

Registration Nos. 2,566,447; 2,566,448; and 2,568, 946 and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner is a U.S. citizen.

2. Since at least as early as 1980, Petitioner has been rendering musical performances in connection with the trade name and service mark SLIPKNOT. Attached as Exhibit A is a listing for SLIPKNOT in the October 7, 1980 issue of *The Boston Phoenix*.

3. Petitioner has made continuous use of the trade name and service mark SLIPKNOT and the trade name and service mark are in use today. Attached as Exhibit B are representative samples of advertising showing the use of the mark.

4. Petitioner has used the trade name and trademark SLIPKNOT to identify its recorded music.

5. Petitioner made a live tape of its SLIPKNOT performance in 1991. Petitioner recorded a SLIPKNOT CD-ROM in 1996. Attached as Exhibit C is a photocopy of cover for Petitioner's live tape. Attached as Exhibit D is a photocopy of the CD-ROM showing the use of the trade name and trademark SLIPKNOT to identify the CD-ROM and an article in the November 6, 1997 *Telegram & Gazette* reviewing the CD-ROM.

6. Petitioner sold SLIPKNOT t-shirts at least as early as 1989.
7. Upon information and belief, Registrant began using the mark SLIPKNOT to identify its live musical performances in April, 1996.
8. Upon information and belief, Registrant began using the mark SLIPKNOT to identify its pre-recorded CD-ROMs, compact discs, DVDs, audio cassettes, phonograph albums and videotapes in October, 1996.
9. Upon information and belief, Registrant began using the mark SLIPKNOT to identify clothing in April 1996.
10. The marks of the parties are both SLIPKNOT.
11. The marks of the parties are identical in sight, sound, and meaning.
12. As demonstrated by the e-mails received by Petitioner attached hereto as Exhibit D, there have been instances of actual confusion and reverse confusion.
13. Registrant's mark SLIPKNOT and Design used in connection with live musical performances, clothing, and pre-recorded CD-ROMs, compact discs, DVDs, audio cassettes, phonograph albums and videotapes, featuring music so closely resembles Petitioner's previously used mark SLIPKNOT for live musical performances,

clothing, and prerecorded CD-ROMs as to be likely to cause confusion, to cause mistake, or to deceive and, therefore, the registrations should be cancelled under Section 2(d) of the Lanham Act.

WHEREFORE, Petitioner requests that the petition to cancel Registration No. 2,566,447, Registration No. 2,566,448, and Registration No. 2,56,946 for the mark SLIPKNOT and Design be granted and that the registrations be cancelled.

The Petition For Cancellation is filed in duplicate, together with the government fee of \$900. Please charge any fee deficiency to Account No. 04-1061.

BRUCE MANDARO, dba, SLIPKNOT

Date: October 4, 2002



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