

ESTTA Tracking number: **ESTTA541437**

Filing date: **06/03/2013**

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	Strategic Marks, LLC		
Entity	LLC	Citizenship	California
Address	47 Ocean Heights Drive Newport Coast, CA 92657 UNITED STATES		

Attorney information	Benjamin Ashurov, Esq. KB-Ash Law Group 5674 Sonoma Drive, Ste A Pleasanton, CA 94566 UNITED STATES Bashurov@Kb-Ash.com Phone:(415) 754-9346		
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Registration Subject to Cancellation

Registration No	1975936	Registration date	05/28/1996
Registrant	FEDERATED RETAIL HOLDINGS, INC. 611 OLIVE STREET SUITE 1750 ST. LOUIS, MO 63101 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1898/11/04 First Use In Commerce: 1898/11/04 All goods and services in the class are cancelled, namely: retail department store services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	U.S. Trademark Application and assigned serial number '85933433'
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Attachments	Hecht's Cancellation Petition_Strategic Marks LLC.pdf(137174 bytes) Hecht's Petition to kill mark.pdf(292067 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	/Ellia Y Kassoff/
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Name	Benjamin Ashurov, Esq.
Date	06/03/2013

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

In the matter of Trademark Registration No. 1975936

Mark: Hecht's

Registered on: May 28, 1996

Registered By: THE MAY DEPARTMENT STORES COMPANY CORPORATION NEW
YORK 611 OLIVE STREET ST. LOUIS MISSOURI 63101

STRATEGIC MARKS, LLC.

Petitioner,

v.

The May Department Stores Company

Registrant.

PETITION TO CANCEL

Strategic Marks, LLC ("Petitioner") hereby petitions to cancel Trademark Reg. No. 1975936 for **Hecht's** (the "Mark") in international class 42 owned by The May Department Stores Company ("Registrant") with the following descriptions of goods or services: "Retail Department Store Services" (hereinafter the "Registration"). For the reasons set forth herein, Petitioner is damaged by the continued registration of the Mark.

FACTS

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is a limited liability company organized under the laws of the State of California with its principal business address at 47 Ocean Heights Drive, Newport Coast, CA 92657.

2. Petitioner is the owner of the pending United States trademark application for the standard character mark **Hecht's** Sr. No. 85933433 for "G & S: Mobile retail store services featuring clothing, shoes and general merchandise; On-line retail department store services; On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring physical and virtual merchandise for use by members of an online community in connection with a designated website featuring fictional characters; On-line retail store services featuring clothing, shoes and general merchandise; Retail apparel stores; Retail department store services; Retail store services featuring a wide variety of consumer goods of others in International Class 35 (the "Application"). This application is currently awaiting examination by the USPTO.

3. Upon information and belief, Registrant is a corporation organized under the laws of the State of Delaware, with a business address of 611 OLIVE STREET ST. LOUIS MISSOURI 63101

4. According to TSDR, Registrant currently owns the Registration.

5. Given that the Registration and the Application cover trademarks that are identical or nearly identical, and that the respective goods or services associated with the Registration and the Application are identical, nearly identical, or highly similar, Petitioner believes that the USPTO will refuse to register the Application in light of the continued registration of the Mark. Therefore, Petitioner will be damaged by the continued registration of the Mark.

ABANDONMENT

6. Petitioner realleges the allegations set forth in paragraphs 1 through 5 above.

7. Upon information and belief, Registrant has discontinued use of the Mark, with no intent to resume such use of the Mark in connection with any of the goods or services recited in the Registration.

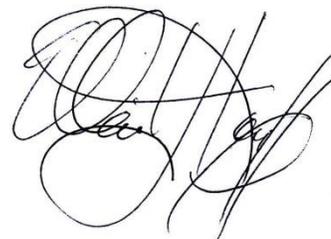
8. Upon information and belief, Registrant has not used the Mark in commerce in connection with the goods or services recited in the Registration for at least the preceding three (3) years.

9. Upon information and belief, Registrant no longer uses the Mark in commerce in connection with the goods or services recited in the Registration; has not intent to resume any such use; and has abandoned the Mark pursuant 15 U.S.C. § 1127.

WHEREFORE, Petitioner requests that the Registration be cancelled.

