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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	Rescue Dog IP, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	615 South DuPont Highway Dover, DE 19901 UNITED STATES		

Attorney information	Stephen R. Baird Winthrop & Weinstine P.A. 225 South Sixth Street Suite 3500 Minneapolis, MN 55402 UNITED STATES trademark@winthrop.com, sbaird@winthrop.com, sbell@winthrop.com, wander- son@winthrop.com Phone:612-604-6585		
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Registration Subject to Cancellation

Registration No	1263661	Registration date	01/10/1984
Registrant	MICHAEL LLC 4567 MAYWOOD AVENUE VERNON, CA 90058 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 1968/10/00 First Use In Commerce: 1968/10/00 All goods and services in the class are cancelled, namely: Shorts; Dress, Casual and Knit Shirts; Suits, Sport Coats and Blazers; Tuxedos and Formal Accessories-Namely, Slacks, Tuxedo Shirts and Ties; Sweatsuits and Sweat Bands; Regular Vests and Down Vests;Sweaters; Gloves; Belts; Ties; Suspenders; Socks; Robes; Underwear; Nightshirts; Scarves and Mufflers; and Pocket Squares; Hats; Swimwear; Coats, Topcoats and Jackets; Raincoats; Shoes, Slippers
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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	Pet to Cancel BRITCHES OF GEORGETOWNE.pdf(155207 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	/WDA/
Name	Wesley D. Anderson
Date	03/30/2015

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

Rescue Dog IP, LLC)	
)	
Petitioner,)	Registration No. 1,263,661
)	
v.)	Cancellation No. _____
)	
Michar LLC)	
)	
Respondent.)	

PETITION TO CANCEL

Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313-1451

Rescue Dog IP, LLC (“Petitioner”) believes that it is and will continue to be damaged by registration of the mark BRITCHES OF GEORGETOWNE (Stylized) & Design, U.S. Registration No. 1,263,661, and hereby petitions to cancel the same pursuant to the provisions of 15 U.S.C. § 1064.

The grounds for cancellation are as follows:

COUNT 1

1. Petitioner is the record owner of two applications for the mark BRITCHES OF GEORGETOWNE, namely, Application Serial No. 86/138,504 for “retail store services featuring clothing and apparel” in International Class 35 and Application Serial No. 86/138,508 for “clothing” in International Class 25 (“Petitioner’s Applications”).

2. Upon information and belief, Michar LLC, a California limited liability company having an address of 4567 Maywood Avenue, Vernon, California 90058 (“Respondent”) is listed as the record owner of U.S. Reg. No. 1,263,661 for the mark BRITCHES OF GEORGETOWNE

(Stylized) & Design for “Shorts; Dress, Casual and Knit Shirts; Suits, Sport Coats and Blazers; Tuxedos and Formal Accessories-Namely, Slacks, Tuxedo Shirts and Ties; Sweatsuits and Sweat Bands; Regular Vests and Down Vests; Sweaters; Gloves; Belts; Ties; Suspenders; Socks; Robes; Underwear; Nightshirts; Scarves and Mufflers; and Pocket Squares; Hats; Swimwear; Coats, Topcoats and Jackets; Raincoats; Shoes, Slippers” in International Class 25 (the “Registered Mark”).

3. On February 26, 2013, Respondent recorded an assignment of the Registered Mark effective February 25, 2013, in which Britches Acquisition Corp., a California corporation, assigned all entire right, title, and interest to the Registered Mark to Respondent.

4. On March 21, 2014, the U.S. Patent and Trademark Office refused registration of Petitioner’s Applications based on, inter alia, likely confusion with Respondent’s Registered Mark under Section 2(d) of the Lanham Act.

5. On September 30, 2014, the U.S. Patent and Trademark Office issued final office actions maintaining the refusal to register Petitioner’s Applications based on, inter alia, likely confusion with Respondent’s Registered Mark under Section 2(d) of the Lanham Act.

6. Petitioner has been and is likely to continue to be damaged by registration of Respondent’s Registered Mark for BRITCHES OF GEORGETOWNE (Stylized) & Design on the Principal Register because the Trademark Office has refused registration of Petitioner’s Mark BRITCHES OF GEORGETOWNE under Section 2(d) of the Lanham Act, relying on the existence of the Registered Mark.

7. Upon information and belief, Respondent and its predecessors in interest are no longer using and have not used the Registered Mark in connection with the goods covered by the subject registration in interstate commerce for a period of at least three consecutive years.

8. Upon information and belief, any use by Respondent of the Registered Mark was made solely to reserve rights in the Registered Mark and did not constitute a bona fide use of the Registered Mark in commerce in the ordinary course of trade.

