

ESTTA Tracking number: **ESTTA669368**

Filing date: **04/29/2015**

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	James Abrahams		
Entity	Individual	Citizenship	UNITED KINGDOM
Address	5 West Hill Way Totteridge London, N20 8XQ UNITED KINGDOM		

Domestic Representative	Anne F. Downey, Esq. Partner Hodgson Russ LLP 140 Pearl Street, Suite 100 Buffalo, NY 14202 UNITED STATES adowney@hodgsonruss.com Phone:716-848-1683
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Registration Subject to Cancellation

Registration No	3379394	Registration date	02/05/2008
Registrant	Donald, Paul 345 9th Street, Suite 202 San Francisco, CA 94103 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2005/11/05 First Use In Commerce: 2005/11/23 All goods and services in the class are cancelled, namely: online retail store and retail store services featuring furniture, housewares, plants, garden supplies and accessories, books, [magazines, DVDs, skin care products,] towels, bedding, blankets, pillows, gifts, toys, [clothing, jewelry] and artwork
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	AbrahamsPetitionCancelBRANCHRegis.pdf(57196 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	/anne f. downey, esq./
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Name	Anne F. Downey, Esq.
Date	04/29/2015

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

In the matter of Registration No. 3379394 BRANCH (issued February 5, 2008)

JAMES ABRAHAMS,

Petitioner

v.

Cancellation No.

PAUL DONALD,

Registrant

PETITION TO CANCEL

Petitioner, James Abrahams (“Petitioner”), a citizen of the United Kingdom, with an address at 5 West Hill Way, Totteridge, London, United Kingdom N20 8XQ, hereby petitions for the cancellation of Reg. 3379394 (the “Registration”) for the mark BRANCH (the “Registered Mark”) issued February 5, 2008 in the name of Paul Donald (“Registrant”), a U.S. citizen, with an address at 345 9th Street, Suite 202, San Francisco, California 94103. Petitioner believes he will be damaged if the Registration remains on the Principal Register.

As grounds for cancellation, it is alleged that:

1. On June 27, 2014 Petitioner filed a Section 66(a) application, Serial No. 79158575 BRANCH, for goods in International Classes 9 and 20 (“Petitioner’s Application”), as set forth in Exhibit A.

2. In connection with Petitioner's Application, on January 16, 2015, an Office Action issued with a Section 2(d) refusal citing the Registration, and barring the mark in Petitioner's Application from federal registration and from obtaining the rights and protection afforded thereby.

3. Upon information and belief, Registrant has abandoned the Registered Mark in connection with the services listed in the Registration as evidenced by Registrant's express statements at its website and on social media regarding the closing of the Registrant's business in connection with which the Registered Mark was registered.

4. Upon information and belief, Registrant has abandoned the Registered Mark because use of the Registered Mark in commerce for the services listed in the Registration has been discontinued with no intent to resume use.

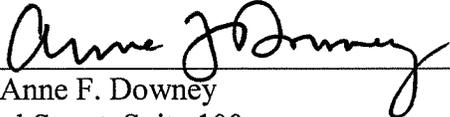
5. Petitioner has been, and will continue to be, damaged by the continued registration of the Registered Mark, because the Registered Mark has and will continue to bar federal registration of the mark in Petitioner's Application, and prevent Petitioner from obtaining the rights and protections afforded by federal registration.

[continued on next page]

WHEREFORE, Petitioner prays that the Registration be cancelled and that this cancellation Petition be sustained in favor of Petitioner. This Petition is being filed electronically, pursuant to the Board's rules, along with the required filing fee. If there are any additional fees due and owing in connection with this request, please charge the Hodgson Russ LLP Deposit Account No. 082442.

Dated: Buffalo, New York
April 29, 2014

HODGSON RUSS LLP

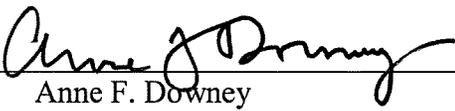
By: 
Anne F. Downey
140 Pearl Street, Suite 100
Buffalo, New York 14202-4040
(716) 856-4000

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Cancel was served on April 29, 2015 by first-class mail in a postage prepaid envelope addressed to the following:

Paul Donald
345 9th Street, Suite 202
San Francisco, CA 94103


Anne F. Downey

CERTIFICATE OF FILING

I hereby Certify that this Petition to Cancel is being electronically filed with the Trademark Trial and Appeal Board on April 29, 2015.



Anne F. Downey