

ESTTA Tracking number: **ESTTA949643**

Filing date: **01/23/2019**

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	Suitably, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	805 Columbus Avenue Apt. 4D New York, NY 10025 UNITED STATES		

Attorney information	John P. Rynkiewicz Arnold & Porter Kaye Scholer LLP 601 Massachusetts Ave., NW Washington, DC 20001 UNITED STATES john.rynkiewicz@arnoldporter.com, cassandra.urbany@arnoldporter.com, daniel.alper@arnoldporter.com, trademarkdocketing@arnoldporter.com 2029426989
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Registration Subject to Cancellation

Registration No.	4566943	Registration date	07/15/2014
Registrant	Suitable LLC 35 W 33rd St, # 26B New York, NY 10001 UNITED STATES Email: hello@suitablenyc.com		

Goods/Services Subject to Cancellation

Class 025. First Use: 2013/09/10 First Use In Commerce: 2013/09/10 All goods and services in the class are subject to cancellation, namely: Men's suits

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Suitably - cancellation petition SUITABLE Reg. US.pdf(12444 bytes)
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Signature	/John P. Rynkiewicz/
Name	John P. Rynkiewicz
Date	01/23/2019

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

In Re Registration No. 4566943
Mark: SUITABLE (Stylized)
Filed: September 21, 2013
Registered: July 15, 2014

SUITABLY, LLC,)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	
SUITABLE LLC DBA SUITABLE)	
)	
Respondent.)	
)	

PETITION TO CANCEL

Petitioner Suitably, LLC (“Petitioner”) believes that it is damaged and will continue irreparably to be damaged, by the registration of the service mark SUITABLE [stylized], which is the subject of Registration No. 4566943, and hereby petitions to cancel registration of the same in International Class 25 pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3) and Section 2.111 of the Trademark Rules of Practice.

As grounds for this petition, Petitioner alleges that:

I. THE PARTIES

1. Petitioner is a Delaware limited liability company with its principal place of business at Apt. 4D, 805 Columbus Avenue, New York, New York 10025.

2. On information and belief, Suitable LLC DBA Suitable (“Respondent”) is a New York limited liability corporation located at 35 W 33rd St, # 26B, New York, New York 10001.

II. BACKGROUND FACTS

A. Petitioner and its “SUITABLY” Mark

3. On July 31, 2018, Petitioner adopted, intends to use in commerce in the near future and filed an application to register the SUITABLY mark (the “SUITABLY Mark”) under Ser. No. 80860470. The description of goods and services are shown in Exhibit A.

4. On November 16, 2018, the PTO issued an Office Action refusing registration of the SUITABLY Mark in Class 25 under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d). In issuing the refusal, the PTO claimed that the SUITABLY Mark is confusingly similar to Respondent’s mark SUITABLE [stylized], Registration No. 4566943.

C. Respondent and its “SUITABLE” Registration

5. On July 15, 2014, the PTO issued a registration to Respondent for the SUITABLE mark [stylized] in Class 25. This registration is based solely upon Respondent’s use in commerce.

6. On information and belief, Respondent has ceased use of the SUITABLE [stylized] mark in U.S. commerce. Petitioner’s searches of multiple federal and state corporate name records, of numerous common law, domain name and other company name databases and resources, and of the Internet do not show any use of the mark SUITABLE [stylized] in the United States by Respondent.

7. Respondent has ceased use of SUITABLE and changed its name to SENE.

8. Thus, on information and belief, Respondent has changed its name, abandoned the registered mark and has not used the mark SUITABLE [stylized] in commerce for multiple years, coupled with its intent not to resume use of that mark.

IV. BASIS FOR PETITION: ABANDONMENT

9. Petitioner hereby incorporates by reference the allegations in Paragraphs 1-8 herein.

10. Accordingly, based on the facts set forth above, Respondent has abandoned the registered mark SUITABLE [stylized] that is the subject of Registration No. 4566943 and any rights that it may have had in that mark within the meaning of 15 U.S.C. §§ 1064(3) and 1127, and, therefore, Reg. No. 4566943 should be cancelled.

11. If the registration for SUITABLE [stylized] remains on the Principal Register of the PTO, then Petitioner would be damaged by, among other things, being unable to obtain registration for its SUITABLY Mark and Petitioner would not obtain the benefits that such registration would confer upon Petitioner.

For the reasons set forth above, Petitioner believes that it will be damaged by the continued registration of Respondent's Registration No. 4566943 for the mark SUITABLE [stylized] and respectfully seeks cancellation of this registration.

SUITABLY, LLC

Dated: January 23, 2019

By: /John P. Rynkiewicz/
John P. Rynkiewicz
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(202) 942-6989

Attorneys for Petitioner

EXHIBIT A

Mark	Appl. Date Appl. No.	Goods and Services	Office Action History
SUITABLY	July 31, 2018 80860470	<p>Class 14: Jewelry; watches</p> <p>Class 18: Wallets; purses; handbags; tote bags; leather briefcases; leather briefcase portfolios; leather bags; suitcases</p> <p>Class 25: Clothing, namely, women's suits; blouses, pants, trousers, dresses, skirts, sweaters, scarves; drawers as clothing; underwear; stockings; socks; lingerie; footwear; belts; shorts, coats, raincoats, topcoats, overcoats, jackets, blazers, vests; men's suits; shirts, t-shirts; ties; hats, caps and visors</p> <p>Class 35: Retail store and retail online store services featuring clothing, footwear, jewelry and fashion accessories; providing a retail clothing and fashion website and blog</p>	1 st Office Action Issued: November 16, 2018