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

In re U.S. Registration No. 2017057
Registered: November 19, 1996
Mark: **FUNKY DUNK'S and Design**
Registrant: Funky Dunk, Inc.

PETITION TO CANCEL

CUP PROMOTIONS LTD.,
Petitioner,
v.
FUNKY DUNK'S, INC.,
Registrant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: BOX TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on April 19, 2002.

THELEN REID & PRIEST LLP Date: April 19, 2002

By: Michael J. Lyman
Name: Michael J. Lyman

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BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



04-23-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #33

Sir:

Petitioner hereby petitions to cancel the above-identified registration alleging as follows:

1. Petitioner, CUP PROMOTIONS LTD., is a United Kingdom company having a business address at Unit #103, Bow Business Centre, 153-159 Bow Road, London E3 2SE, England.
2. Registrant, FUNKY DUNK'S, INC., is an Ohio corporation having a last known business address at 312 Walnut Street, Suite 151, Cincinnati, OH 45202, and a telephone number of (513) 451-8386.
3. On information and belief, Registrant has ceased doing business as Funky Dunk's and has discontinued using the mark which is the subject of the above-identified registration.

4. Petitioner herein has filed Application Serial No. 76/079662 for the DUNK'N'FUNK and Design mark and that application has been finally refused registration under section 2(d) of the Lanham Act on grounds of likelihood of confusion with the above-identified registration. Therefore, Petitioner is injured by the continuing existence of the registration and has standing to bring this Petition to Cancel.

5. Therefore, Petitioner hereby requests cancellation of the above-identified registration under the Lanham Act, 15 U.S.C.A. § 1064(3) on grounds that the mark has become abandoned.

6. This Petition is filed in duplicate and the office is hereby authorized to debit Petitioner's deposit account number 50-0918

Respectfully Submitted,

THELEN REID & PRIEST, LLP

Dated: April 19, 2002

By Veronica Colby Devitt

Veronica Colby Devitt
Attorneys for Applicant
Post Office Box 190187
San Francisco, CA 94119-1087
Telephone: (415) 369-7640
Facsimile: (415) 369-8788
E-mail: vdevitt@thelenreid.com

Our Reference: 032712-000003.