

ESTTA Tracking number: **ESTTA470264**

Filing date: **05/02/2012**

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	MeUndies, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	319 S Robertson Blvd Beverly Hills, CA 90211 UNITED STATES		

Attorney information	Victor K. Sapphire, Esq. Connolly Bove Lodge & Hutz LLP 333 S Grand Avenue Suite 2300 los angeles, CA 90071 UNITED STATES trademarks@cblh.com,vsapphire@cblh.com,nphillips@cblh.com Phone:2137872523
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**Registration Subject to Cancellation**

Registration No	3688473	Registration date	09/29/2009
Registrant	Drew Massey 3387 Xanthia Street Denver, CO 80238 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 1999/07/31 First Use In Commerce: 2000/01/01 All goods and services in the class are cancelled, namely: Clothing, namely, underwear; boxers, briefs, panties, thongs, bras, sleepwear, loungewear, shirts, shorts, jeans, pants, socks, and hats
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**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	MEUNDIES - Petition to Cancel MYUNDIES.pdf ( 1 page )(46063 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	/vectorsapphire/
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Name	Victor K. Sapphire, Esq.
Date	05/02/2012

MeUndies, Inc., having a place of business at 319 S Robertson Blvd., Beverly Hills, California ("Petitioner"), believes that it will be damaged by the continued registration of the mark MYUNDIES in Registration No. 3,688,473 in connection with "clothing, namely, underwear; boxers, briefs, panties, thongs, bras, sleepwear, loungewear, shirts, shorts, jeans, pants, socks, and hats" in Class 25, for which the owner of record is Drew Massey d/b/a myUndies Inc. ("Registrant") and Petitioner hereby petitions for cancellation of said registration.

As grounds for the cancellation, it is alleged that:

1. Petitioner is desirous of using the marks MEUNDIES and MEUNDIES.COM in connection with clothing and wearing apparel and related on- and off-line retail and subscription retail services associated therewith.
2. On information and belief, Registrant has never used in commerce or has discontinued use of the mark MYUNDIES with no intent to resume said use, thus abandoning the mark and rendering Registration No. 3,688,473 cancellable.
3. Petitioner's legal use and registration of the mark MEUNDIES.COM will be impaired by continued registration of Registrant's mark and thus, Petitioner believes it will be damaged by the continuance of registrant's registration.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. Section 1063), Petitioner prays that this Cancellation be sustained and that Registration No. 3,688,473 be cancelled.