Dated: June 3, 2013

Respectfully Submitted,

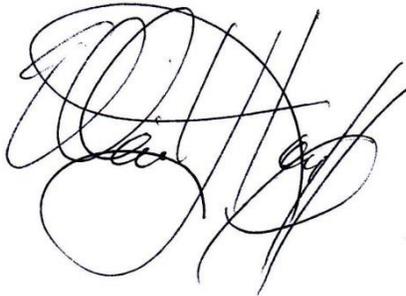
A handwritten signature in black ink, appearing to read 'Ellia Kassoff', written over a horizontal line.

Ellia Kassoff
CEO
Strategic Marks LLC
47 Ocean Heights Drive
Newport Coast, CA 92657

CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2013, a true and correct copy of the foregoing PETITION TO CANCEL has been duly served by Email and by depositing such copy with the U.S. Postal Service in an envelope addressed to:

The May Department Stores Company
611 OLIVE STREET ST. LOUIS MISSOURI 63101

A handwritten signature in black ink, appearing to read 'Ellia Kassoff', is written over a horizontal line. The signature is stylized and somewhat illegible due to its cursive nature.

Ellia Kassoff

Strategic Marks, LLC
47 Ocean Heights Drive
Newport Coast, CA 92657
949-424-1664
kassoff@strategicmarks.com

US Patent and Trademark office
Washington, D.C. USA

Registration Number : 1975936

MARK: Hecht's

Petitioner seeks to cancel U.S. Registration Number 1975936 on the grounds that the registered name Goldsmith's has been abandoned due to non-use in commerce since 2006. There are no longer any department stores or products in the US under the Hecht's nameplate, (see highlighted portion).

In addition, we have submitted trademark application 85933433 which we plan to pursue.

Hecht's

From Wikipedia, the free encyclopedia
Jump to: [navigation](#), [search](#)

Hecht's

HECHT'S

Industry	Retail
Fate	Merged into Macy's
Founded	1857
Defunct	2006
Headquarters	Arlington, Virginia
Products	Clothing, footwear, bedding, furniture, jewelry, beauty products, and housewares.
Parent	Federated Department Stores, Inc (2005-2006) The May Department Stores Company (1959-2005)
Website	None

Hecht's, also known as **Hecht Brothers**, **Hecht Bros.** and the **Hecht Company**, was a large chain of [department stores](#) that operated mainly in the mid-Atlantic and southern region of the [United States](#). The firm originated in [Baltimore, Maryland](#).

As of 2005, Hecht's had some 81 stores in 19 markets in [Maryland](#), the [District of Columbia](#), [Virginia](#), [North Carolina](#), [Tennessee](#), [Delaware](#), [New Jersey](#), and [Pennsylvania](#). Its locations in New Jersey, Delaware, and the majority of those in Pennsylvania were operated under the name of [Strawbridge's](#). Hecht's administrative office was in [Arlington, Virginia](#).

Hecht's was founded and was long operated as a family firm. It was purchased in 1959 by [The May Department Stores Company](#) which in turn, was acquired by [Federated Department Stores](#) on August 30, 2005. On February 1, 2006, Federated dissolved the former May Company divisions, and the existing Hecht's stores were divided between [Macy's East](#) and [Macy's South](#). The replacement Hecht's store in [Chevy Chase, Maryland](#), took the [Bloomingdale's](#) name. On September 9, 2006 the Hecht's name was phased out in favor of the nationally known [Macy's](#).

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History



Former Hecht's at [Westfield Wheaton](#) in [Wheaton, Maryland](#).

The Hecht Company was founded in 1857 by Samuel Hecht, Jr. The Hecht family was [Jewish](#) and came from the little village of Langenschwarz (now part of [Burghaun](#)), Kreis Hünfeld, [Hesse, Germany](#) where Samuel was born on December 10, 1830. His father Meyer (aka Meier or Maier) Hecht was a cattle dealer or driver who was drowned in Langenschwarz on June 12, 1835. Meyer's parents were Anshel (aka Anshil or Asher) Hecht who was a fur dealer and Gütta (aka Giet) née Goldschmidt who was born in Bellersheim, Kreis Hungen, [Hesse, Germany](#).

Samuel's older brother Simeon arrived in America on the ship Agnes on September 2, 1844 listed as Sam Hecht, age 21. Meyer's widow Hannah or Hanne Miriam (née Bachrach) was probably born in [Hesse, Germany](#) in 1789 or 1790. She left Germany with Samuel and his brother Reuben and immigrated to the [United States](#); they arrived in [Baltimore, Maryland](#) on December 15, 1847 on the ship Schiller.

