

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

Applicant: Creo Products Inc.

Attorney Docket No. CREO222736

Serial No.: 76/025,980

Trademark Attorney: T. Cross

Filed: April 14, 2000

Law Office: 103



Mark: POWERPACK

03-04-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #75

NOTICE OF APPEAL TO THE
TRADEMARK TRIAL AND APPEAL BOARD

Seattle, Washington 98101

TO THE COMMISSIONER FOR TRADEMARKS:

Applicant hereby appeals to the Trademark Trial and Appeal Board from the decision of the Examiner refusing registration. The required fee of \$100.00 (\$100.00 per class) is submitted herewith by our check No. 136478. Please charge any additional fees or credit any overpayment to Deposit Account No. 03-1740. A copy of this notice is enclosed.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}

Melanje J. Seelig
Registration No. 44,328
Direct Dial No. 206.695.1764
Attorneys for Petitioner

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on the below date.

Date: February 28, 2002

Shannon Hill

BEO:DDP

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

Mark: POWER PAK 5.0 International Classes: 9 & 16
Registration No: 2,159,206 Registrant: The Standard Register Company
Registration Issued: May 19, 1998

Goods: Laser printers, and computer programs and instruction manuals distributed therewith for use in the design and production of checks, business forms, labels and other printed materials, in Class 9; and safety paper, and office machines for processing business forms, in Class 16.

Creo Products Inc.,
Petitioner,
v.
The Standard Register Company,
Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION



03-04-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #76

Creo Products Inc. (hereinafter "Petitioner"), a corporation of Canada, having a principal place of business at 3700 Gilmore Way, Burnaby, B.C. V5G 4M1 Canada, believes that it is being damaged by U.S. Trademark Registration No. 2,159,206 for the mark POWER PAK 5.0, issued May 19, 1998, and hereby petitions to cancel the aforementioned registration.

The grounds for the petition are as follows:

1. On information and belief, The Standard Register Company, is an Ohio corporation having a place of business at 600 Albany Street, Dayton, OH 45408 (hereinafter "Registrant").

2. Petitioner has applied for registration of the trademark POWERPACK for use in conjunction with "computer software for performing common workflow and raster image processor functions, namely, color management, web capability, job and task automation and tracking, trapping, output device drivers, third-party plug-in functions, archive management, and production report generation, for digital imaging devices used in prepress and printing industries". Petitioner's application has been assigned Serial No. 76/025,980.

1 3. Petitioner's application for registration of the mark POWERPACK was refused on
2 August 31, 2001, under Section 2(d) of the Trademark Act, based upon the finding of the Trademark
3 attorney that the mark POWERPACK, when applied to Petitioner's goods, so resembles Registrant's
4 mark as to be likely, when used with the identified goods, to cause confusion, or to cause mistake, or
5 to deceive.

6 4. On information and belief, Registrant, The Standard Register Company, has
7 abandoned its rights in the mark POWER PAK 5.0, in that Registrant has ceased use of the mark in
8 connection with the goods identified in the registration, and has no intention of resuming use of the
9 mark in the future.

10 5. On information and belief, Registrant has not used the mark POWER PAK 5.0 for a
11 period in excess of three years.

12 6. For the above-stated reasons, Registration No. 2,159,206 is in derogation of and
13 causes damage to Petitioner's right to the continuous and exclusive use of the trademark POWER
14 PAK 5.0 in conjunction with "laser printers, and computer programs and instruction manuals
15 distributed therewith for use in the design and production of checks, business forms, labels and other
16 printed materials.

17 WHEREFORE, Petitioner prays that Registration No. 2,159,206, be cancelled pursuant to 15
18 U.S.C. § 1064 (Section 14 of the Lanham Act).

19 This petition is filed in duplicate.

20 Respondent - Registrant's last known address is:

21 The Standard Register Company
22 600 Albany Street
23 Dayton, OH 45408-1442

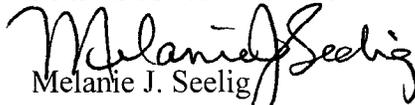
24 The Trademark Trial and Appeal Board is requested to serve a copy of this petition on
25 Respondent-Registrant, Respondent-Registrant's attorney, and any assignee of successor-in-interest
Respondent-Registrant.

1 Accompanying the duplicate signed copies of this Petition for Cancellation is our check for the
2 required filing fee in the amount of \$600.00 (\$300.00 per class). Please charge any excess fees to
3 Deposit Account No. 03-1740 of counsel noted below.

4 DATED this 28th day of february, 2002.

5 Respectfully submitted,

6 CHRISTENSEN O'CONNOR
7 JOHNSON KINDNESS^{PLLC}

8 
9 Melanie J. Seelig

10 Registration No. 44,328

11 Direct Dial No. 206.695.1764

12 Attorneys for Petitioner

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14 first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, Trademark Trial
15 and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on the below date.

16 Date: 2/28/02 Shannon Hill
17 MJS:DDP