

ESTTA Tracking number: **ESTTA858184**

Filing date: **11/14/2017**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	South Cone, Inc.		
Entity	Corporation	Citizenship	California
Address	5935 Darwin Court Carlsbad, CA 92008 UNITED STATES		

Attorney information	Brooks R. Bruneau FisherBroyles, LLP 100 Overlook Center Second Floor Princeton, NJ 08540 UNITED STATES Email: brooks.bruneau@fisherbroyles.com, docketing@fisherbroyles.com, denise.mcculloch@fisherbroyles.com Phone: 609-454-6772
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Registration Subject to Cancellation

Registration No.	4400545	Registration date	09/10/2013
Registrant	Chapman, Suzanne 505 Sport Hill Road Easton, CT 06612 UNITED STATES Email: zanwitch67@aol.com		

Goods/Services Subject to Cancellation

Class 025. First Use: 2011/11/02 First Use In Commerce: 2011/11/02 All goods and services in the class are subject to cancellation, namely: Clothing, namely, dresses and jackets with secret zippered and closed compartments to carry personal items

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
Other	Trademark Act Section 18 - Restriction of registered goods

Attachments	STASH Petition to Cancel.pdf(19877 bytes)
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Signature	/brooks r. bruneau/
Name	Brooks R. Bruneau

Date	11/14/2017
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____	:	
SOUTH CONE, INC.,	:	
	:	Cancellation No.:
Petitioner	:	
	:	Registration No.: 4400545
V.	:	Registered: September 10, 2013
	:	
	:	Mark: STASH
	:	
SUZANNE CHAPMAN,	:	
	:	Class: 25
Respondent	:	
_____	:	

PETITION TO CANCEL

In the matter of U.S. Registration No. 4400545 for the mark STASH, owned by Suzanne Chapman (“Respondent”), an individual and citizen of the United States, with a business address of 505 Sport Hill Road, Easton, Connecticut 06612, registered in connection with “clothing, namely, dresses and jackets with secret zippered and closed compartments to carry personal items” (hereinafter “Clothing Goods”); Petitioner, South Cone, Inc., a corporation of the State of California, with a business address of 5935 Darwin Court, Carlsbad, California 92008 (hereinafter “Petitioner”), believes it is being damaged by the continued registration of the mark STASH as set forth in U.S. Registration No. 4400545, and hereby petitions the Trademark Trial and Appeal Board to cancel that registration.

As grounds for this Petition to Cancel, it is alleged as follows:

1. Petitioner is owner of the mark STASH and is seeking registration of that mark in connection with clothing, footwear and headwear, under U.S. Registration Serial No. 87428639.

2. Petitioner's Application Serial No. 87428639 was refused registration under Trademark Act Section 2(d) by the U.S. Trademark Office citing Registration No. 4400545.

3. Accordingly, Petitioner believes that it is and will be damaged by the continued registration of U.S. Registration No. 4400545 and hereby petitions to cancel that subject registration for the reasons expressed below.

4. Respondent has abandoned use of the "STASH" trademark and U.S. Registration No. 4400545 for the Clothing Goods listed in that registration by discontinuing use of the mark with the Clothing Goods in U.S. commerce for a period of at least three years, with no intent to resume use. Any use of the mark is for online retail store services not listed in the registration.

5. Petitioner will be damaged by the continued maintenance of Registration No. 4400545 because it will prevent the registration of Petitioner's STASH pending trademark application.

6. In the alternative, pursuant to Trademark Act, Section 18, Petitioner requests that Respondent's U.S. Registration No. 4400545 be partially cancelled to delete the reference to "jackets", to clarify that the mark is not in use in connection with footwear, and to identify the channels of trade, leaving the goods to be listed as "clothing, namely, dresses with secret zippered and closed compartments to carry personal items sold online, and not including footwear."

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WHEREFORE, Petitioner respectfully requests that the relief sought in the above captioned Petition to Cancel be granted, and the subject registration be cancelled, or in the alternative, partially cancelled.

Respectfully submitted:

SOUTH CONE, INC.

Date: November 14, 2017

BY: /Brooks R. Bruneau/
Brooks R. Bruneau, Esq.
Attorney for Petitioner
FISHERBROYLES, LLP
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Second Floor
Princeton, NJ 08540
Tel: 609-454-6772

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this Petition to Cancel was electronically filed with the Trademark Trial and Appeal Board this 14th day of November, 2017.

/Brooks R. Bruneau/
(Signature)

November 14, 2017
(Date of Signature)