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

09-14-2001

U.S. Patent & TMO/TM Mail Rcpt Dt #57

HCI DIRECT, INC.)	
)	
Petitioner,)	
v.)	Cancellation No. _____
)	
CATHERINES OF CALIFORNIA, INC.)	
)	
Registrant.)	

09-21-2001

PETITION FOR CANCELLATION

Petitioner, HCI Direct, Inc., a Delaware corporation with its principal place of business at 3369 Progress Drive, Bensalem, PA 19020, believes that it is and will be damaged by Registration No. 1,445,291 for the mark **SHEER DIMENSIONS** and hereby petitions to cancel same.

As grounds for this Petition, it is alleged that:

1. Registrant obtained the above-noted registration for hosiery on June 30, 1987. In 1992, Registrant successfully filed a Sections 8 and 15 Declaration, thus maintaining that registration.
2. Petitioner is in the hosiery business and has been engaged in this business for many years.

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REGISTRATION 00000223 1445291

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3. Petitioner is the owner of U.S. Application No. 76/007,098 for the mark **SOFT DIMENSIONS** for hosiery and pantyhose. Said application received a Notice of Allowance on February 20, 2001.

4. Petitioner has filed an intent to use application for the mark **SHEER DIMENSIONS** for hosiery with the U.S. Trademark Office on September 10, 2001.

5. On information and belief, Registrant has abandoned U.S. Registration No. 1,445,291 because it has no current use of this mark and has no intention to resume use of this mark. Accordingly, Registrant has abandoned its mark as defined under Section 45 of the Trademark Act.

6. Registration No. 1,445,291 will stand as a cloud on Petitioner's legal right to use and register the mark **SHEER DIMENSIONS** for hosiery. Such registration is therefore a source of damage and injury to Petitioner.

WHEREFORE, Petitioner deems that it is and will continue to be damaged by Registration No. 1,445,291 and

petitions for cancellation thereof pursuant to Section 14
(a)(3) of the Trademark Act.

A duplicate Petition for Cancellation is being filed
herewith together with the filing fee required by the
Trademark Rules of Practice 2.6(a)(16).

Respectfully submitted,
HCI Direct, Inc.

Date: September 13, 2001

By: 

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