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

Proceeding	92047667
Party	Defendant Specialty Retailers (TX) LP
Correspondence Address	Specialty Retailers (TX) LP 10201 MAIN ST HOUSTON, TX 77025 UNITED STATES jenna.rader@mcafeetaft.com
Submission	Motion to Dismiss 2.132
Filer's Name	Jennifer B. Rader
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Date	06/04/2008
Attachments	Motion to Dismiss.pdf (3 pages)(86063 bytes)

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

HANNAH HOLDING A.S.,)
)
 Petitioner,)
)
 v.) Cancellation No. 92047667
)
 SPECIALTY RETAILERS, INC.,)
 successor in interest to Specialty Retailers (TX) L.P.)
)
 Respondent.)

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**RESPONDENT'S MOTION TO DISMISS FOR FAILURE
TO PROSECUTE AND SUPPORTING BRIEF**

Specialty Retailers, Inc., ("Respondent"), moves for dismissal of Cancellation No. 92047667 pursuant to 37 CFR § 2.132(a). In support of its motion, Respondent states:

1. On June 15, 2007, Hannah Holding a.s. ("Petitioner"), filed a Petition for Cancellation in the matter of United States Registration No. 1,475,067.
2. An answer to the Petition for Cancellation was timely filed.
3. In its answer, Respondent denied the material allegations set forth in the Petition for Cancellation.
4. The discovery period for Cancellation No. 92047667 closed on February 1, 2008.
5. The testimony period for Petitioner in Cancellation No. 92047667 closed on May 1, 2008.

6. Petitioner failed to conduct discovery and failed to offer any evidence during its testimony period to support the allegations set forth in its Petition for Cancellation.


7. Applicant is entitled to seek immediate judgment in its favor pursuant to 37 CFR § 2.132(a), which provides in pertinent part: "If the time for taking testimony of any party in the position of plaintiff has expired and that party has not taken testimony or offered any other evidence, any party in the position of defendant may ... move for dismissal on the ground of the failure of the plaintiff to prosecute."

For the reasons set forth above, Applicant respectfully requests the Board grant its Motion to Dismiss and dismiss Cancellation No. 92047667 with prejudice.

Respectfully submitted,

6-4-8

Date




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CERTIFICATE OF SERVICE

This is to certify that on this 4th day of June 2008, a true and correct copy of the foregoing Respondent's Motion to Dismiss for Failure to Prosecute and Supporting Brief was mailed by first-class mail, postage prepaid, to:

Thomas H. Van Hoozer
Michael Elbein
Cheryl Burback
2405 Grand Boulevard, Ste. 400
Kansas City, MO 64108-2519



Jennifer B. Rader