

ESTTA Tracking number: **ESTTA605577**

Filing date: **05/21/2014**

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	Garan Services Corp.		
Entity	Corporation	Citizenship	Delaware
Address	200 Madison Avenue New York, NY 10016 UNITED STATES		

Attorney information	Robert L. Epstein Epstein Drangel LLP 60 East 42nd Street, Suite 2410 New York, NY 10165 UNITED STATES mail@ipcounselors.com
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Registration Subject to Cancellation

Registration No	4284412	Registration date	02/05/2013
International Registration No.	NONE	International Registration Date	NONE
Registrant	NEWMAN 25-27 rue du Mail FRANCE		

Goods/Services Subject to Cancellation

<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Clothing, namely, bathing suits, blouses, boots, boot uppers, half-boots, suspenders, belts, shawls, sweaters, socks, shirts, shirt fronts, underwear, suits, neckties, sashes for wear, scarves, gloves, vests, waterproof coats, skirts, singlets, coats, trousers, overcoats, parkas, capes, pelisses, jumpers, dresses, stuff jackets, jackets, tee-shirts, shorts, Bermuda shorts, tops, tank tops, camisoles, dressing gowns, pajamas, slippers, bathing caps, bath slippers, sandals, stockings, tights, breeches for wear, briefs, underwear, brassieres, bandanas, turbans, house coats, esparto shoes and sandals, petticoats, ascots, fingerless gloves, bedroom slippers ; footwear ; headgear, namely, hats, knitted caps, caps, cap peaks ; leather clothing, namely, shirts, pants, coats, dresses, boots, bootsuppers, suspenders, belts, underwear, neckties, gloves, vests, skirts, jackets, shorts, Bermuda shorts, trousers, overcoats, parkas, capes, pelisses, slippers, sandals, fingerless gloves, bedroom slippers ; imitation leather clothing, namely, shirts, pants, coats, dresses, boots, boots uppers, suspenders, belts, underwear, neckties, gloves, vests, skirts, jackets, shorts, Bermuda shorts, trousers, overcoats, parkas, capes, pelisses, slippers, sandals, fingerless gloves, bedroom slippers ; knitwear, namely, knitted blouses, knitted caps, shawls, sweaters, socks, sashes for wear, scarves, gloves, vests, skirts, dresses, coats, capes, pelisses, jumpers, fingerless gloves ; undershorts, namely, underwear boy shorts</p>
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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	Petition to Cancel '412.pdf(925548 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 L. Epstein/
Name	Robert L. Epstein
Date	05/21/2014

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

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GARAN SERVICES CORP.	:	
Petitioner,	:	
	:	Cancellation No.
v.	:	
	:	
	:	
NEWMAN	:	
	:	
Registrant.	:	
	:	
	x	

PETITION OF CANCELLATION

Petitioner, Garan Services Corp., 200 Madison Ave., New York, New York 10016, believes that it is being damaged by Registration No. 4,284,412, issued February 5, 2013, for the trademark NEW MAN in Design for use on Clothing, namely, bathing suits, blouses, boots, boot uppers, half-boots, suspenders, belts, shawls, sweaters, socks, shirts, shirt fronts, underwear, suits, neckties, sashes for wear, scarves, gloves, vests, waterproof coats, skirts, singlets, coats, trousers, overcoats, parkas, capes, pelisses, jumpers, dresses, stuff jackets, jackets, tee-shirts, shorts, Bermuda shorts, tops, tank tops, camisoles, dressing gowns, pajamas, slippers, bathing caps, bath slippers, sandals, stockings, tights, breeches for wear, briefs, underwear, brassieres, bandanas, turbans, house coats, esparto shoes and sandals, petticoats, ascots, fingerless gloves, bedroom slippers; footwear; headgear, namely, hats, knitted caps, caps, cap peaks ; leather clothing, namely, shirts, pants, coats, dresses, boots, boots uppers, suspenders, belts, underwear, neckties,

gloves, vests, skirts, jackets, shorts, Bermuda shorts, trousers, overcoats, parkas, capes, pelisses, slippers, sandals, fingerless gloves, bedroom slippers; imitation leather clothing, namely, shirts, pants, coats, dresses, boots, boots uppers, suspenders, belts, underwear, neckties, gloves, vests, skirts, jackets, shorts, Bermuda shorts, trousers, overcoats, parkas, capes, pelisses, slippers, sandals, fingerless gloves, bedroom slippers; knitwear, namely, knitted blouses, knitted caps, shawls, sweaters, socks, sashes for wear, scarves, gloves, vests, skirts, dresses, coats, capes, pelisses, jumpers, fingerless gloves; undershorts, namely, underwear boy shorts in International Class 025 and therefore petitions to cancel said registration.

As grounds for its petition, Petitioner, by and through its undersigned attorneys, alleges as follows:

1. Upon information and belief, Registration No. 4,284,412 is currently owned by NEWMAN, a Simplified Joint Stock Company France, whose address is 7 Rue Froissart Paris France 75003 ("Registrant").

2. Upon information and belief, the trademark NEW MAN in Design has not been used in commerce on some or all of the above noted goods identified in Registration No. 4,284,412.

3. Upon information and belief, Registrant never had a bona fide intention to use the trademark NEW MAN in Design in commerce on some or all of the above identified goods in Registration No. 4,284,412 at the time of filing the application upon which Registration No. 4,284,412 is based.

4. Upon information and belief, Registrant has abandoned any right it may have, or may have had, to use the trademark NEW MAN in Design on the above identified goods in Registration No. 4,284,412.

5. Upon information and belief, Registrant has abandoned Registration No. 4,284,412.

6. Upon information and belief, Registration No. 4,284,412 is invalid because of abandonment and should be cancelled in its entirety.

7. By reason of the foregoing, Petitioner will be damaged by the continued registration of the mark of Registration No. 4,284,412 in International Class 025.

WHEREFORE, it is respectfully requested that this petition for cancellation be sustained and that the Registration No. 4,284,412 be cancelled insofar as it relates to goods in International Class 025.

Respectfully submitted,

EPSTEIN DRANGEL LLP

Dated: May 21, 2014

By: 

Robert L. Epstein

William C. Wright

Jason M. Drangel

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New York, New York 10165

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Attorneys for Petitioner

Garan Services Corp.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served by First Class Mail, with sufficient postage prepaid, on this 21st day of May, 2014, upon the Owner of Record:

NEWMAN

7 Rue Froissart

Paris France 75003

BY:



Robert L. Epstein