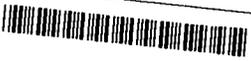


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U.S. Patent & TMO/TM Mail Rcpt Dt. #67

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

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US PATENT &
TRADEMARK OFFICE

NATIONAL TECHNICAL SYSTEMS, INC.,

Petitioner,

v.

WYLE ELECTRONICS

Registrant.

Cancellation No. _____

COMBINED PETITION FOR CANCELLATION

In the matter of Registration Nos. 1,884,383 and 2,125,993 issued to Wyle Electronics, a California corporation having mailing address at 15370 Barranca Parkway, Irvine, California 92713, for the marks NRTL WYLE and Design and NRTL WYLE LABS and Design both for certification marks in Class A for "heating, ventilating, and air conditioning equipment; industrial control equipment; lighting fixtures; medical dental x-ray equipment; molded-case circuit breakers and switches; electronic office appliances and computers; power supplies, battery chargers and uninterruptible power supplies; telephone equipment and communications circuit accessories; electric measuring and testing equipment and lab testing equipment; and transformers: the Petitioner, National Technical Systems, Inc., a California corporation having its headquarters at 24007 Ventura Boulevard, Calabasas, California 91302, believes it is and will be damaged by the aforesaid registrations and hereby petitions to cancel the

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The grounds for the cancellation of the above-noted registrations are as follows:

1. Petitioner tests products to certify that they are in compliance with applicable published quality standards as to safety, reliability, and performance.
2. Petitioner is a Nationally Recognized Testing Laboratory.
3. The term "Nationally Recognized Testing Laboratory" means an organization which is recognized by the U.S. Occupational Safety & Health Administration (hereinafter "OSHA") in accordance with requirements set forth in Appendix A to 29 CFR 1910.7 -- OSHA Recognition Process of Nationally Recognized Testing Laboratories - - and which tests for safety, and lists or labels or accepts, equipment or materials which meet various preset criteria.
4. NRTL is the acronym for "Nationally Recognized Testing Laboratory".
5. Registrant is a Nationally Recognized Testing Laboratory.
6. Registrant provides safety certification testing services for a broad array of products.
7. Petitioner and Registrant are in competition with each other for providing their testing services.
8. Both petitioner and registrant are entitled to use the acronym NRTL to identify themselves as Nationally Recognized Testing Laboratories.
9. The acronym NRTL is generic for Nationally Recognized Testing Laboratory.
10. During the prosecution of its application to register its certification mark NTS NRTL and Design (application Serial No. 75/462,550), Registration Nos. 1,884,383 and 2,125,993 were cited as bar to registration under Section 2(d) of the Lanham Act,

15 U.S.C. §1052(d). Despite the fact that NRTL is a generic term for "Nationally Recognized Testing Laboratory", Petitioner was required to delete NRTL from the mark in order for its application to be approved for publication.

11. Based on information and belief, if Petitioner files a new certification mark application which includes the generic acronym NRTL, the Trademark Office is likely to cite Registration Nos. 1,884,383 and 2,125,993 as bars to registration under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

12. In the specimen displaying use of its mark submitted to support the Statement of Use in the application for Registration No. 1,884,383 (a brochure entitled "Product Safety & Compliance Testing Services"), registrant stated that "Wyle Laboratories is a Nationally Recognized Testing Laboratory (NRTL) accredited by U.S. Occupational Safety & Health Administration (OSHA)."

13. The registration of the acronym NRTL in Registration Nos. 1,884,383 and 2,125,993 was incorrectly made and erroneously granted by the United States Patent and Trademark Office for certification marks in Class A indicating that the products identified in the registrations were tested for compliance with applicable quality standards as to safety, reliability and performance.

14. Because the acronym NRTL is generic, the registration of the marks comprising NRTL in Registration Nos. 1,884,383 and 2,125,993, should have been precluded under 15 U.S.C. §§1051,1052, and 1056 and, therefore, should now be cancelled pursuant to 15 U.S.C. §1064(3).

WHEREFORE, Petitioner requests that this Petition be granted and that both Registration Nos. 1,884,383 and 2,125,993 be cancelled in their entirety.

This Combined Petition For Cancellation is filed in duplicate, together with the required government fee of \$600.00

NATIONAL TECHNICAL SYSTEMS, INC.

Date: August 21, 2001

By:



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