9. Upon information and belief, Respondent and its predecessors in interest had and have no bona fide intent to resume use of the Registered Mark in connection with the goods covered by the subject registration in interstate commerce.

10. Upon information and belief, Respondent has abandoned the Registered Mark within the meaning of Section 45 of the Lanham Act, 15 U.S.C. § 1127, and therefore U.S. Registration No. 1,263,661 should be cancelled.

COUNT 2

11. Petitioner hereby restates and realleges allegations 1 through 10 above as if made fully herein below.

12. On March 15, 2013, Respondent filed a Combined Declaration of Use and Application for Renewal of Registration under Sections 8 & 9 of the Trademark Act declaring that the Registered Mark was being used in commerce in connection with all of the goods covered by the subject registration.

13. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “shorts.”

14. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “dress shirts.”

15. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “casual shirts.”

16. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “knit shirts.”

17. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “suits.”

18. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “sport coats.”

19. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “blazers.”

20. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “tuxedos.”

21. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “formal accessories.”

22. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “slacks.”

23. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “tuxedo shirts.”

24. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “tuxedo ties.”

25. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “sweatsuits.”

26. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “sweat bands.”

27. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “regular vests.”

28. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “down vests.”

29. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “sweaters.”

30. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “gloves.”

31. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “belts.”

32. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “ties.”

33. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “suspenders.”

34. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “socks.”

35. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “robes.”

36. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “underwear.”

37. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “nightshirts.”

38. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “scarves.”

39. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “mufflers.”

40. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “pocket squares.”

41. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “hats.”

42. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “swimwear.”

43. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “coats.”

44. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “topcoats.”

45. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “jackets.”

46. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “raincoats.”

47. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “shoes.”

48. Upon information and belief, on March 15, 2013, Respondent was not using in commerce the Registered Mark in connection with “slippers.”

49. Upon information and belief, Respondent made material false statements to the U.S. Patent and Trademark Office when it declared that it was using in commerce the Registered Mark in connection with all the goods covered by the subject registration.

50. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “shorts.”

51. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “dress shirts.”

52. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “casual shirts.”

53. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “knit shirts.”

54. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “suits.”

55. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “sport coats.”

56. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “blazers.”

57. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “tuxedos.”

58. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “formal accessories.”

59. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “slacks.”

60. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “tuxedo shirts.”

61. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “tuxedo ties.”

62. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared that it was using in commerce the Registered Mark in connection with “sweatsuits.”

63. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “sweat bands.”

64. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “regular vests.”

65. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when it declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “down vests.”

66. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “sweaters.”

67. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “gloves.”

68. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “belts.”

69. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “ties.”

70. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “suspenders.”

71. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “socks.”

72. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “robes.”

73. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “underwear.”

74. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “nightshirts.”

75. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “scarves.”

76. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “mufflers.”

77. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “pocket squares.”

78. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “hats.”

79. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “swimwear.”

80. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “coats.”

81. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “topcoats.”

82. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “jackets.”

83. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “raincoats.”

84. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “shoes.”

85. Upon information and belief, Respondent made a false statement to the U.S. Patent and Trademark Office when Respondent declared on March 15, 2013, that it was using in commerce the Registered Mark in connection with “slippers.”

86. Respondent’s false statements are material because the U.S. Patent and Trademark Office detrimentally relied on Respondent’s false statements on March 15, 2013, that the Registered Mark was being used in commerce in connection with all the goods covered by the subject registration by accepting Respondent’s Combined Declaration of Use and Application for Renewal of Registration.

87. Upon information and belief, Respondent knew on March 15, 2013, that it was not using the Registered Mark in commerce and in connection with all the goods covered by the subject registration.

88. Upon information and belief, Respondent knew on March 15, 2013, that it was not using the Registered Mark in commerce and in connection with all the goods covered by the subject registration, and Respondent made the aforementioned material false statements with an intent to deceive the U.S. Patent and Trademark Office.

89. Upon information and belief, Respondent knowingly made false and material representations of fact in connection with the Registered Mark and fraudulently procured renewal of the Registered Mark within the meaning of Section 14 of the Lanham Act, 15 U.S.C. § 1064, and therefore U.S. Registration No. 1,263,661 should be cancelled.

WHEREFORE, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner respectfully requests that the Board grant its petition for cancellation and order the cancellation of U.S. Registration No. 1,263,661 and award Petitioner any further relief the Board deems equitable.

Respectfully Submitted,
WINTHROP & WEINSTINE, P.A.

Dated: March 30, 2015

/Wesley D. Anderson/
Stephen R. Baird
Wesley D. Anderson

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