

ESTTA Tracking number: **ESTTA563474**

Filing date: **10/07/2013**

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	Valerie Cabanetos		
Entity	Individual	Citizenship	FRANCE
Address	187 rue Belliard Paris, 75018 FRANCE		

Attorney information	Marc P. Misthal Gottlieb, Rackman & Reisman, P.C. 270 Madison Avenue 8th Floor New York, NY 10016 UNITED STATES efiling@grr.com, mmisthal@grr.com, srothaus@grr.com, gsantilli@grr.com Phone:212-684-3900		
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Registration Subject to Cancellation

Registration No	2018191	Registration date	11/19/1996
Registrant	Wubbies World International Incorporated R.R. #1, Campbellville, Ontario, L0P 1B0, CANADA		

Goods/Services Subject to Cancellation

Class 025. First Use: 1996/01/24 First Use In Commerce: 1996/01/24 All goods and services in the class are cancelled, namely: clothing, namely shorts, shirts, T-shirts, pants, and hats; footwear
Class 028. First Use: 1996/01/24 First Use In Commerce: 1996/01/24 All goods and services in the class are cancelled, namely: plush toys, play figures, puppets, video game cartridges

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf(1012028 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 Overnight Courier on this date.

Signature	/Marc P. Misthal/
Name	Marc P. Misthal
Date	10/07/2013

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

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VALÉRIE CABANETOS,	:	
	:	
Petitioner,	:	Cancellation No.
	:	
v.	:	
	:	Reg. Number: 2,018,191
WUBBIES WORLD INTERNATIONAL	:	
INCORPORATED,	:	MARK: WUBBIES WORLD
	:	(and design)
Registrant.	:	
	:	
-----X	:	

PETITION TO CANCEL

Petitioner Valérie Cabanetos (hereinafter “Petitioner”), through her attorneys, believes she is and will continue to be damaged by the registration of the trademark WUBBIES WORLD, Registration Number 2,018,191 (“Registrant’s Mark”), owned by Wubbies World International Incorporated (hereinafter “Registrant”) and registered on the Principal Register on November 19, 1996, and hereby petitions to cancel said mark. As grounds for this petition, Petitioner alleges as follows:

1. Petitioner is a French citizen who works in the fashion industry.
2. Petitioner owns an international trademark registration, No. 1,151,828, for the trademark WUBBY in International Class 18, for leather and imitations of leather; animal skins; trunks and suitcases; umbrellas, parasols and walking sticks; whips, harness and saddlery; wallets; purses (coin purses); handbags, backpacks, wheeled bags; bags for climbers and campers, travel bags, beach bags, school bags; vanity cases (empty); collars or clothing for animals; and nets or bags for shopping; and in International Class 25, for clothing, footwear,

headgear; clothing of elather or imitation leather; belts (clothing); furs (clothing); gloves (clothing); scarves; neckties; hosiery; socks; slippers; beach, and ski or sports footwear.

3. Petitioner's international trademark registration issued on December 19, 2012.

4. On March 21, 2013, Petitioner applied to extend her international registration into the United States pursuant to the Madrid Protocol, under Section 66A of the U.S. Trademark Act. Petitioner's U.S. application Serial No. 79/126,888 was refused in an Office Action dated April 8, 2013 on grounds of likelihood of confusion with Registrant's Mark, pursuant to 15 U.S.C. § 1052(d).

5. Upon information and belief, Registrant is a Canadian corporation with a principal place of business at 11781 Guelph Line, R.R. #1, Campbellville, Ontario, Canada L0P 1B0.

6. Upon information and belief, Registrant's business focused on the creation and marketing of an animated television series for the preschool children's demographic, as well as the creation and marketing of ancillary merchandise relating to the television series.

7. Registrant's U.S. trademark registration for WUBBIES WORLD (and design) covers clothing, namely, shorts, shirts, t-shirts, pants, hats, and footwear, all in International Class 25, as well as plush toys, play figures, puppets, and video game cartridges, all in International Class 28. This registration was renewed on January 25, 2007.

8. Upon information and belief, Registrant is no longer in business.

9. Upon information and belief, Registrant's Mark is no longer in use, has not been in use for at least three years, and has become abandoned. Upon information and belief, Registrant has no intention to resume use.


10. The continued maintenance of Registrant's Mark would damage Petitioner because Registrant's Mark is preventing Petitioner's application from being approved by the U.S. Patent and Trademark Office.

11. For the foregoing reasons, namely, due to Registrant's non-use and abandonment of its trademark, Registration Number 2,018,191 should be cancelled.

Wherefore, Petitioner Valérie Cabanetos requests that this Petition be sustained.

Respectfully submitted,

GOTTLIEB, RACKMAN & REISMAN, P.C.

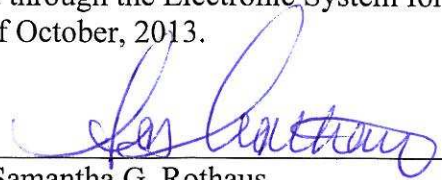
By: 
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New York, New York 10016
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Dated: October 7, 2013
New York, New York

Attorneys for Petitioner

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing Petition for Cancellation is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) this 7th day of October, 2013.

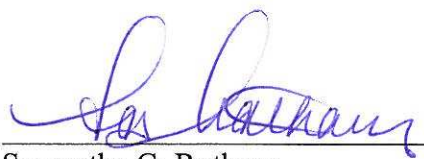


Samantha G. Rothaus

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the foregoing Petition for Cancellation was served by Federal Express on Registrant at the following address:

John Martin Mokrenko and Christine Usvaltas
Wubbies World International Incorporated
11781 Guelph Line, R.R. #1
Campbellville, Ontario
Canada L0P 1B0



Samantha G. Rothaus

Dated: October 7, 2013