

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

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Mailed: June 6, 2007

Cancellation No. 92047612  
Reg. No. 2642885

78021812

Big Wick Candle Company, Inc.  
18802 72nd Ave. S.  
Kent, WA 98032

Gaines Group LLC

v.

Big Wick Candle Company, Inc.

John Courtney  
Andrews Kurth LLP  
600 Travis, Suite 4200  
Houston, TX 77002

Vionette Baez, Paralegal

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof.  
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure (TBMP)*, are available on the TTAB's web page at [www.uspto.gov/web/offices/dcom/ttab/](http://www.uspto.gov/web/offices/dcom/ttab/).

06-18-2007

U.S. Patent & TMO/TM Mail Rcpt Dt #72

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: 6/26/2007

Discovery period to close: 12/23/2007

30-day testimony period for party  
in position of plaintiff to close: 3/22/2008

30-day testimony period for party  
in position of defendant to close: 5/21/2008

15-day rebuttal testimony period  
for plaintiff to close: 7/5/2008

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

**New Developments at the Trademark Trial and Appeal Board**

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA144228**

Filing date: **06/05/2007**

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	Gaines Group LLC		
Entity	Limited Liability Company	Citizenship	Texas
Address	800 Gessner Road Suite 200 Houston, TX 77024 UNITED STATES		

Attorney information	John Courtney Andrews Kurth LLP 600 Travis Suite 4200 Houston, TX 77002 UNITED STATES jcourtney@akllp.com Phone:713 220 4078		
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#### Registration Subject to Cancellation

Registration No	2642885	Registration date	10/29/2002
Registrant	Big Wick Candle Company, Inc. 18802 72nd Ave. S. Kent, WA 98032 UNITED STATES		
Goods/Services Subject to Cancellation	Class 004. First Use: 1975/01/01 , First Use In Commerce: 1975/01/01 Goods/Services: candles		

Attachments	socialitesgrounds.pdf ( 1 page )(7092 bytes )
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Signature	/jcourtney/
Name	John Courtney
Date	06/05/2007

On information and belief, Petitioner alleges that Registration No. 2642885 ("Registration") for the mark SOCIALITES for candles has been abandoned for the following grounds:

1. Big Wick Candle Company, Inc., the record owner of the Registration, is currently an inactive Delaware corporation without authority to conduct business.

2. A search of the PTO assignment records does not show that the Registration has been assigned to a successor entity.

3. A search of the Westlaw news database revealed no trademark usage of the SOCIALITES mark and no references to Big Wick Candle Company, Inc. at all for the last ten years. A search of the internet through Google and other search services did not reveal any usage of the SOCIALITES mark by the registrant in association with the goods covered by the Registration.

4. On information and belief, the owner of the Registration has ceased operations or changed business plans such that it is no longer using the mark SOCIALITES in association with the goods identified in the Registration and has no intention of resuming such use.

5. Petitioner further alleges that registrant has not used the SOCIALITES mark for at least three consecutive years, which establishes a prima facie case of abandonment. Petitioner alleges, therefore, that the mark SOCIALITES has been abandoned and that Registration No. 2642885 should be canceled.

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BIG WICK CANDLE COMPANY, INC.  
18802 72ND AVE. S.  
KENT, WA 98032

*[Handwritten signature]*

*[Handwritten initials]*



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