

ESTTA Tracking number: **ESTTA971713**

Filing date: **05/06/2019**

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	Attitudes & Attire		
Entity	non-profit corporation	Citizenship	Texas
Address	2050 North Stemmons Freeway Suite 181 Dallas, TX 75207 UNITED STATES		

Attorney information	Lisa R. Hemphill FOLEY & LARDNER LLP 2021 MCKINNEY AVE., SUITE 1600 DALLAS, TX 75201 UNITED STATES ipdocketing@foley.com, lhempfill@foley.com 214.999.4682		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No.	4830695	Registration date	10/13/2015
Registrant	Boots 2 Heels, Inc. 3195 Old Washington Rd. Suite 218 Waldorf, MD 20602 UNITED STATES		

Goods/Services Subject to Cancellation


Class 035. First Use: 2014/07/26 First Use In Commerce: 2014/07/26 All goods and services in the class are subject to cancellation, namely: Business networking; Employment counseling in the field(s) of of transitioning female veterans to the general workforce; Providing employment counseling information on how to successfully transition jobs for transitioning female veterans to the general workforce; Resume preparation; Resume writing


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	88041072	Application Date	07/17/2018
----------------------	----------	------------------	------------

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BOOTS TO HEELS		
Design Mark			
Description of Mark	The mark consists of the stylized words BOOTS TO HEELS in capital letters and in stacked formation with the word "BOOTS" appearing above the word "TO." To the right of the word BOOTS is a combat boot and a high heeled shoe. Four stars are placed above the word BOOTS.		
Goods/Services	Class 041. First use: First Use: 2011/01/00 First Use In Commerce: 2011/01/00 Charitable services directed to women veterans, namely, providing mentoring to women veterans in the fields of transitioning into civilian life and providing information and networking opportunities for employment and career development; conducting seminars and workshops in the fields of self-esteem, communication skills, interview skills, resume preparation, work ethics, personal appearance and developing marketable skills and talents to be utilized in the civilian workplace		

U.S. Application No.	88041043	Application Date	07/17/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BOOTS TO HEELS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2011/01/00 First Use In Commerce: 2011/01/00 Charitable services directed to women veterans, namely, providing mentoring to women veterans in the fields of transitioning into civilian life and providing information and networking opportunities for employment and career develop-		

	ment; conducting seminars and workshops in the fields of self-esteem, communication skills, interview skills, resume preparation, work ethics, personal appearance and developing marketable skills and talentsto be utilized in the civilian workplace
--	---

Attachments	88041072#TMSN.png(bytes) 88041043#TMSN.png(bytes) Petition for Cancellation Against Reg. No. 4830695 - BOOTS 2 HEELS WOMEN VETERANS ETC.pdf(141737 bytes)
-------------	--

Signature	/Lisa R. Hemphill/
Name	Lisa R. Hemphill
Date	05/06/2019

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

ATTITUDES & ATTIRE

Petitioner,

v.

BOOTS 2 HEELS, INC.

Respondent.

§
§
§
§
§
§
§
§
§
§
§

Cancellation No. _____

In the matter of Registration No.
4,830,695 (Registered 10/13/2015)

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Filed Electronically through ESSTA

PETITION FOR CANCELLATION

Petitioner, Attitudes & Attire, a non-profit corporation, having a principal place of business in Dallas, Texas (“Petitioner”), believes and alleges that it is being harmed and damaged by registration of the mark BOOTS 2 HEELS WOMEN VETERANS TRANSITIONING INTO THE WORKFORCE and design (Registration No. 4,830,695) and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Upon information and belief, Boots 2 Heels, Inc. (“Respondent”) is the owner of Registration No. 4,830,695 for BOOTS 2 HEELS WOMEN VETERANS TRANSITIONING INTO THE WORKFORCE and design, for business networking; employment counseling in the field(s) of transitioning female veterans to the general workforce; providing employment

counseling information on how to successfully transition jobs for transitioning female veterans to the general workforce; resume preparation, resume writing in International Class 35.

2. Petitioner has adopted and is using the marks BOOTS TO HEELS and BOOTS TO HEELS and design in connection with charitable services directed to women veterans, namely, providing mentoring to women veterans in the fields of transitioning into civilian life and providing information and networking opportunities for employment and career development; conducting seminars and workshops in the fields of self-esteem, communication skills, interview skills, resume preparation, work ethics, personal appearance and developing marketable skills and talents to be utilized in the civilian workplace in International Class 41.

3. Petitioner has used the marks BOOTS TO HEELS and BOOTS TO HEELS and design (together referred to herein as “Petitioner’s Marks”) in connection with the above referenced services in interstate commerce since at least as early as January 2011 and has not discontinued its use.

4. Petitioner’s Marks have come to be associated by the consuming public with Petitioner and Petitioner’s services. As such, Petitioner’s Marks are distinctive and serves to identify services provided by Petitioner.

5. On July 17, 2018 Petitioner filed two federal applications for registration of the Petitioner’s Marks for charitable services directed to women veterans, namely, providing mentoring to women veterans in the fields of transitioning into civilian life and providing information and networking opportunities for employment and career development; conducting seminars and workshops in the fields of self-esteem, communication skills, interview skills, resume preparation, work ethics, personal appearance and developing marketable skills and

talents to be utilized in the civilian workplace, and said application were accorded Application Serial Nos. 88/041043 and 88/041,072, respectively.

6. Respondent's registration has been cited as a bar to registration of Petitioner's Marks.

7. Upon information and belief, Respondent has discontinued use of its registered mark with the intention not to resume use of such mark. As a consequence, the mark sought to be canceled has become abandoned.

8. If Respondent's registration remains in force on the Registry, Petitioner will be precluded from obtaining registration of its BOOTS TO HEELS and BOOTS TO HEELS and design marks, will be denied the *prima facie* exclusive right to use the marks BOOTS TO HEELS and BOOTS TO HEELS and design, and further will be denied the benefits therefrom.

9. As a consequence, Respondent's Registration, No. 4,830,695, is to Petitioner's damage.

WHEREFORE, Petitioner prays that this cancellation petition be granted, and that the above-identified registration of Respondent, Registration No. 4,830,695, be canceled.

Respectfully submitted,

ATTITUDES & ATTIRE

Dated: 05/06/2019

By: /Lisa R. Hemphill/
Kenneth R. Glaser
Lisa R. Hemphill
FOLEY & LARDNER LLP
2021 McKinney Avenue, Ste. 1600
Dallas, Texas 75201
Tel: (214) 999-4682
ipdocketing@foley.com
lhemphill@foley.com

ATTORNEYS FOR PETITIONER