

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

#74583190

Mailed: March 6, 2014

Cancellation No. 92058014

Valerie Cabanetos

v.

Wubbies World International
Incorporated

Lalita Greer, Paralegal Specialist:

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to registrant but were returned by the Postal Service as undeliverable.¹

This Office conducted a search and uncovered an alternative address for registrant as follows:

**Wubbies World International Incorporated
111781 Guelph Line
Campbellville, ON L0P, 1B0, Canada**

Accordingly, the above notice, with enclosure, is remailed as indicated above.

Registrant is allowed until **FORTY DAYS** from the mailing date of this order in which to inform this Office of its

¹ Opposer's notice of ineffective service filed January 3, 2014, is noted.



03-20-2014

Cancellation No. 92058614

correct address in order that all records may be amended. Compliance with Trademark Rule 2.193(b) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to **FORTY DAYS** from the mailing date of this order and the notice of default issued December 9, 2013, is hereby set aside. Notice is hereby given that unless the registrant listed herein, its assigns or legal representatives shall enter an appearance, answer or other response to the petition within the time frame allowed, the cancellation may proceed as in the case of default.

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony dates are set below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Cancellation No. 92058014

other response to the petition within the time frame allowed, the cancellation may proceed as in the case of default.

In accordance with the Trademark Rules of Practice, conferencing, disclosure, discovery and testimony dates are set below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Time to Answer	4/15/2014
Deadline for Discovery Conference	5/15/2014
Discovery Opens	5/15/2014
Initial Disclosures Due	6/14/2014
Expert Disclosures Due	10/12/2014
Discovery Closes	11/11/2014
Plaintiff's Pretrial Disclosures	12/26/2014
Plaintiff's 30-day Trial Period Ends	2/9/2015
Defendant's Pretrial Disclosures	2/24/2015
Defendant's 30-day Trial Period Ends	4/10/2015
Plaintiff's Rebuttal Disclosures	4/25/2015
Plaintiff's 15-day Rebuttal Period Ends	5/25/2015

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such

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proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: October 15, 2013

Cancellation No. 92058014
Registration No. 2018191

WUBBIES WORLD INTERNATIONAL INCORPORATED
RR R #1
CAMPBELLVILLE, ON L0P 1B0 CANADA

Valerie Cabanetos

v.

Wubbies World International
Incorporated

MARC P MISTHAL
GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE, 8TH FLOOR
NEW YORK, NY 10016 UNITED STATES

Millicent Canady, Paralegal Specialist:

A petition to cancel the above-identified registration has been filed. A service copy of the petition for cancellation was forwarded to registrant (defendant) by the petitioner (plaintiff). An electronic version of the petition for cancellation is viewable in the electronic file for this proceeding via the Board's TTABVUE system:
<http://ttabvue.uspto.gov/ttabvue/>.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations ("Trademark Rules"). These rules may be viewed at the USPTO's trademarks page: **<http://www.uspto.gov/trademarks/index.jsp>**. The Board's main webpage (**<http://www.uspto.gov/trademarks/process/appeal/index.jsp>**) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).

Plaintiff must notify the Board when service has been ineffective, within 10 days of the date of receipt of a returned service copy or the date on which plaintiff learns that service has been ineffective. Plaintiff has no subsequent duty to investigate the defendant's whereabouts, but if plaintiff by its own voluntary investigation or through any other means discovers a newer correspondence address for the defendant, then such address must be provided to the Board. Likewise,

Cancellation No. 92058014

if by voluntary investigation or other means the plaintiff discovers information indicating that a different party may have an interest in defending the case, such information must be provided to the Board. The Board will then effect service, by publication in the Official Gazette if necessary. See Trademark Rule 2.118. In circumstances involving ineffective service or return of defendant's copy of the Board's institution order, the Board may issue an order noting the proper defendant and address to be used for serving that party.

Defendant's ANSWER IS DUE FORTY DAYS after the mailing date of this order. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) **Other deadlines the parties must docket or calendar are either set forth below (if you are reading a mailed paper copy of this order) or are included in the electronic copy of this institution order viewable in the Board's TTABVue system at the following web address: <http://ttabvue.uspto.gov/ttabvue/>.**

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119. **If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies.** See Trademark Rule 2.119(b)(6).

The parties also are referred in particular to Trademark Rule 2.126, which pertains to the form of submissions. **Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.**

Time to Answer	11/24/2013
Deadline for Discovery Conference	12/24/2013
Discovery Opens	12/24/2013
Initial Disclosures Due	1/23/2014
Expert Disclosures Due	5/23/2014
Discovery Closes	6/22/2014
Plaintiff's Pretrial Disclosures	8/6/2014
Plaintiff's 30-day Trial Period Ends	9/20/2014
Defendant's Pretrial Disclosures	10/5/2014
Defendant's 30-day Trial Period Ends	11/19/2014
Plaintiff's Rebuttal Disclosures	12/4/2014
Plaintiff's 15-day Rebuttal Period Ends	1/3/2015

As noted in the schedule of dates for this case, the parties are required to have a conference to discuss: (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling the case or at least narrowing the scope of claims or defenses, and (3) arrangements relating to disclosures, discovery and introduction of evidence at trial, should the parties not agree to settle the case. See Trademark Rule 2.120(a)(2). Discussion of the first two of these three subjects should include a discussion of whether the parties wish to seek mediation, arbitration or some other means for resolving their dispute. Discussion of the third subject should include a discussion of

whether the Board's Accelerated Case Resolution (ACR) process may be a more efficient and economical means of trying the involved claims and defenses. Information on the ACR process is available at the Board's main webpage. Finally, if the parties choose to proceed with the disclosure, discovery and trial procedures that govern this case and which are set out in the Trademark Rules and Federal Rules of Civil Procedure, then they must discuss whether to alter or amend any such procedures, and whether to alter or amend the Standard Protective Order (further discussed below). Discussion of alterations or amendments of otherwise prescribed procedures can include discussion of limitations on disclosures or discovery, willingness to enter into stipulations of fact, and willingness to enter into stipulations regarding more efficient options for introducing at trial information or material obtained through disclosures or discovery.

