

ESTTA Tracking number: **ESTTA539924**

Filing date: **05/24/2013**

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

Proceeding	92056998
Party	Plaintiff S&G Hampton Sun LLC
Correspondence Address	STEPHEN ANKROM POWLEY & GIBSON PC 304 HUDSON STREET 2ND FLOOR NEW YORK, NY 10013 UNITED STATES trademarks@powleygibson.com
Submission	Other Motions/Papers
Filer's Name	Stephen M. Ankrom
Filer's e-mail	smankrom@powleygibson.com
Signature	/s/ Stephen M. Ankrom
Date	05/24/2013
Attachments	2013.05.22 - Notice of Failure of Service.pdf(81586 bytes ) Ex. A. to Notice of Failure of Svc.pdf(459188 bytes ) Ex. B to Notice of Failure of Svc.pdf(354803 bytes )

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

In the Matter of:  
U.S. Trademark Registration No. 4,211,088  
For the Mark: HAMPTON GIRLS in Class 003  
Registered: September 18, 2012

S & G HAMPTON SUN, LLC,

PETITIONER,

v.

INTERNATIONAL PERFUME PALACE  
INCORPORATED,

RESPONDENT.

**Cancellation No. 92056998**  
against Registration No. 4,211,088

**NOTICE OF RETURNED SERVICE COPY**

Petitioner S&G Hampton Sun, LLC (“Petitioner”), by and through its attorneys, hereby notifies the Board that service copies of Petitioner’s Motion for Default Judgment on Respondent International Perfume Palace, Inc. (“Respondent”) were returned as undeliverable.

1. Petitioner commenced this proceeding by filing a Petition for Cancellation on April 2, 2013. The petition seeks to cancel Respondent’s HAMPTON GIRLS mark for use with “Body deodorants; Body spray used as a personal deodorant and as fragrance; Cologne; Cologne water; Eau de cologne; Fragrances; Non-medicated skin care preparation, namely, body mist; Perfumes and colognes; Toilet water” in International Class 003 on the ground the mark is highly similar to Petitioner’s HAMPTON SUN mark in appearance, connotation, and commercial impression such that there is a likelihood that use by Respondent of the HAMPTON GIRLS

mark, when applied to Respondent's goods, would cause confusion, mistake, or would deceive the relevant public.

2. On May 14, 2013, Petitioner filed a Motion for Default Judgment based on Respondent's failure to file a timely answer the petition.

3. On May 14, 2013, the undersigned attorney sent a true and complete copy of Petitioner's Motion for Default Judgment, via overnight courier, to Respondent's address of record with the USPTO.

4. On May 16, 2013, the service copy of Petitioner's Motion for Default Judgment was returned because the recipient had refused delivery. A copy of the returned envelope is attached as Exhibit A.

5. On May 16, 2013, the undersigned attorney attempted service a second time, sending a true and complete copy of Petitioner's Motion for Default Judgment, via certified first class mail, to Respondent's address of record with the USPTO.

6. The second service copy was returned as undeliverable on May 23, 2013. A copy of the returned envelope is attached as Exhibit B.

7. The undersigned is unaware of any new address information for the Respondent.

Respectfully submitted,

Dated: May 24, 2013

By: /s/ Stephen M. Ankrom

Stephen M. Ankrom  
Powley & Gibson PC  
304 Hudson Street, 2nd Floor  
New York, NY 10013  
Tel: (212) 226-5054  
Fax: (212) 226-5085

Attorney for Petitioner

# EXHIBIT A

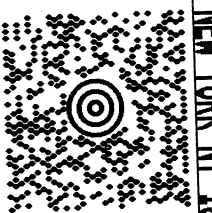
UPS Next Day Air  
UPS Worldwide Express<sup>SM</sup>  
UPS 2nd Day Air<sup>®</sup>

Apply shipping documents on this

SHIP TO:  
RETURN TO:  
POMLEY & GIBSON PC  
2122265054  
304 HUDSON ST  
FL 2  
NEW YORK NY 10013 1015

SPT 01/10 REV 409171

15/May/2013 19:21 1176



NY 102 9-02



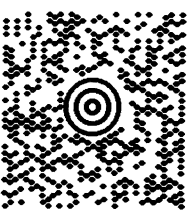
120YR3071295388809

SHIP TO:

RETURN TO SHIPPER

15/May/2013 19:21 1176

REASON FOR RETURN:  
RECEIVER DID NOT WANT, REFUSED DELIVERY  
ORIGINAL RECEIVER:  
INTERNATIONAL PERFUME PALACE INC



NY 102 9-02

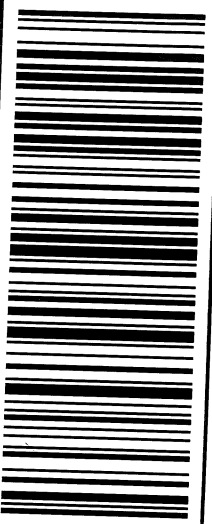


120YR3071295388809

UPS 3 DAY SELECT

TRACKING #: 1Z 0YR 307 12 9538 8809

3



CSZQVM NYMEL197 US 1176 May 15 19:21:01 2013 HIP 12.1.6 LP2844



BILLING: P/P

Reference #1: Our Ref: 162,57

US 15.1.10. XPTES0 39.04. 04/2013



*Handwritten:*  
Return to shipper  
5/15  
12:30

Visit [ups.com](http://ups.com)  
to schedule

**Domestic Ship**

- To qualify for corresponders weigh 8 oz. or those listed

**International**

- The UPS Express value. Certain [ups.com/im](http://ups.com/im)
- To qualify for UPS Express

Note: Express containing ser or cash equiva

100% Recycled fiber  
80% Post-Consumer



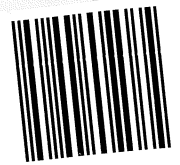
International Shipping Notice — Carriage hereunder may be subject to the rules relating to liability and other terms and/or conditions established by the Convention for the Unification of Certain Rules Relating to International Carriage by Air (the "Warsaw Convention") and/or the Convention on the Contract for the International Carriage of Goods by Road (the "CMR Convention"). These commodities, technology or software were exported from the U.S. in accordance with the Export Administration Regulations. Diversion contrary to U.S. law prohibited.

010195101 1/10 PAC United Parcel Service, Louisville

# EXHIBIT B

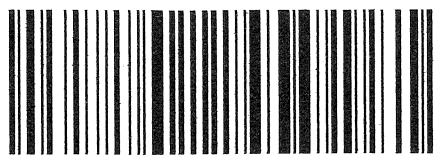
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



1000 11803

U.S. POSTAGE  
PAID  
NEW YORK, NY  
10014  
MAY 16, 13  
AMOUNT  
**\$6.77**  
00083895-06



7010 0780 0000 8179 8822

*Bill's No longer here*

*UTK*

**International Perfume Palace Incorporated  
121-04 Dupont Street  
Plainview, New York 11803**



- MOVED, LEFT NO ADDRESS
- ATTEMPTED - NOT KNOWN
- UNCLAIMED  REFUSED
- NO SUCH STREET
- NO SUCH NUMBER
- INSUFFICIENT ADDRESS
- NOT DELIVERABLE AS  
ADDRESSED UNABLE TO FORWARD



POWLEY|GIBSON

Powley & Gibson, p.c. 304 Hudson Street, 2nd Floor New York, New York 10013

