

08/27/03 03:50p

3. That Tanel Corporation is the Registrant of the mark "360°", registration no. 1484334, which was registered on April 12, 1988, in international class 025, for shoes.

4. That said mark was first used in commerce on May 6, 1986.

5. That said mark has been in continual use since that date in the sale and marketing of shoes.

6. That attached hereto as Exhibit A is a copy of a product brochure for Tanel 360° football cleats from the late 1980's or early 1990's, which shows the "360°" mark being used in commerce.

7. That attached hereto as Exhibit B is a product catalog from the 1990's for Tanel 360° baseball and softball shoes, which shows the "360°" mark being used in commerce.

8. That attached hereto as Exhibit C is a copy of the current Tanel 360° product brochure, which shows the "360°" mark being used in commerce.

9. That attached hereto as Exhibits D and E are two screen shots of current product pages on Tanel Corporation's website, which has a URL of "www.tanel.com," which shows the "360°" mark being used in commerce.

10. That on August 21, 2003, your Affiant called counsel for Registrant and advised that your Affiant had seen an infringing use of the 360° mark in the market place, under the brand "Hush Puppies."

11. That while speaking your Affiant, counsel for Tanel Corporation checked the Trademark Office's website, and found that Wolverine World Wide Inc. had filed the ITU application for "HP 360°."

08/27/03 00:21:18

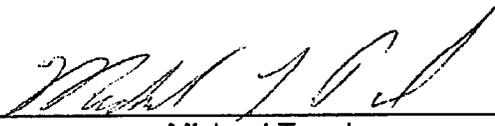
12. That counsel for Tanel Corporation then checked Tanel Corporation's registration for 360°, and found that the cancellation proceedings had been instituted against said mark.

13. That counsel for Tanel Corporation then cross-referenced with the TTAB's database, and first learned that cancellation proceeding had been instituted, as described herein.

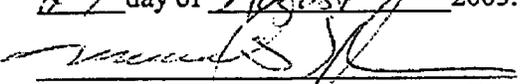
14. That prior to August 21, 2003, neither your Affiant, current counsel for Tanel Corporation, Tanel Corporation nor its officers were aware that said cancellation proceeding had been commenced.

15. That Tanel Corporation and your Affiant have been under the assumption that prior counsel had changed the registered address with the USPTO for all of its registered marks to its current business address.

16. That Tanel Corporation was unaware that the correspondence address listed for the mark "360°" was an address for a location Tanel Corporation had not occupied for over ten years.



Michael Tanel

Subscribed and sworn to before me this
27 day of August 2003.


Notary Public, Milwaukee County, WI
My commission is permanent.

02/02/2003TAR

P.O. ADDRESS:

IP SPECIAL COUNSEL, LTD.
1363 N. Prospect Avenue
Milwaukee, WI 53202

Tel: 414-270-0992

Fax: 414-270-0993

E-mail: [mhopkins @ ipspecialcounsel.com](mailto:mhopkins@ipspecialcounsel.com)

01/02/2003TAR

TANEL 360⁰ AND FOOTBALL

"They Just Go Together"
Ray Nitschke

SUPERIOR TRAILER
P.V.O.

