

ESTTA Tracking number: **ESTTA663058**

Filing date: **03/25/2015**

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	Approach Textiles, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	411 Fifth Avenue Suite 703 New York, NY 10016 UNITED STATES		

Attorney information	Pasquale A. Razzano/Jessica Hiney Fitzpatrick, Cella, Harper & Scinto 1290 Avenue of the Americas New York, NY 10104-3800 UNITED STATES jhiney@fchs.com,docketing@fchs.com,prazzano@fchs.com,ttousey@fchs.com		
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**Registration Subject to Cancellation**

Registration No	3888516	Registration date	12/14/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	Riley and James Apparel Inc. Suite 600 Montreal, Quebec, H2N2C9 CANADA		

**Goods/Services Subject to Cancellation**

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Women's denim pants, casual tops, dresses, skirts, shorts, capris and jackets
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	denim approach petition for cancellation.pdf(349009 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	/Jessica Hiney/
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Name	Pasquale A. Razzano/Jessica Hiney
Date	03/25/2015

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

Approach Textiles, Inc.,  
  
                    Petitioner,  
  
                    v.  
  
Riley and James Apparel Inc.,  
  
                    Registrant.

In the Matter of Registration Nos.  
3888516

Mark: DENIM APPROACH  
Cancellation No. \_\_\_\_\_

PETITION FOR CANCELLATION

Petitioner, Approach Textiles, Inc. is a Delaware corporation with an office at 411 Fifth Avenue, Suite 703, New York, New York 10016. Petitioner believes that it will be damaged by the continued registration of the mark shown in the above-identified U.S. Registration and hereby petitions to cancel the same.

As grounds for this petition, it is alleged that:

1. On March 12, 2015, Petitioner filed application Serial No. 86562144 for the trademark APPROACH for men's, women's and children's clothing, namely; loungewear, pajama pants, pajama shirts, pajama shorts, pajama sets, tops and bottoms, underwear tops and bottoms, bras. A printout of this application from the TARR database is attached as Exhibit A.

2. Since 2002, Petitioner has used APPROACH TEXTILES as its trade name -- in connection with the sale of clothing, namely. ladies bras, panties, camisoles, tops, shorts, slips, pajamas, robes, sleep dresses, pajama pants and leggings; mens underwear, tops, robes,

pajamas, pajama pants, pajama sets, long johns and loungewear tops and bottoms; boys and girls underwear, tops, bralettes, camisoles and pajama sets

3. Upon information and belief, Registrant has discontinued use of the mark shown in the subject registration in connection with the goods covered by the subject registration.

4. Upon information and belief, Registrant intends not to resume use of the mark shown in the subject registration in connection with the goods covered by the subject registration.

5. Therefore, Registrant has abandoned the mark shown in the subject registration.

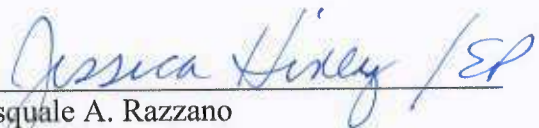
6. By reasons of the foregoing and because the mark DENIM APPROACH incorporates the distinctive and dominant part of the name Approach Textiles and is likely to be confused there with Petitioner will be damaged by the continued registration of the mark shown in the subject registration.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board cancel registration of No. 3888516.

Dated: March 25, 2015

Respectfully submitted,

By

  
Pasquale A. Razzano  
Jessica Hiney  
FITZPATRICK, CELLA, HARPER  
& SCINTO  
1290 Avenue of the Americas  
New York, New York 10104-3800  
(212) 218-2100  
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on March 25, 2015 a copy of the foregoing PETITION FOR CANCELLATION was served by first-class mail, postage prepaid upon Applicant's attorney of record:

JENNIFER L. DEAN  
DRINKER BIDDLE & REATH LLP  
1500 K ST NW STE 1100  
WASHINGTON, DISTRICT OF COLUMBIA 20005-1209

  
Elizabeth Pagan