

ESTTA Tracking number: **ESTTA100906**

Filing date: **09/25/2006**

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 Hercules Tire & Rubber Company		
Entity	Corporation	Citizenship	Connecticut
Address	16380 U.S. Route 224 East, Suite 200 Findlay, OH 45840 UNITED STATES		

Attorney information	Jennifer Sheehan Anderson Honigman Miller Schwartz and Cohn LLP 38500 Woodward Ave., Suite 100 Bloomfield Hills, MI 48304-5048 UNITED STATES tmdocketing@honigman.com Phone:2485668532
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Registration Subject to Cancellation

Registration No	1643156	Registration date	04/30/1991
Registrant	PRIVATE BRANDS, LTD. 3 WADDLES RUN ROAD WHEELING, WV 26003 UNITED STATES		
Goods/Services Subject to Cancellation	Class 012. First Use: 1990/06/11 , First Use In Commerce: 1990/06/11 Goods/Services: TIRES FOR MOTOR VEHICLES		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	Petition_to_Cancel_STREET_HAWK.pdf (1 page)(14930 bytes)
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Signature	/Jennifer Sheehan Anderson/
Name	Jennifer Sheehan Anderson
Date	09/25/2006

In the Matter of Registration No. 1,643,156
For the Mark: STREET HAWK
Date registered: April 30, 1991

The Hercules Tire & Rubber Company,
Petitioner,

v.

Independent Tire Sales, Inc.
Registrant.

Petitioner, The Hercules Tire & Rubber Company, a corporation organized under the laws of the state of Connecticut located at 16380 U.S. Route 224 East, Suite 200, Findlay, Ohio 45480, believes that it will be damaged by the continued existence of Registration No. 1,643,156 for the mark STREET HAWK, issued April 30, 1991, and therefore petitions to cancel the same pursuant to Section 14 of the Lanham Trademark Act of 1946, 15 U.S.C. §1064.

As grounds for cancellation, Petitioner, by its attorneys Honigman Schwartz and Cohn LLP, alleges as follows:

1. Upon information and belief Petitioner believes that Registrant has abandoned its registration.
2. Petitioner alleges that Registrant's mark has lost all capacity as source indicator for Registrant's goods.

Wherefore, Petitioner respectfully request that registration No. 1,643,156 be cancelled.

Respectfully submitted,

/Jennifer Sheehan Anderson/

Attorney for Petitioner
Dated: September 25, 2006