SAFETY
TECHNOLOGY
PERFORMANCE

TANEL

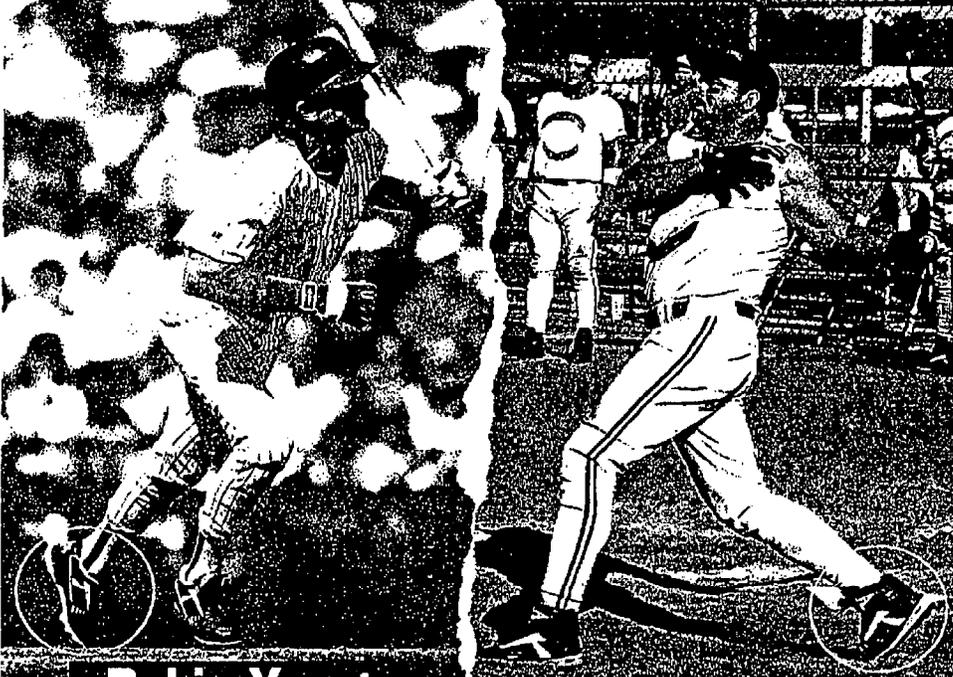
EXHIBIT

A

07/02/2002TAP

THE BEST *in* BOTH WORLDS

BASEBALL & SOFTBALL



Robin Yount

3,000 Career Hits
 Twice Voted MVP
 Future Hall of Famer

Player of the Year: Jimmy Powers

POWERS HITS 175 HOMERS
 WITH RECORD .790 AVERAGE

WEAR THE BEST!



EXHIBIT

B

Umpire Armor Plate

We had comfort in mind when we designed the Tanel® Umpire Armor Plate Shoe. It's truly an athletic shoe, not a modified industrial shoe. You will immediately see and feel the difference. This shoe is flexible, lightweight and comes with a generously padded insole for slipper-like feel. Patented 360° circular cleat pattern helps relieve knee and ankle strain. 100% full grain comfort leather. D/E width.

SKU 8304 \$119.95
Size: 8.5-14.5, no 14



Umpire Base/Coaches Shoe

On your feet a lot? Then the Tanel® Umpire Base/Coaches shoe is made for you. All black, low-cut shoe with Tanel's® patented circular cleat pattern. Your feet will feel the comfort of the 61 point turf bottom and thick Foot Mattress insole. Great for any sport. Wrap around toe for extra long life. Highest quality Duraskin synthetic leather. Standard D width.

SKU 8308 \$75.95
Size: 8-14, no 13.5

Womens Victory TMS™

Finally, a shoe a women can love. The Tanel® Victory TMS™ is specially designed for women. A high quality lightweight shoe ideal for all playing conditions. Patented 360° TMS™ 14 point circular cleat pattern helps relieve knee and ankle strain so common to female athletes. The Victory TMS™ provides unmatched comfort & traction, truly a first of its kind for the women's market. Tanel® DURAtoe™ protection prolongs life of shoe. Thick Foot Mattress™ insoles for slipper-like feel. Highest quality Duraskin synthetic leather, mesh tongue for increased ventilation. C width.

SKU 8307 \$74.95 low
Womens Size: 6.5-11



Our patented circular cleat pattern serves three purposes -
SAFETY, COMFORT and PERFORMANCE

SAFETY: Diamond-shaped cleats arranged in a circular pattern allow you to pivot freely, thus reducing torque on your knees and ankles.

COMFORT: 14 point cleat and 61 point turf pattern disperses your weight evenly, which relieves uncomfortable cleat pressure - even on hard surfaces!

Designed for
Superior Traction
with the Unique Ability to
PIVOT



Tanel 360° | Title

Close

-NEW- Base/Coaches Edition - low



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Tanel 360° | Title

Close

-NEW- White Classic Edition, 61 pt. turf - mid



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08/27/03 03:49p

IP SPECIAL COUNSELsm
attorneys at law

Please scan

1363 N. Prospect Avenue
Milwaukee, Wisconsin 53202

Tel: 414-270-0992
Fax: 414-270-0993

FAX COVER PAGE

To: Attorney Frances Wolfson
TTAB

Date: 8/27/2003

From: Michael T. Hopkins

Fax No: 703-746-7087

Re: Proceeding No: 92032585
Mark: 360

No. Pages: 16

Message: See attached

CONFIDENTIALITY NOTICE: This is a privileged and confidential communication. If you are not the recipient identified above, or are not responsible for delivering this facsimile transmission to the intended recipient, please destroy this communication and call 414-270-0992. Thank you.

IP SPECIAL COUNSEL LTD.
Intellectual Property Law & Litigation
www.ipspecialcounsel.com

03/02/2003 11:49

IP SPECIAL COUNSELsm
attorneys at law

1363 N. Prospect Avenue
Milwaukee, Wisconsin 53202

Tel: 414-270-0992
Fax: 414-270-0993

August 27, 2003

Attorney Frances S. Wolfson
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3514

VIA FAX (703) 746-7087

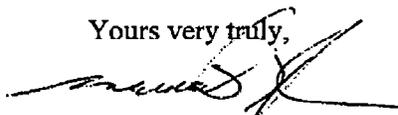
In re: Proceeding No: 92032585
Mark: 360°
Registrant: Tanel Corporation
Registration No: 1484334
Registration Date: April 12, 1988
Petitioner: Wolverine World Wide, Inc.

Dear Ms. Wolfson:

Pursuant to our telephone conversation of last week, enclosed please find a copy of my Power of Attorney relative to the above mark, together with Tanel Corporation's Request for Reconsideration and the supporting Affidavit of Michael Tanel. Please direct all future correspondence relative to this Proceeding to the undersigned, on behalf of Registrant. I will forward the originals of these documents via U.S. Mail.

Thank you for your assistance.

