

ESTTA Tracking number: **ESTTA146206**

Filing date: **06/15/2007**

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 | Hannah Holding a.s. | | |
| Entity | Corporation | Citizenship | Czech Republic |
| Address | Americka 2796/54 Plzen, CZ-301 00 CZECH REPUBLIC | | |

| | |
|----------------------|---|
| Attorney information | Thomas H. Van Hoozer Hovey Williams LLP 2405 Grand Boulevard Suite 400 Kansas City, MO 64108 UNITED STATES tmdocketing.vanhoozer@hoveywilliams.com, litigation@hoveywilliams.com Phone:816-474-9050 |
|----------------------|---|

Registration Subject to Cancellation

| | | | |
|--|--|-------------------|------------|
| Registration No | 1475067 | Registration date | 02/02/1988 |
| Registrant | SPECIALTY RETAILERS, INC. 10201 S. MAIN HOUSTON, TX 77025 UNITED STATES | | |
| Goods/Services Subject to Cancellation | Class 025. First Use: 1975/05/01 , First Use In Commerce: 1975/05/29 Goods/Services: WOMEN'S READY TO WEAR APPAREL, NAMELY DRESSES, SLACKS, SKIRTS, BLOUSES, SWEATERS, JACKETS, COATS, SLEEPWEAR, HEADWEAR, HOSIERY, BELTS, SHOES AND SCARVES | | |
| | Class 042. First Use: 1975/05/01 , First Use In Commerce: 1975/05/29 Goods/Services: RETAIL STORE SERVICES IN THE FIELD OF WOMEN'S READY TO WEAR APPAREL | | |
| Grounds for Cancellation | Abandonment Trademark Act section 14 | | |

| | |
|-------------|--|
| Attachments | Petition for Cancellation-TBF.pdf (5 pages)(194323 bytes) |
|-------------|--|

| | |
|-----------|------------------------|
| Signature | /Thomas H. Van Hoozer/ |
| Name | Thomas H. Van Hoozer |
| Date | 06/15/2007 |

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

In re: U.S. Registration No. 1,475,067
Registration Date: February 2, 2988
Mark: HANNAH
Goods: women's ready to wear apparel, namely dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves, in International Class 25; and retail store services in the field of women's ready to wear apparel, in International Class 42

Hannah Holding a.s.)
)
 Petitioner,)
)
 v.) Cancellation Proceeding No. _____
)
 SPECIALTY RETAILERS, INC.)
)
 Respondent.)

PETITION FOR CANCELLATION

Petitioner, Hannah a.s. (hereinafter "Petitioner"), a corporation duly organized under the laws of the Czech Republic and having its principal place of business at Americká 2796/54, CZ-301 00, Plzen, Czech Republic, believes that it is and will be damaged by U.S. Registration No. 1,475,067 for the mark HANNAH for women's ready to wear apparel, namely dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves, in International Class 25; and retail store services in the field of women's ready to wear apparel, in International Class 42; and hereby petitions to cancel that registration. As grounds therefor, Petitioner alleges that:

1. Petitioner, through related entities, operates a business including the manufacture and sale of bags and travelling bags, trunks, rucksacks, briefcases, pocket-wallets,

key cases, umbrellas, parasols, canes, walking and mountaineering sticks; sleeping bags for camping, tent pegs (not of metal); tents, ropes (not of metal), string, snares (nets), sails; sports clothing for men, women and children, i.e.; tee-shirts, shirts, undershirts, gloves, sweaters, shawls, combinations, jackets, trousers, skirts; footwear, namely sandals and boots for sports, trekking shoes; hats, headgear for wear, cap peaks, caps, scarves, belts, braces.

