

ESTTA Tracking number: **ESTTA555102**

Filing date: **08/20/2013**

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	Ghetz Knit Fashion Ltda.		
Entity	Corporation	Citizenship	Brazil
Address	Rua Mazzolini No 645 Terreo, Centro, 13960-000 Socorro SP, BRAZIL		

Attorney information	Robert J. Kenney Birch Stewart Kolasch & Birch 8110 Gatehouse Rd. Ste. 100 East Falls Church, VA 22042 UNITED STATES rjk@bskb.com, johnst@bskb.com, mailroom@bskb.com Phone:703-205-8000		
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### Registration Subject to Cancellation

Registration No	3300361	Registration date	09/25/2007
Registrant	Rule 66, LLC 2078 Fortuna Del Norte Escondido, CA 92029 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 025. First Use: 2007/01/01 First Use In Commerce: 2007/01/01  
All goods and services in the class are cancelled, namely: WEARING APPAREL NAMELY SHIRTS, SHORTS, PANTS AND CAPS

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	2013-08-20 Ghetz Petition to Cancel.pdf(13411 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	/Robert J. Kenney/
Name	Robert J. Kenney
Date	08/20/2013





Cancellation No. \_\_\_\_\_  
Registration No. 3,300,361

3. On information and belief, the 3,300,361 Registration was registered on September 25, 2007 by Rule 66 LLC with a principal place of business at 2078 Fortuna Del Norte, Escondido, California 92029. The '361' Registration is registered for the goods "wearing apparel namely shirts, shorts, pants and caps" in International Class 25.

4. On information and belief, the product bearing the registered mark has been discontinued, the Registered Mark is not currently in use in U.S. commerce and the Registrant has no intent to resume use of the Registered Mark. As a result, the Registered Mark has been abandoned.

5. Petitioner has filed application for its GHETZ mark with the USPTO; however, Petitioner's application is likely to be refused based on confusing similarity with the Registered Mark due to the identical nature of the goods and the similarity in appearance and pronunciation of the marks.

6. Petitioner submits that the continued registration of the Registered Mark will irreparably damage Petitioner by preventing it from starting its business in the U.S. under its GHETZ trademark.

7. Petitioner therefore requests that Registration No. 3,300,361 be canceled on the grounds of abandonment under 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and Registration No. 3300361 be canceled as abandoned; and that Petitioner be granted such further relief as the circumstances of the case may warrant and require.

Petitioner submits herewith the requisite Filing Fee in the amount of \$ 300.00 per class.

Cancellation No. \_\_\_\_\_  
Registration No. 3,300,361

Please address all communications to Robert J. Kenney, Esquire, of BIRCH,  
STEWART, KOLASCH & BIRCH, P.O. Box 747, Falls Church, VA 22040-0747.

Respectfully submitted,

Date: August 20, 2013

By: /Robert J. Kenney/  
Robert J. Kenney  
BIRCH, STEWART, KOLASCH & BIRCH  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
Attorney for Petitioner

Cancellation No. \_\_\_\_\_  
Registration No. 3,300,361

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2013, I served the foregoing PETITION FOR CANCELLATION upon Registrant by depositing a copy thereof with the United States Postal Service, first class postage prepaid, and addressed to Registrant at its correspondence address of record in the US Trademark Office:

POLLIE GAUTSCH  
G&A Legal, a professional corporation  
2033 San Elijo Ave. #201  
Cardiff, California 92007

/Robert J. Kenney/ \_\_\_\_\_  
Robert J. Kenney