The parties are required to conference in person, by telephone, or by any other means on which they may agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such participation is requested no later than ten (10) days prior to the deadline for the conference. See Trademark Rule 2.120(a)(2). The request for Board participation must be made through the Electronic System for Trademark Trials and Appeals (ESTTA) or by telephone call to the interlocutory attorney assigned to the case, whose name can be found by referencing the TTABVue record for this case at <http://ttabvue.uspto.gov/ttabvue/>. The parties should contact the assigned interlocutory attorney or file a request for Board participation through ESTTA only after the parties have agreed on possible dates and times for their conference. Subsequent participation of a Board attorney or judge in the conference will be by telephone and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the assigned interlocutory attorney.

The Board's Standard Protective Order is applicable to this case, but the parties may agree to supplement that standard order or substitute a protective agreement of their choosing, subject to approval by the Board. The standard order is available for viewing at: <http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp>. Any party without access to the web may request a hard copy of the standard order from the Board. The standard order does not automatically protect a party's confidential information and its provisions must be utilized as needed by the parties. See Trademark Rule 2.116(g).

Information about the discovery phase of the Board proceeding is available in chapter 400 of the TBMP. By virtue of amendments to the Trademark Rules effective November 1, 2007, the initial disclosures and expert disclosures scheduled during the discovery phase are required only in cases commenced on or after that date. The TBMP has not yet been amended to include information on these disclosures and the parties are referred to the August 1, 2007 Notice of Final Rulemaking (72 Fed. Reg. 42242) posted on the Board's webpage. The deadlines for pretrial disclosures included in the trial phase of the schedule for this case also resulted from the referenced amendments to the Trademark Rules, and also are discussed in the Notice of Final Rulemaking.

The parties must note that the Board allows them to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to

Cancellation No. 92058014

participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

The TBMP includes information on the introduction of evidence during the trial phase of the case, including by notice of reliance and by taking of testimony from witnesses. See TBMP §§ 703 and 704. Any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties. Any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on any adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after the completion of the testimony deposition. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing after briefing is not required but will be scheduled upon request of any party, as provided by Trademark Rule 2.129.

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.

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 efileing@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**

-----X	:	
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: 

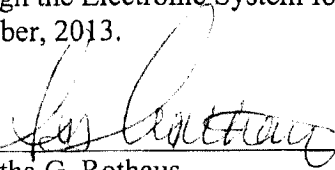
Marc P. Misthal (mmisthal@grr.com)
Samantha G. Rothaus (srothaus@grr.com)
270 Madison Avenue, 8th Floor
New York, New York 10016
(212) 684-3900 Tel.
(212) 684-3999 Fax

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.

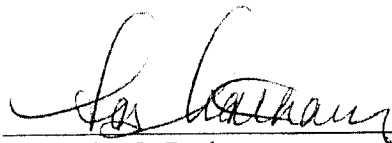


Samantha G. Rothaus

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

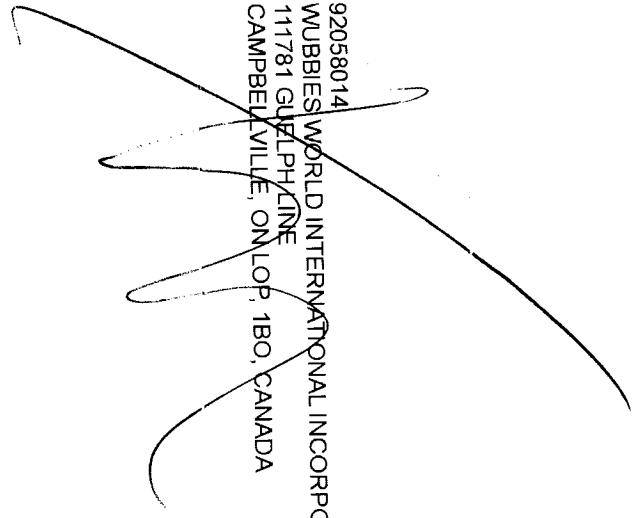


United States Patent and Trademark Office
 Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451
 If Undeliverable Return in Ten Days

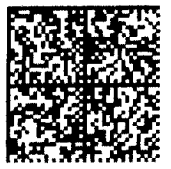
OFFICIAL BUSINESS
 PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER

92058014
 WUBBIES WORLD INTERNATIONAL INCORPORATED
 111781 GUELPH LINE
 CAMPBELLVILLE, ON L0P 1B0, CANADA



<input type="checkbox"/>	Unclassified Non réglementé
<input type="checkbox"/>	No such Post Office Aucun bureau de poste
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