Samuel's brothers Jacob, Moses and Raphael (aka Vogel) and sister Adelheid (aka Ettel or Edel) arrived in Baltimore on the ship Albert on July 31, 1845 which departed from Bremen, Germany. There may have been another brother Ansel (aka Asher Ralph) who immigrated to Baltimore but he has not been found on any passenger

lists. Asher Ralph appears in Baltimore city directories between 1844–1858; Ansel appears in New York City directories from 1858.

Samuel Hecht became an itinerant peddler selling his goods in and around Baltimore and on the Eastern Shore of the [Chesapeake Bay](#). After a decade of itinerant peddling, he settled down and started what would become the Hecht stores. On Jan 5, 1854 Samuel married Babette Wolfsheimer in Baltimore. He died in Baltimore on February 7, 1907.

Baltimore stores

In 1857 Samuel Hecht opened a used furniture store on [Aliceanna Street](#) (near [South Broadway](#)) in Baltimore, Maryland.

By 1870 this venture had moved to a more auspicious location at 512 South Broadway where the name 'HECHT' can still be seen, carved in foot-high letters into the granite lintel over the doorway. Clothing was added to the lineup in 1879 under the name of **Hecht's Reliable**.^[1] Shortly thereafter a carpet and matting establishment was opened in Baltimore at 310 West [Lexington Street](#).

Over the front of the new store on Lexington Street was a sign reading 'Samuel Hecht, Jr. & Sons,' reflecting the development of the firm as a family enterprise. Four of Samuel's sons eventually joined him in business. They were, in order of age: Emanuel (Manny), Albert S., Alexander (Alex), and Moses S. Hecht.

Emanuel Hecht joined his father in business in 1880. In 1886 he and Albert were listed as partners with their father. Alex and Moses came into the firm later and contributed to its success. Samuel Hecht died on February 7, 1907 in Baltimore. His sons, and later his grandsons, carried on the business.

The growth of the firm continued in Baltimore with the opening of the **Hecht Brothers** store on Baltimore and Pine streets in 1885, the [Hub](#) store in Baltimore in 1897, and Hecht Brothers at Howard and Franklin streets in 1926. Hecht stores were also established in [New York City](#) and [Easton, Maryland](#). There was also a branch in [Annapolis, Maryland](#). However, the most important move was into [Washington, D.C.](#)

Washington stores

The Hechts opened a store in Washington on March 20, 1896, which moved to a grand glass and marble store at the corner of 7th and F Streets [Northwest](#) in November 1925. Alexander Hecht directed the Washington part of the business for the family.

Hecht's was the first store in Washington to offer national brands. It also boasted the first [parking garage](#) and first [elevator](#). Its relatively open policies made it popular among [African-Americans](#) as well as the white populace.^[citation needed]

A tour of [Norman Rockwell's Four Freedoms](#) paintings, intended to rally support for the Allied cause in [World War II](#) and the purchase of war bonds, premiered at the store in 1943.^[2]

In July 1951, a mixed race group began to picket outside the store, protesting racial segregation in the store's cafeteria. The offending policy was changed in January of the following year.

Hecht's moved its flagship store to a new building in downtown Washington in 1985. The former Hecht Company main building, now across from the [Verizon Center](#), was extensively renovated and reopened in 2003 as Terrell Place, honoring [Mary Church Terrell's](#) role in desegregating that and other public accommodations in Washington.

Hecht's operated the last local department store in downtown Washington, in a structure at the corner of 12th and G Streets NW built in 1985 and renovated in 2003. Now a Macy's location as of September 2006, the building has a direct entrance to the [Metro Center](#) station of the [Washington Metro](#).

Into the suburbs

After [World War II](#), Hecht Company began to build new stores in the suburbs around [Baltimore](#) and [Washington](#). Outside the center of Baltimore, Hecht's opened a store in [Northwood](#) in September 1954, followed by another in Edmondson Village in October 1956, and a third in the then-new Reisterstown Road Plaza in January 1962.

