

ESTTA Tracking number: **ESTTA28078**

Filing date: **03/13/2005**

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

<b>Name</b>	Bad Habits, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	California
<b>Address</b>	26106 GETTY DRIVE Laguna Niguel, CA 92677-1231 UNITED STATES		

<b>Attorney information</b>	Melissa Linsky N/A 1087 Club Place Atlanta, GA 30319 UNITED STATES mjlinisky@comcast.net Phone:678-471-4404
-----------------------------	--

#### Registration Subject to Cancellation

<b>Registration No</b>	2473836	<b>Registration date</b>	07/31/2001
<b>Registrant</b>	ROSS, CHARLES H., JR. 270 Park Avenue South Apt. 10D New York, NY 10010 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 025. First Use: 20000730, First Use In Commerce: 20000730 Goods/Services: clothing, namely, men's, boys' and women's jackets, shirts, blouses, pants, jeans, shorts and hats		

<b>Attachments</b>	grounds for cancellation.pdf ( 1 page )
--------------------	---

<b>Signature</b>	/Melissa Linsky/
------------------	------------------

<b>Name</b>	Melissa Linsky
-------------	----------------

<b>Date</b>	03/13/2005
-------------	------------

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

In the matter of: Trademark Registration No. 2473836  
For the Mark: BAD HABIT  
Registered: July 31, 2001

Bad Habits, Inc., Petitioner,  
v.  
Charles Ross Jr., Registrant.

GROUND FOR CANCELLATION

1. Since at least 1979, Petitioner or Petitioner's predecessor (collectively, "Petitioner") in interest has used the mark BAD HABITS in connection with the manufacturing and distribution of novelty items, including T-shirts.
2. Petitioner's BAD HABITS mark, by virtue of its substantial, continuous use since 1979 has acquired great value as an identification of Petitioner and Petitioner's goods and services and distinguishes them from the goods and services of others.
3. Petitioner, through sales, advertising and promotion of its goods and services under the mark BAD HABITS, has built up at great expense and effort, valuable goodwill symbolized by its mark.
4. Petitioner has used the mark BAD HABITS in interstate commerce since prior to November 7, 1996, the date Registrant filed its trademark application for the mark BAD HABIT in connection with "clothing, namely, men's, boys' and women's jackets, shirts, blouses, pants, jeans, shorts and hats."
5. Registrant's prior Registration for the mark BAD HABIT has been cited against Petitioner's application for the mark BAD HABITS as shown in trademark application serial number 78211082.
6. The Examining Attorney has issued a final office action against Petitioner's application for registration of its mark BAD HABITS.
7. Thus, Registrant's registration of the mark BAD HABIT is damaging to Petitioner in that Petitioner cannot register its mark for which it has prior use.