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Docket: T2211-908552



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

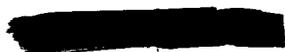
In re application of:	:
BLUNDSTONE PTY LTD.	: Trademark Attorney: M. Catherine Faint
	:
Serial No.: 76/519,726	: Law Office: 103
	:
Filed: June 3, 2003	:
	:
For: JOHN BULL	:

McLean, Virginia
May 9, 2005

REQUEST FOR SUSPENSION OF PROCEEDINGS

BOX TTAB

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451



05-09-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

Sir:

It is hereby requested that the appeal and prosecution be suspended in the above application in view of the fact that Applicant has filed a Petition for Cancellation of Registration No. 1,524,318 cited by the Examiner in support of the refusal to register. A copy of the Petition for Cancellation is attached hereto.

Applicant has continuously used the mark in New Zealand and Australia since at least as early as August 19, 1995, and Applicant still has a bona fide intent to use the mark in the United States.

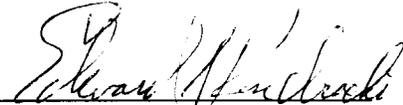
On information and belief, the Registered Owner of Registration No. 1,524,318 was ELLIOTT GLOVE CO. Inc. has ceased doing business and ceased use of the mark.

It is expected that Registration No. 1,524,318 will be cancelled which should remove the only valid objection and permit registration of Applicant's mark.

Accordingly, to save the resources of the PTO and Applicant to minimize costs, a suspension of the proceedings is earnestly solicited.

Respectfully submitted,

MILES & STOCKBRIDGE P.C.

By: 

Edward J. Kondracki
Reg. No. 20,604
David R. Schaffer
Reg. No. 43,089
Attorneys for Applicant

1715 Pinnacle Drive, Suite 500
McLean, Virginia 22102-3833
Telephone: (703) 610-8649
#9269154v1

Docket: T2211-908552

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

In the matter of Trademark Registration No. 1,524,318
For the Mark JOHN BULL
Date Registered February 14, 1989

BLUNDSTONE PTY LTD. (Petitioner)
v.
ELLIOT GLOVE CO., INC. (Registrant)

McLean, Virginia
May 9, 2005

PETITION TO CANCEL

BOX TTAB

Honorable Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Blundstone Pty. Ltd., an Australian Corporation, having its principal place of business at 88 Germanstown Road, Moonah, Tasmania 7009, Australia (hereinafter Petitioner).

To the best of Petitioner's knowledge, the last known name and address of the current owner of the registration is ELLIOTT Glove Co., Inc., 504 Pecor Street, Oconto, WI 54130-0410.

The above-identified Petitioner believes that it will be damaged by the above-identified registration, and hereby Petitions to Cancel the same.

The grounds for cancellation are as follows:

1. ELLIOTT GLOVE CO., INC. (hereinafter Registrant), a former corporation of the State of Wisconsin, is the owner of record of Registration No. 1,524,318.

2. On information and belief, on November 1, 1997, Registrant has ceased to exist.

3. The goods identified in said Registration No. 1,524,318 on which the registered mark is alleged to be used are leather apparel – namely, welding gloves, welding mittens, spats, knee leggings, hip leggings, split leg aprons, waist aprons, bib aprons, sleeves, cape sleeves, and coats for use by welders and other industrial workers, in International Class 9.

4. On information and belief, Registrant has ceased use of the mark of Registration No. 1,524,318 for the goods as specified in said registration.

5. On information and belief, the Wisconsin Certificate of Authority of ELLIOTT CORPORATION has been revoked and ELLIOTT CORPORATION has ceased doing business.

6. On information and belief, Registrant has abandoned the mark of Registration No. 1,524,318.

7. Petitioner has filed an application for registration for the mark JOHN BULL for footwear, namely safety footwear for protective purposes in International Class 9 based on a bona-fide-intent-to-use.

8. Petitioner is owner of the mark JOHN BULL which has been used continuously in commerce in connection with Petitioner's products and services in Australia and New Zealand since at least as early as August 19, 1995.

9. Petitioner's customers and prospective customers have come to associate Petitioner as the source of footwear, namely safety footwear for protective purposes under the mark JOHN BULL.

10. Registration of Petitioner's mark which is the subject matter of the aforementioned application has been refused in view of Registrant's mark No. 1,524,318 on the ground of likelihood of confusion, namely that Applicant's mark, when used on or in connection with the identified goods of the application so resembles the mark in Registration No. 1,524,318 as to be likely to cause confusion, to cause mistake or to deceive.

11. Petitioner has been, continues to be, and will be further damaged by continued existence of Registrant's Registration No. 1,524,318 on the Principal Register.

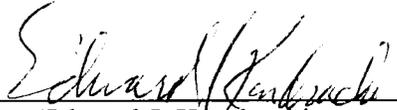
WHEREFOR, the Petitioner petitions to cancel Registration No. 1,524,318.

This PETITION TO CANCEL is filed in triplicate, and the Patent and Trademark Office is requested to serve a copy thereof on the Registrant or its attorney at the last known address. The fee for Petition to Cancel Registration in the amount of \$300.00 is enclosed. Any additional fees in connection with this matter should be charged to Deposit Account 50-1165.

Edward J. Kondracki declares that he is attorney for Petitioner corporation and is authorized to make this declaration on behalf of the Petitioner corporation; that he has read the PETITION TO CANCEL and knows the contents thereof, that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine for imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that

such willful false statements may jeopardize these proceedings, the validity of the application or document or any registration resulting therefrom.

MILES & STOCKBRIDGE P.C.

By: 

Edward J. Kondracki

Reg. No. 20,604

David R. Schaffer

Reg. No. 43,089

Attorneys for Petitioner

1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102-3833
Telephone: (703) 610-8627
#9267817v1