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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 Topline Corporation		
Entity	Corporation	Citizenship	Washington
Address	13150 Southeast 32nd Street Bellevue, WA 98005 UNITED STATES		

Attorney information	William O. Ferron, Jr. Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES billf.docketing@seedip.com, litcal@seedip.com Phone:206-622-4900		
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Registration Subject to Cancellation

Registration No	3247696	Registration date	05/29/2007
International Registration No.	NONE	International Registration Date	NONE
Registrant	Jeff Turner Briljant 13 NL-5629 HE Eindhoven NETHERLANDS		

Goods/Services Subject to Cancellation

Class 023. All goods and services in the class are cancelled, namely: yarns and threads, for textile use
Class 024. All goods and services in the class are cancelled, namely: textiles and textile goods, namely, knitted and woven textiles containing natural or synthetic fibers and being for use in the manufacture of clothing, footwear or headwear; bed and table covers, namely, bedspreads and textile tablecloths and fabric table runners
Class 025. All goods and services in the class are cancelled, namely: clothing, namely, t-shirts, lingerie, men's underwear, shirts, pants, hosiery, socks, caps, and hats; footwear; headwear

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PetitionCancel-T-FLIRT.pdf (4 pages)(93950 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William O. Ferron, Jr./
Name	William O. Ferron, Jr.
Date	04/01/2011

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

THE TOPLINE CORPORATION,)	
)	Cancellation No.
)	
Petitioner,)	Registration No. 3247696
)	
v.)	
)	
JEFF TURNER,)	
)	Attorney Docket No. 910009.80015
Respondent.)	
_____)	

PETITION FOR CANCELLATION

Petitioner The Topline Corporation (“Topline” or “Petitioner”) hereby requests that the Trademark Trial and Appeal Board cancel United States Trademark Registration No. 3247696 issued on May 29, 2007 and owned by Respondent Jeff Turner (“Respondent”) for the mark T-FLIRT for the goods listed below:

Class 23

yarns and threads, for textile use

Class 24

textiles and textile goods, namely, knitted and woven textiles containing natural or synthetic fibers and being for use in the manufacture of clothing, footwear or headwear; bed and table covers, namely, bedspreads and textile tablecloths and fabric table runners

Class 25

clothing, namely, t-shirts, lingerie, men's underwear, shirts, pants, hosiery, socks, caps, and hats; footwear; headwear

The grounds for cancellation are as follows:

1. Petitioner Topline is a Washington corporation with its principal place of business in Bellevue, Washington. Petitioner is engaged in the manufacture and distribution of footwear.

2. Petitioner is the owner of U.S. Trademark Registration No. 2283566 for FLIRT for shoes in International Class 25 issued October 5, 1999.

3. Upon information and belief, neither Respondent nor any predecessor-in-interest has ever used the T-FLIRT mark in commerce for the goods described in Respondent's registration.

4. In particular, upon information and belief, Respondent's T-FLIRT mark has not been used in commerce for footwear as claimed in the registration.

5. Upon information and belief, to the extent that Respondent or any predecessor-in-interest has ever used the T-FLIRT mark in commerce for the goods in his registration, Respondent has stopped use of the mark on or in connection with such goods.

6. Upon information and belief, to the extent that Respondent or any predecessor-in-interest has ever used the T-FLIRT mark in commerce for such goods, Respondent has no plans to resume any use for such goods.

7. Respondent or his predecessor-in-interest has abandoned any rights he may have had in the T-FLIRT mark in the United States.

8. Upon information and belief, neither Respondent nor any predecessor-in-interest ever had a bona-fide intent to use the T-FLIRT mark in commerce on some or all of the goods listed in his registration.

9. Upon information and belief, neither Respondent nor any predecessor-in-interest began use of the T-FLIRT mark in commerce for the goods listed in the registration within a reasonable period of time after the issuance of the registration.

10. Petitioner will be damaged by continuance of Registration No. 3247696.

WHEREFORE, Petitioner prays this Petition for Cancellation be sustained and Registration No. 3247696 be cancelled.

Correspondence Address

Please direct all communications to:

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701 Fifth Avenue, Suite 5400
Seattle, Washington 98104

DATED this 1st day of April, 2011.

Seed IP Law Group PLLC



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701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Telephone (206) 622-4900
Facsimile (206) 682-6031

Attorneys for Petitioner
The Topline Corporation

CERTIFICATE OF SERVICE

I, Annette Baca, hereby certify that on this 1st day of April, 2011, the forgoing **PETITION FOR CANCELLATION** was served on Respondent by depositing same with the U.S. Postal Service, First-Class Mail International postage prepaid, addressed as follows:

Jeff Turner
Briljant 13 NL-5629 HE Eindhoven
Netherlands



Annette Baca