Yours very truly,



Michael T. Hopkins

Enc.
CC: Attorney James L. Scott

IP SPECIAL COUNSEL LTD.
Intellectual Property Law & Litigation
www.ipspecialcounsel.com

01/02/2003TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

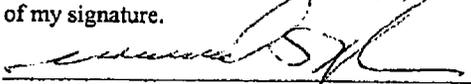
Applicant: Tanel Corporation

Mark: 360°

Reg. No: 1484334

Reg. Date: April 12, 1988

I, Michael T. Hopkins, hereby certify that this Power of Attorney at Law is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Commissioner for Trademarks, at the address listed below, on the date of my signature.



Signature

8-27-03

Date of Signature

Commissioner for Trademarks
Power of Attorney at Law - No Fee
2900 Crystal Drive
Arlington, VA 22202-3514

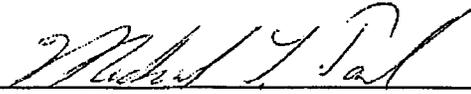
POWER OF ATTORNEY AT LAW

Registrant hereby appoints:

Attorney Michael T. Hopkins
IP Special Counsel, Ltd.
1363 N. Prospect Avenue
Milwaukee, WI 53202

as Attorney of Record, to transact all business in the Patent and Trademark Office in connection with said registration, and the maintenance thereof.

TANEL CORPORATION

by: 
Michael Tanel, President

Date: 8/27/03

2003/08/27 03:49:11 AM

4. That said mark has been in continual use since that date in the sale and marketing of shoes.

5. That attached as Exhibit A to Michael Tanel's Affidavit is a copy of a product brochure for Tanel 360° football cleats from the late 1980's or early 1990's, which shows the "360°" mark being used in commerce.

6. That attached as Exhibit B to Michael Tanel's Affidavit is a product catalog from the 1990's for Tanel 360° baseball and softball shoes, which shows the "360°" mark being used in commerce.

7. That attached as Exhibit C to Michael Tanel's Affidavit is a copy of the current Tanel 360° product brochure, which shows the "360°" mark being used in commerce.

8. That attached to Michael Tanel's Affidavit as Exhibits D and E are two screen shots of current product pages on Tanel Corporation's website, which has a URL of "www.tanel.com," which shows the "360°" mark being used in commerce.

9. That Petitioner, Wolverine World Wide Inc., filed an ITU application for the mark "HP 360°" on June 26, 2001.

10. That a Non-Final Office Action was mailed to Petitioner on September 21, 2001, which, upon information and belief, cited Tanel Corporation's registered mark in opposition to the ITU application.

11. That on November 1, 2001, the Petitioner filed the instant cancellation action against the 360° mark currently owned and registered by Tanel Corporation.

12. That on December 5, 2001, the office of the Trademark Commissioner mailed notice of the cancellation proceedings to Tanel Corporation.

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13. That on January 14, 2002, the notice of the cancellation proceedings was returned as undeliverable.

14. That on October 23, 2002, the TTAB suspended its current decision, so that service by publication could be had on the Registrant, Tanel Corporation.

15. That on October 23, 2002, service by publication of the instant cancellation petition was instituted in the Official Gazette.

16. That on August 21, 2003, Michael Tanel, the president of Tanel Corporation, called counsel for Registrant, and advised that he had seen an infringing use of the 360° mark in the market place, under the brand Hush Puppies.

17. That the Hush Puppies brand is currently owned by the Petitioner, Wolverine World Wide, Inc.

18. That while speaking with Mr. Tanel, counsel for Tanel Corporation checked the Trademark Office's website, and found that Wolverine World Wide Inc. had filed the ITU application for "HP 360°."

19. That counsel for Tanel Corporation then checked Tanel Corporation's registration for 360°, and found that the cancellation proceedings had been instituted against said mark.

20. That counsel for Tanel Corporation then cross-referenced with the TTAB's database, and first learned that cancellation proceeding had been instituted, as described herein.

21. That prior to August 21, 2003, neither current counsel for Tanel Corporation, Tanel Corporation nor its officers were aware that said cancellation proceeding had been commenced.

02/02/2003TTA9

22. That Tanel Corporation had been under the assumption that prior counsel had changed the registered address with the USPTO for all of its registered marks to its current business address.

23. That Tanel Corporation was unaware that the correspondence address listed for the mark "360°" was an address for a location Tanel Corporation had not occupied for over ten years.

24. Based upon the foregoing, and upon the continuous and current use of the "360°" mark by Tanel Corporation, the Registrant, Tanel Corporation, hereby requests that the TTAB reconsider and vacate its decision granting the cancellation herein on a default basis, and that it hear said cancellation proceedings on its merits.

Dated this 27 day of August, 2003.



Attorney Michael T. Hopkins
Counsel for Registrant, Tanel Corporation

P.O. ADDRESS:
IP SPECIAL COUNSEL, LTD.
1363 N. Prospect Avenue
Milwaukee, WI 53202

Tel: 414-270-0992
Fax: 414-270-0993

E-mail: mhopkins @ ipspecialcounsel.com