

ESTTA Tracking number: **ESTTA74312**

Filing date: **04/03/2006**

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	The Topline Corporation		
Entity	Corporation	Citizenship	Washington
Address	13150 Southeast 32nd Street Bellevue, WA 98005 UNITED STATES		

Attorney information	William O. Ferron, Jr. Seed Intellectual Property Law Group PLLC 701 Fifth Avenue, Suite 6300 Seattle, WA 98104-7092 UNITED STATES BillF.docketing@SeedIP.com, litcal@SeedIP.com Phone:206-622-4900
----------------------	--

Registration Subject to Cancellation

Registration No	2890144	Registration date	09/28/2004
Registrant	SACHA LONDON, S.L. Avda. de los Tilos, 11-13 ELDA (ALCANTE), 03600 SPAIN		
Goods/Services Subject to Cancellation	Class 025. First Use: 2003/11/00 , First Use In Commerce: 2003/11/00 Goods/Services: Boots, half boots, footwear, sandals, shoes, sport shoes, galoshes, clogs, mocasins, sneakers		

Attachments	SP-PetitionForCancellation.PDF (3 pages)
-------------	--

Signature	/WOF/
Name	William O. Ferron, Jr.
Date	04/03/2006

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

THE TOPLINE CORPORATION,)	
)	Cancellation No.
Petitioner,)	
)	Registration No. 2890144
v.)	
)	
SACHA LONDON, S.L.,)	
)	
Respondent.)	
<hr style="width: 40%; margin-left: 0;"/>		Docket No. 910009.830

PETITION FOR CANCELLATION

Petitioner The Topline Corporation (“Petitioner”) hereby requests that the Trademark Trial and Appeal Board cancel United States Trademark Registration No. 2890144 (“the ’144 Registration”), issued to Respondent Sacha London, S.L. (“Respondent”) on September 28, 2004 for the mark SACHA REPORT for “boots, half boots, footwear, sandals, shoes, sport shoes, galoshes, clogs, moccasins, sneakers” in International Class 25.

The grounds asserted by Petitioner for cancellation are as follows:

1. Petitioner is a Washington corporation with its principal place of business in Bellevue, Washington. Petitioner is engaged in the manufacture and distribution of footwear.
2. Commencing as early as March 1993, well prior to August 7, 2002 filing date of the application that issued as Respondent’s registration and the November 2003 first-use date asserted in the registration, Petitioner adopted and has continuously used the mark REPORT and variants of that mark (“REPORT Marks”) in commerce in the United States as a trademark in connection with the sale of footwear products.

3. Petitioner is the owner of U.S. Trademark Registration No. 2169637, with a filing priority date of June 24, 1997 and first-use date of March 1993, for REPORT: in International Class 25 for women's shoes. The registration has become incontestable.

4. Petitioner is the owner of U.S. Trademark Registration No. 2681120 for REPORT: and Design in International Class 25 for footwear.

5. Since commencing use of its REPORT Marks as described above, Petitioner has generated substantial revenue from the sale of its REPORT goods in the United States. Additionally, Petitioner has expended substantial sums of money, time and effort in advertising, promoting and popularizing the REPORT Marks in the United States.

6. As a result of Petitioner's use of the REPORT Marks, and its advertising and promotion of its REPORT shoes and other footwear products, its REPORT Marks have become well known in the United States and are recognized as identifying the high-quality services and goods of Petitioner. Thus, the REPORT Marks and the associated goodwill are valuable assets of Petitioner.

7. The goods described in Respondent registration—i.e., boots, half boots, footwear, sandals, shoes, sport shoes, galoshes, clogs, moccasins, sneakers—include goods identical to goods sold by Petitioner under its REPORT Marks. Respondent's goods are so closely related to the goods identified in Petitioner's registrations and sold by Petitioner in the United States that confusion is likely to result if the parties' respective goods and services are marketed and sold under their respective marks.

8. On information and belief, Respondent is in the business of selling women's shoes.

9. On information and belief, Respondent has used its SACHA REPORT mark only on women's footwear, goods that compete directly with Opposer's goods.

10. The SACHA REPORT mark shown in Respondent's registration for the goods described therein is confusingly and deceptively similar to Petitioner's REPORT Marks for Petitioner's above-described goods, such that the trade and purchasing public will be confused by

and deceived into believing that Respondent's goods originate with Petitioner, or are otherwise authorized by, sponsored by, licensed by, affiliated with, or associated with Petitioner.

11. Upon information and belief, Respondent has ceased use of the mark SACHA REPORT for the goods described in the registration and does not intend to resume use.

12. Upon information and belief, Respondent has abandoned any and all rights it may have had in its registered SACHA REPORT mark by discontinuing use of the mark with intent not to resume such use.

WHEREFORE, Petitioner prays that Registration No. 2890144 be cancelled and that this Petition for Cancellation be sustained.

Correspondence Address

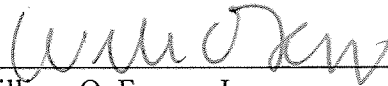
Please direct all communications to:

William O. Ferron, Jr.
BillF.docketing@SeedIP.com
LitCal@SeedIP.com
SEED IP Law Group PLLC
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092

DATED this 3rd day of April, 2006.

Respectfully submitted,

SEED IP Law Group PLLC



William O. Ferron, Jr.
701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
(206) 622-4900
Fax: (206) 682-6031

Attorneys for Petitioner
THE TOPLINE CORPORATION