2. Petitioner is the owner of Application for U.S. Trademark Registration Serial No. 79/031,406, which is an extension of Madrid Protocol International Registration No. 0904749 for the mark H HANNAH and Design for bags and travelling bags, trunks, rucksacks, briefcases, pocket-wallets, key cases, umbrellas, parasols, canes, walking and mountaineering sticks, in Class 18; sleeping bags for camping, tent pegs (not of metal), in Class 20; tents, ropes (not of metal), string, snares (nets), sails, in Class 22; and sports clothing for men, women and children, i.e.; tee-shirts, shirts, undershirts, gloves, sweaters, shawls, combinations, jackets, trousers, skirts; footwear, namely sandals and boots for sports, trekking shoes; hats, headgear for wear, cap peaks, caps, scarves, belts, braces, in Class 25, (hereinafter "Petitioner's Mark") filed on July 24, 2006 asserting as a filing basis a bona fide intent to use in mark in commerce under Section 66(a) of the Trademark Act, 15 U.S.C. §1141 et seq. (hereinafter "Petitioner's Application").
3. In addition, Petitioner's wholly owned subsidiary, Hannah Czech A.S., is the owner of U.S. Certificate of Trademark Registration No. 3,150,120 for the goods as follows: bags, namely traveling bags, rucksaks, briefcases, wallets, key cases,

umbrellas, parasols, canes, namely walking and mountaineering sticks.; bags, namely traveling bags, rucksaks, briefcases, wallets, key cases, umbrellas, parasols, canes, namely walking and mountaineering sticks, in International Class 18; sleeping bags, non-metallic tent pegs; sleeping bags, non-metallic tent pegs, in International Class 20; tents, non-metallic ropes, insect protection nets, in International Class 22; footwear, namely, sandals, sport shoes, sport's shoes for tourism, headgear, namely, caps, hats, and kerchiefs; belts' suspenders, in International Class 25; and hand-held fishing nets, sports net, namely basketball nets, platform tennis nets, racquetball nets, soccer ball goal nets, tennis nets, and volleyball nets, in International Class 28

4. In the course of examination of Petitioner's Application, U.S. Trademark Registration No. 1,475,067 for the mark HANNAH for "retail store services in the field of women's ready to wear apparel", in International Class 42; and women's ready to wear apparel, namely dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves" in International Class 25 was cited against Petitioner's Mark as being likely to cause confusion.
5. The last listed owner of U.S. Trademark Registration No. 1,475,067 according to the United States Trademark Electronic Search System and the assignment database thereof is Respondent Specialty Retailers, Inc, a corporation of Delaware, located at 10201 S. Main, Houston, Texas 77025.

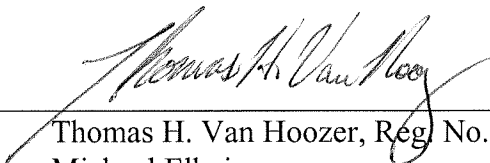
6. On information and belief, Respondent has ceased business and has abandoned said mark HANNAH by discontinuing the use of said mark in connection with retail store services in the field of women's ready to wear apparel, in International Class 42; and women's ready to wear apparel, namely dresses, slacks, skirts, blouses, sweaters, jackets, coats, sleepwear, headwear, hosiery, belts, shoes and scarves, in International Class 25, with no intent to resume use of said mark. On information and belief, Respondent has abandoned said mark and discontinued its use for at least three years prior to the filing of this Petition.
7. Petitioner will be damaged by the continuance of Registration No. 1,475,067, in that Petitioner has a bona fide intent to use the mark H HANNAH and Design in the United States in connection with the goods set forth in paragraph 2 above, and in that Petitioner has been refused registration for Petitioner's Mark on the basis of Registration No. 1,475,067. Respondent's Registration No. 1,475,067 will remain as a cloud on Petitioner's legal right to use and register its mark H HANNAH and Design unless Respondent's registration is cancelled as requested herein.

WHEREFORE, Petitioner prays that Registration No. 1,475,067 be cancelled, that this Petition for Cancellation be sustained in favor of Petitioner and that the continued registration of the mark HANNAH be denied to Respondent.

The Commissioner is hereby authorized to charge the fee of \$600 for filing this Petition for Cancellation to Deposit Account 19-0522. Any additional fees which may be required in connection with this Petition for Cancellation may be charged to Deposit Account 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

By  _____

Thomas H. Van Hoozer, Reg. No. 32,761

Michael Elbein

Cheryl Burbach

Suite 400, 2405 Grand Boulevard

Kansas City, Missouri 64108-2519

(816) 474-9050 Telephone

(816) 474-9057 Telefacsimile

ATTORNEYS FOR PETITIONER

(Docket No. 38278-MAP)