

ESTTA Tracking number: **ESTTA944767**

Filing date: **01/02/2019**

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

Proceeding	92066243
Party	Defendant Babyhampton, LLC
Correspondence Address	DANIEL A THOMSON EMERSON THOMSON BENNETT 1914 AKRON PENINSULA ROAD AKRON, OH 44313 UNITED STATES iplaw@etblaw.com, jms@etblaw.com 330-494-9999
Submission	Other Motions/Papers
Filer's Name	Daniel A. Thomson
Filer's email	dat@etblaw.com, jms@etblaw.com, iplaw@etblaw.com
Signature	/s/Daniel A. Thomson/
Date	01/02/2019
Attachments	190102 Motion to Cancel IC 3.pdf(91724 bytes ) 190102 Exhibit A to Motion.pdf(70542 bytes )

TRADEMARK TRIAL AND APPEAL BOARD  
ALEXANDRIA, VIRGINIA

S&G HAMPTON SUN, LLC, ) CANCELLATION NO.: 92066243  
 )  
Petitioner, ) Serial No. 85/370,092  
 ) Mark: BABYHAMPTON  
vs. ) Reg. No.: 4,690,052  
 ) Filed: July 13, 2011  
BABYHAMPTON, LLC, ) Reg. Date: February 17, 2015  
 )  
Respondent. )  
 ) **RESPONDENT’S MOTION FOR**  
 ) **DELETION OF INTERNATIONAL CLASS 3**  
 ) **FROM REGISTRATION WITH CONSENT**  
 )  
 )

Pursuant to 37 CFR § 2.134(a), Respondent, BABYHAMPTON, LLC, moves this Board for a deletion of International Class 3 from registration number 4,690,052 per a Settlement Agreement between Respondent and Petitioner, S&G HAMPTON SUN. The Settlement Agreement settles the instant Proceeding between the parties. Pursuant to the Settlement Agreement, Respondent agreed to delete International Class 3 from its registration. Petitioner consents to this deletion.

Respondent is the owner of U.S. Trademark Registration No. 4,690,052, which issued on the Supplemental Register on February 17, 2015, for the mark “BABYHAMPTON” in connection with: “body wash, baby shampoos, shampoos, body lotion, and waterproof sunscreen” in International Class 3; and “dresses, swim wear, hats, overalls, shirts, blouses, skirts, shorts, and pants” in International Class 25 (“Registration”). The Registration is the subject of this Cancellation Proceeding.

On November 26, 2018 Petitioner and Respondent entered into a Settlement Agreement. The Settlement Agreement sets forth that Respondent agreed to delete Class 3 in its entirety from its registration. Therefore, Respondent moves this Board to delete International Class 3 in its entirety from the Registration pursuant to 37 CFR § 2.134(a) with written and signed consent of Petitioner, their attorney, or other authorized representative, the consent of which is attached herein as Exhibit A.

For the reasons set forth above and pursuant to the attached, Respondent respectfully requests that the Board grant this motion and delete International Class 3 from the Registration.

Respectfully submitted,

/s/ Daniel A. Thomson  
Daniel A. Thomson (0070586)  
[dat@etblaw.com](mailto:dat@etblaw.com)  
1914 Akron-Peninsula Road  
Akron, Ohio 44313  
(330) 494-9999 – Telephone  
*Attorney for Respondent*  
*Babyhampton, LLC*

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served upon Opposer via e-mail this 2<sup>nd</sup> day of January 2019 upon counsel for Opposer as follows:

Keith E. Sharkin, Esq.  
David A. Jones, Esq.  
Powley & Gibson, P.C.  
304 Hudson Street, Suite 202  
New York, NY 10013  
[trademarks@powleygibson.com](mailto:trademarks@powleygibson.com)  
[dajones@powleygibson.com](mailto:dajones@powleygibson.com)  
*Attorneys for Petitioner*

/s/ John Skeriotis  
John M. Skeriotis

**EXHIBIT A**

TRADEMARK TRIAL AND APPEAL BOARD  
ALEXANDRIA, VIRGINIA

S&G HAMPTON SUN, LLC,	)	CANCELLATION NO.: 92066243
	)	
Petitioner,	)	Serial No. 85/370,092
	)	Mark: BABYHAMPTON
vs.	)	Reg. No.: 4,690,052
	)	Filed: July 13, 2011
BABYHAMPTON, LLC,	)	Reg. Date: February 17, 2015
	)	
Respondent.	)	<u>PETITIONER'S CONSENT TO</u>
	)	<u>RESPONDENT'S DELETION OF</u>
	)	<u>INTERNATIONAL CLASS 3 FROM</u>
	)	<u>REGISTRATION</u>

Pursuant to 37 CFR § 2.134(a) and the accompanying consent motion, Respondent Babyhampton, LLC moves to delete International Class 3, in its entirety, from Registration No. 4,690,052, the registration at issue in this proceeding, and Petitioner, S&G Hampton Sun, LLC, hereby consents to such deletion.

Respectfully submitted,

POWLEY & GIBSON, P.C.

/s/ Keith E. Sharkin  
Keith E. Sharkin  
David A. Jones

Powley & Gibson, P.C.  
304 Hudson Street, Suite 305  
New York, New York 10013  
Telephone: (212) 226-5054  
Facsimile: (212) 226-5085

*Attorneys for Petitioner*

EMERSON THOMSON BENNETT, LLC

/s/ Daniel A. Thomson  
Daniel A. Thomson

Emerson Thomson Bennett, LLC  
jms@etblaw.com  
1914 Akron-Peninsula Road  
Akron, Ohio 44313  
Telephone: (330) 434-9999  
Facsimile: (330) 434-8888

*Attorney for Respondent*