In 1947 they opened a large three-story department store in a cornfield in [Silver Spring, Maryland](#), just north of Washington, D.C. The wisdom of this move was initially questioned; however, within a few years, more room was needed, and a fourth story was added to the building. That store was later converted in 1992, to become [City Place Mall](#). The second suburban store opened on November 2, 1951, at [Parkington](#) in [Arlington, Virginia](#). It cost \$6.5 million to construct the 300,000-square-foot (28,000 m²) store and it was the largest suburban department store on the east coast at that time.^[3] On November 2, 1958, Maryland Gov. [Theodore R. McKeldin](#) ceremonially opened its third suburban D.C. Hecht Company store at [Prince George's Plaza](#), in [Hyattsville, Maryland](#).^[4] Gov. [J. Millard Tawes](#) did the honors on August 29, 1960, when he opened the fourth suburban D.C. store; the 168,000-square-foot (15,600 m²) store at [Marlow Heights Shopping Center](#).^[5]

May Company

The Hecht chain was acquired by the [May Company](#) in 1959. At this time, the historic 1924 Bernheim-Leader store on the corner of Howard and Lexington Streets in Baltimore was renamed Hecht's, becoming its flagship store in the Baltimore area. It closed in 1988, one of the last department stores to remain in the downtown district. In 1998, it was declared a city landmark, and has since been renovated into apartments owned by [Southern Management](#).

Many other stores acquired later were also rebranded as Hecht's. Hecht's acquired [Miller & Rhoads](#), based in [Richmond, Virginia](#), by cherry-picking the best locations when this venerable chain dissolved in 1990. [Thalhimer's](#), based in Richmond, Virginia, was acquired from [Carter Hawley Hale](#) Stores in 1990 and consolidated under Hecht's name in 1992. Hecht's took over ten [Hess's](#) stores, based in [Allentown, Pennsylvania](#) in 1994. Three of those re-opened as Hecht's and the others were operated by corporate siblings [Kaufmann's](#) and [Filene's](#). Hecht's acquired [Wanamaker's](#), based in [Philadelphia](#), and [Woodward & Lothrop](#), based in [Washington, D.C.](#), taking over 17 stores acquired in 1995 in joint acquisition with [JCPenney](#). Fourteen stores were consolidated the same year. Thirteen of Strawbridge and Clothier's stores, based in the Philadelphia area, were acquired in 1996. Following the acquisition, S&C was renamed [Strawbridge's](#). Their management consolidated with Hecht's the same year, but the Strawbridge name was retained and expanded to all the Philadelphia locations.

In the [Nashville](#) area, Hecht's took over select former [Castner Knott](#) stores, which had been purchased from [East Tennessee](#)-based [Proffitt's](#) in 2001. Proffitt's previously acquired them as a result of the [Mercantile Stores/Dillard's](#) merger in 1998, and briefly rebranded them as Proffitt's locations.

References

- ¹ [^ Kelly, Jacques. "Shopping in Fells Point at Hecht's Reliable store," *The Baltimore Sun*, Saturday, August 28, 2010.](#)
- ² [^ "Rockwell Show at Hecht Store Biggest War Bond Exhibition," *The Washington Post*, Apr 25, 1943, p. M5.](#)
- ³ [^ "Hecht's New Virginia Shop Opens Today," *The Washington Post*, Nov 2, 1951, p. B1.](#)
- ⁴ [^ "3000 See Opening of Hecht's Store at Prince Georges Shopping Center," by Hal Willard, *The Washington Post and Times Herald*, Nov 4, 1958, p. A16.](#)
- ⁵ [^ "Hecht's to Open 5th Area Store," by Frank C. Porter, *The Washington Post, Times Herald*, Aug 28, 1960, p. B6.](#)

Further reading

- Longstreth, Richard W. "The mixed blessings of success: the Hecht Company and department store branch development after World War II," in Hudgins, Carter L. and Cromley, Elizabeth Collins eds., *Shaping Communities: Perspectives in Vernacular Architecture, VI*: [University of Tennessee Press \(Knoxville\)](#). Originally a 1995 monograph published by the Center for Washington Area Studies at [George Washington University](#).
- Cultural Tourism D.C.: [Terrell Place / Hecht Company Site](#)
- [Goethe-Institut](#): German-American Sites in Washington, D.C., [The Hecht Company](#)
- National Association of Colored Women's Clubs: "[Washington D.C. Dedicates Terrell Place](#)"
- *Washington Business Journal*, "[Bottom line bait](#)," October 24, 2003

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Store conversions to [Macy's](#)

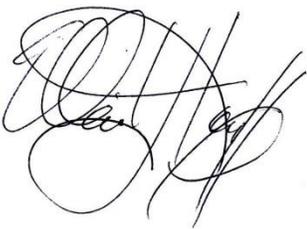
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Store conversions to Hecht's

Regards,

Ellia Kassoff

A handwritten signature in black ink, appearing to read 'Ellia Kassoff', with a large, stylized flourish at the end.

Strategic Marks, LLC