

ESTTA Tracking number: **ESTTA496867**

Filing date: **09/27/2012**

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	Blow Dry Bar, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	416 W. 13th Street Houston, TX 77008 UNITED STATES		

Attorney information	Mark Tidman Baker & Hostetler Suite 1100 1050 Connecticut Avenue, N.W. Washington, DC 20036 UNITED STATES trademarks@bakerlaw.com Phone:2028611500
----------------------	---

Registration Subject to Cancellation

Registration No	3856768	Registration date	10/05/2010
Registrant	Drybar Holdings LLC Suite 450 1801 North Lamar Street Dallas, TX 75202 UNITED STATES		

Goods/Services Subject to Cancellation

Class 044. First Use: 2009/06/28 First Use In Commerce: 2009/06/28 All goods and services in the class are cancelled, namely: Beauty salon services; Hair salon services; Hair styling; Hairdressing salons
--

Grounds for Cancellation

Genericness	Trademark Act section 23
The mark is merely descriptive	Trademark Act section 2(e)(1)

Attachments	Blow dryer design cancellation.pdf (3 pages)(458034 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	/Mark Tidman/
Name	Mark Tidman

Date	09/27/2012
------	------------

3. Registration No. 3856768 covers “beauty salon services; hair salon services; hair styling; hairdressing salons” in International Class 44.

4. Registrant’s alleged mark, when used in connection with the Registrant’s services, was at the time of registration and is merely descriptive of those services without having attained secondary meaning, and thus was and is not entitled to registration on the Principal Register.

5. Petitioner believes that it is, and will be, damaged by the continued registration of Registration No. 3856768.

WHEREFORE, Petitioner requests that this petition be granted and Registration 3856768 be cancelled.

Authorization is hereby granted to charge our Deposit Account No. 50-2036 in connection with this filing.

Respectfully submitted,
Blow Dry Bar, LLC

Date: September 27, 2012

By: 
Mark H. Tidman
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
(202) 861-1500 (Telephone)
(202) 861-1783 (Facsimile)
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2012, a true copy of the Petition for Cancellation was served on Registrant via U.S. first-class mail, postage prepaid to:

Robert L. Sherman
Paul, Hastings, Janofsy & Walker LLP
75 East 55th Street
New York, NEW YORK 10022
UNITED STATES



Mark H. Tidman