, Inc. (hereinafter "Petitioner"), a Delaware corporation with a principal place of business at 7501 S. Quincy Street, Suite 130, Willowbrook, Illinois 60527-5574, United States of America, believes that it will be damaged by the continued registration of Registration No. 3,929,473 and, therefore, petitions to cancel the same on the following grounds:

1. Since 1898 Petitioner has been engineering and manufacturing sleep products, including, but not limited to beds, mattresses and box springs. Petitioner currently sells its products in over 70 countries and has received many prestigious distinctions including endorsements from the International Chiropractors Association (ICA) and the Foundation for Chiropractic Education and Research (FCER).

2. Petitioner is the owner of U.S. Serial No. 85/469,067 filed on November 10, 2011 on the Principal Register for the trademark SLIIP BY COMFORT SOLUTIONS covering “beds, box springs, mattresses and pillows” in International Class 20 (hereinafter “Petitioner’s Goods”). See Exhibit A, attached hereto.

3. Respondent is the owner of U.S. Registration No. 3,929,473 for the design mark SLIIP covering “furniture” in International Class 20 (hereinafter “Respondent’s Goods”). See Exhibit B, attached hereto.

4. On information and belief, Respondent does not manufacture, promote or sell Respondent’s Goods in the United States and therefore is not using the design mark in interstate commerce.

5. On information and belief, Respondent has not used the design mark SLIIP in commerce in the United States for at least the past three years, nor has Respondent ever used the design mark in commerce in connection with Respondent’s Goods. As such, Respondent has abandoned the design mark within the meaning of Section 45 of the Trademark Act, 15 U.S.C. §1127. The Registration should therefore be cancelled in accordance with Section 14 of the Trademark Act, 15 U.S.C. §1064.

6. On information and belief, Respondent does not intend to resume bona fide use of the design mark SLIIP in the ordinary course of trade.

7. Upon information and belief, Respondent was not using the design mark in commerce at the time it filed its application, and has never used the design mark in connection with furniture in Class 20. Upon information and belief, Respondent filed a declaration supporting its use of the design mark in commerce that was necessary to obtain its registration,

with knowledge that this declaration was false, and with the intent to deceive the United States Patent and Trademark Office.

8. Petitioner believes that it will be damaged by the continued registration of Registration No. 3,929,473.

WHEREFORE, Petitioner requests that U.S. Registration No. 3,929,473 be cancelled and that this Petition for Cancellation be granted.

Petitioner requests that the requisite filing fee of \$600.00 be charged to the deposit account of Barnes & Thornburg, LLP, Account No. 120913.

Date: December 23, 2011

Respectfully submitted,

By: Jonathan P. Froemel
One of the Attorneys for
King Koil Licensing Company, Inc.

Jonathan P. Froemel
Michael A. Carrillo
Barnes & Thornburg LLP
PO Box 2786
Chicago, Illinois 60690
(312) 214.4817

EXHIBIT A



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SLIIP BY COMFORT SOLUTIONS

Word Mark	SLIIP BY COMFORT SOLUTIONS
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Beds; Box springs; Mattresses; Pillows
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85469067
Filing Date	November 10, 2011
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) King Koil Licensing Company, Inc. CORPORATION DELAWARE 7501 S. Quincy, Suite 130 Willowbrook ILLINOIS 605275574
Attorney of Record	Michael A. Carrillo
Prior Registrations	3006161;3490544;3986571
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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EXHIBIT B



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Word Mark	SLIIP
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Furniture. FIRST USE: 20090401. FIRST USE IN COMMERCE: 20090428
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	02.03.02 - Silhouettes of women; Women depicted as shadows or silhouettes of women 02.03.19 - Bathing suits (women wearing); Lingerie (women wearing); Nude women, women wearing underclothes, bathing suits or brief attire; Underclothes (women wearing); Underwear (women wearing) 02.09.03 - Humans, including men, women and children, depicted reclining or sleeping; Reclining, humans; Sleeping, humans
Serial Number	77817631
Filing Date	September 1, 2009
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 26, 2010
Registration Number	3929473
Registration Date	March 8, 2011
Owner	(REGISTRANT) Cathay Home Fashions Inc CORPORATION NEW YORK 261 Fifth Ave, Suite 401 New York NEW YORK 10016
Description of Mark	The color(s) Blue is/are claimed as a feature of the mark. The mark consists of blue color in "SLIIP" and a blue sleeping figure shows on top of the word "SLIIP".
Type of Mark	TRADEMARK

Register PRINCIPAL
Live/Dead Indicator LIVE

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