

ESTTA Tracking number: **ESTTA467143**

Filing date: **04/15/2012**

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	Tiffany Smith		
Entity	Individual	Citizenship	UNITED STATES
Address	158 Seville Chase Drive Winter Springs, FL 32708 UNITED STATES		

Correspondence information	Tiffany Smith 158 Seville Chase Drive Winter Springs, FL 32708 UNITED STATES ssmith875@cfl.rr.com Phone:407 729-1622		
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Registration Subject to Cancellation

Registration No	3890401	Registration date	12/14/2010
Registrant	Dittenhofer, Joy F. 12 Alexander Boulevard Poughkeepsie, NY 12601 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2010/09/01 First Use In Commerce: 2010/09/01 All goods and services in the class are cancelled, namely: Body Powder for Sand Removal

Grounds for Cancellation

Other	Date of First Use: US Registration No. 3,890,401 has a date of first use (2010/09/01) that is after the date of first use in commerce of 2009/03/28 submitted in application 77776118
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Related Proceedings	Application 77776118
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Attachments	Petition_for_Cancellation.pdf (1 page)(45948 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	/Tiffany Smith/
Name	Tiffany Smith
Date	04/15/2012

04/15/12

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Subject: Petition for Cancellation
To Whom it May Concern:

In the USPTO office action sent on 2012/04/04 regarding application serial number 77776118, the mark submitted in said application was refused "because of a likelihood of confusion with the mark in US Registration No. 3890401". It is my belief that the registered mark of 3890401 owned by Joe F. Dittenhofer of 12 Alexander Boulevard Poughkeepsie, NY should be canceled.

The grounds for cancellation of the registered mark 3890401, SANDBGONE, are based upon its declared first use dates. As documented within the recordings of its application serial number 77010607, under the section "Goods/Services", the stated dates of first use and first use in commerce are both 2010/09/01. This date is after the declared dates of first use and first use in commerce of 2008/07/01 and 2009/03/29 respectively, which are documented within application 77776118.

Sincerely,

Tiffany Smith