

ESTTA Tracking number: **ESTTA694240**

Filing date: **09/08/2015**

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	Restoration Hardware, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	15 Koch Road Corte Madera, CA 94925 UNITED STATES		

Attorney information	Michael J. McCue Lewis Roca Rothgerber LLP 3993 Howard Hughes Parkway Suite 600 Las Vegas, NV 89169 UNITED STATES Trademarks-LasVegas@Irrlaw.com Phone:702-949-8200		
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**Registration Subject to Cancellation**

Registration No	2455996	Registration date	05/29/2001
Registrant	TOMMY BAHAMA GROUP, INC. 1071 6TH AVE. NEW YORK, NY 10018 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 1999/05/15 First Use In Commerce: 1999/05/15 All goods and services in the class are cancelled, namely: Retail shops featuring men's, women's and children's clothing
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel - BUNGALOW Reg. No. 2455996.pdf(45001 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	/Aaron D. Johnson/
Name	Aaron D. Johnson
Date	09/08/2015



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

Restoration Hardware, Inc.,

*Petitioner,*

v.

Tommy Bahama Group, Inc.,

*Respondent.*

**PETITION TO CANCEL**

Cancellation No.:

Mark: BUNGALOW

Class: 35

Reg. No. 2,455,996

Reg. Date: September 21, 1999

**PETITION TO CANCEL**

Petitioner Restoration Hardware, Inc. believes that it is and will continue to be damaged by Respondent Tommy Bahama Group, Inc.'s continued registration of the mark BUNGALOW in Class 35 (the "Registered Mark"), and hereby petitions to cancel Registration No. 2,455,996 (the "996 Registration"). As grounds for the cancellation, and based upon information and belief, RH alleges as follows:

1. Restoration Hardware, Inc. ("RH") is a Delaware corporation whose principal place of business is located at 15 Koch Road, Corte Madera, California 94925.

2. Tommy Bahama Group, Inc. ("Tommy Bahama") is a Delaware corporation whose principal place of business is located at 1071 6th Avenue, 11th Floor, New York, NY 10018.

3. RH is the owner of pending U.S. trademark application Serial No. 86/306071, for BUNGALOW in Class 25 for "Clothing and apparel, namely, robes; slippers; aprons; scarves; hand-warmers; hats; tee shirts; baby bunting, overalls, knit jackets, pants, dresses, gowns, one-piece garments for infants and toddlers, booties and socks; baby bibs not of paper." (the "071 Application").

4. RH is the owner of pending U.S. trademark application Serial No. 86/306079, for BUNGALOW in Class 35 for “Retail store services, catalog mail-order services, and online retail store services featuring a wide range of consumer goods, namely, apparel, slippers and booties; advertising services for others, namely, market research for others and promoting the sale of goods and services of others through the dissemination of information via the internet, through the use of in-store displays and through the distribution of catalogs.” (the “‘079 Application”).

5. The ‘071 Application and ‘079 Application are collectively referred to as the “RH Applications.”

6. Tommy Bahama is the owner of the ‘996 Registration.

7. The United States Patent and Trademark Office has refused registration of both of the RH Applications based on alleged likelihood of confusion with the ‘996 Registration.

8. On information and belief, Tommy Bahama has ceased use of the BUNGALOW mark in connection with the services identified in the ‘996 Registration, namely, retail shops featuring men's, women's and children's clothing, and intends not to resume use.

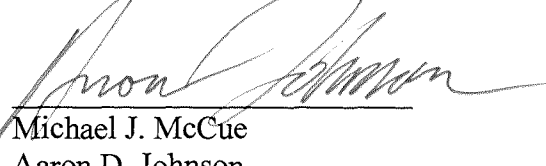
9. As a result of its non-use of the BUNGALOW mark in connection with the services identified in the ‘996 Registration, namely, retail shops featuring men's, women's and children's clothing, with an intention not to resume, Respondent has abandoned the BUNGALOW mark with respect to those services within the meaning of 15 U.S.C. § 1127.

WHEREFORE, Petitioner Restoration Hardware, Inc. requests that the ‘996 Registration be cancelled and that this Petition for Cancellation be sustained in its favor. Please process payment of the required fee for this petition from the Lewis Roca Rothgerber LLP deposit account no. 502847.

payment of the required fee for this petition from the Lewis Roca Rothgerber LLP deposit account no. 502847.

Dated September 8, 2015

LEWIS ROCA ROTHGERBER LLP



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*Attorneys for Petitioner*

*Restoration Hardware, Inc.*

**CERTIFICATE OF SERVICE**

I, Teresa Becerra, hereby certify that a true and accurate copy of the foregoing **PETITION TO CANCEL** has been served by mailing a copy on September 8, 2015, via First Class Mail, postage prepaid, to:

Tommy Bahama Group, Inc.  
1071 6<sup>th</sup> Avenue, 11<sup>th</sup> Floor  
New York, NY 10018

Mary Margaret Heaton  
Oxford Industries, Inc.  
999 Peachtree St. NE, Suite 688  
Atlanta, Georgia 30309



An employee of Lewis Roca Rothgerber LLP