

ESTTA Tracking number: **ESTTA100026**

Filing date: **09/19/2006**

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	Hilton Hospitality, Inc.		
Entity	Corporation	Citizenship	Nevada
Address	9336 Civic Center Drive Beverly Hills, CA 90210 UNITED STATES		

Attorney information	Edward M. Prince Alston & Bird LLP 950 F Street, N.W. Washington, DC 20004-1404 UNITED STATES edward.prince@alston.com Phone:(202) 756-3358		
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Registration Subject to Cancellation

Registration No	2491973	Registration date	09/25/2001
Registrants	Parsons, Nancy Kathleen THE WALDORFSHOP NETWORK 4210 SW ALTADENA AVENUE PORTLAND, OR 97201 UNITED STATES Lathe, Robert Fred THE WALDORFSHOP NETWORK 4210 SW ALTADENA AVENUE PORTLAND, OR 97201 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 1998/09/17 , First Use In Commerce: 1998/10/15 Goods/Services: COMPUTERIZED ON-LINE ORDERING SERVICES IN THE FIELD OF GENERAL MERCHANDISE; ON-LINE DIRECTORY SERVICES, NAMELY, PROVIDING WEB SITE LINKS TO RETAIL AND WHOLESALE BUSINESSES AND SERVICE PROVIDERS IN A WIDE VARIETY OF INTERESTS; PROMOTING THE GOODS AND SERVICES OF OTHERS BY PREPARING AND PLACING WEB SITE LINKS ON A WEB SITE ACCESSED THROUGH A GLOBAL COMPUTER INFORMATION NETWORK; ELECTRONIC BILLBOARD ADVERTISING		

Attachments	Petition for Cancellation (WALDORFSHOP).pdf (3 pages)(96689 bytes)
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Signature	/Edward M. Prince/
Name	Edward M. Prince
Date	09/19/2006

HILTON HOSPITALITY, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
NANCY KATHLEEN PARSONS and)	
ROBERT FRED LATHE,)	
)	
Registrants.)	

PETITION FOR CANCELLATION

In the matter of Reg. No. 2,491,973
Date of Issue: September 25, 2001

Hilton Hospitality, Inc., a corporation of Nevada, having its principal place of business 9336 Civic Center Drive, Beverly Hills, California 90210, believes that it will be damaged by Reg. No. 2,491,973 and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Hilton Hospitality, Inc., and its affiliates (hereinafter referred to as "Hilton) are worldwide operators of hotels engaged in interstate and foreign commerce.
2. Among the hotels operated by Hilton is The Waldorf-Astoria in New York City, often identified as simply "The Waldorf," and The Waldorf Towers, also in New York City.
3. For many years prior to the date of first use alleged in the registration sought to be canceled, Petitioner has used the name and service mark WALDORF and WALDORF-ASTORIA to identify the origin of its hotel

services and retail gift store services located in such hotels. More recently, such gift store services have been offered online.

4. Through extensive use and advertising, the mark WALDORF has become synonymous with luxury hotels and luxury goods endorsed thereby.

5. Petitioner is the owner of the marks WALDORF for hotel services, Reg. No. 1,519,383, WALDORF-ASTORIA for hotel services, Reg. No. 1,065,983, THE WALDORF TOWERS for hotels and restaurants, Reg. No. 2,527,138, and IT COULD ONLY HAPPEN AT THE WALDORF for hotel services, Reg. No. 2,257,287.

6. More recently, Petitioner has adopted the mark THE WALDORF COLLECTION for online retail store services featuring a variety of merchandise affiliated with or inspired by Petitioner's luxury hotel services.

7. On March 4, 2004, Petitioner filed an application to register the mark THE WALDORF COLLECTION for online retail store services featuring a variety of merchandise affiliated with or inspired by applicant's luxury hotel services, Ser. No. 78/378,742.

8. In an office action dated September 29, 2004, the United States Trademark Office rejected Petitioner's application, inter alia, under 15 U.S.C. § 1052(d) because Petitioner's mark, when used on or in connection with its services, was alleged to so resemble the mark shown in the registration sought to be canceled, as to be likely to cause confusion, to cause mistake, or to deceive.

9. Accordingly, Petitioner maintains that the mark WALDORFSHOP so resembles the marks and name WALDORF and WALDORF-ASTORIA, previously used by Petitioner, and not abandoned, as to be likely, when applied to the services of Petitioner, to cause confusion, or to cause mistake, or to deceive.

10. The mark WALDORFSHOP for computerized on-line ordering services in the field of general merchandise; on-line directory services, namely, providing Web site links to retail and wholesale businesses and service providers in a wide variety of interests; promoting the goods and services of others by preparing and placing Web site links on a Web site accessed through a global computer information network; and electronic billboard advertising, so resembles Petitioner's marks WALDORF and WALDORF-ASTORIA as to be likely to suggest falsely a connection with Petitioner or bring Petitioner into contempt or disrepute.

WHEREFORE, Petitioner demands that this cancellation be granted and that the above-identified registration be canceled.