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

SONY KABUSHIKI KAISHA,
also trading as
SONY CORPORATION,

Petitioner,

v.

ING. C. OLIVETTI & C., S.P.A.,

Respondent.



12-30-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

Cancellation No.:

03 JAN -7 11 59 00

RECEIVED
T. J. HALL
JAN 7 2003

PETITION FOR CANCELLATION

IN THE MATTER of the registration owned by ING. C. OLIVETTI & C., S.P.A.,
(hereinafter referred to as "Respondent") for the trademark OLIVETTI SUPREMA in
International Class 9 for "computers, informatic systems and devices for collecting, processing
and transmitting data, namely personal computers and minicomputers; computer peripherals for
data processing and data communication devices; computer hardware; keyboards for computers;
screens or monitors for computers; work stations, namely electronic computers or computer
terminals for the office and for accounting, banking, administrative purposes; electronic systems
comprised of electronic software and firmware, namely operating system software embedded in
computer components such as integrated circuit chips which translate electronic data and
information into sounds and voice recordings; and parts for the computer components; electronic

calculators, blank optical discs; blank hard or blank floppy discs for computers; blank magnetic and optical computer tapes; operating system software for computers", Registration No. 2,016,656 issued November 11, 1996, SONY KABUSHIKI KAISHA also trading as SONY CORPORATION (hereinafter referred to as "Petitioner"), a Japan corporation, which has its principal place of business at 7-35 Kitashinagawa 6-Chome, Shinagawa-Ku, Tokyo, Japan, believes that it will be damaged by continuance of Respondent's trademark registration and hereby petitions for cancellation of same.

FACTS COMMON TO ALL GROUNDS FOR CANCELLATION

1. Petitioner for many years has been engaged in the advertising, promotion and sale in foreign commerce between Japan and the United States of consumer electronics products and accessories therefor, among others.

2. On October 27, 1999, Petitioner applied to federally register the mark SUPREMAS for goods which were subsequently amended on October 4, 2000 to read "blank magneto-optical discs and optical discs for audio, video and computer data" in International Class 9. Said application received Serial No. 75/835,679 and was based upon a convention priority filing and an intention to use.

3. Petitioner's said application to register SUPREMAS is now based upon an intention to use only.

4. In an Office Action dated April 4, 2000, Respondent's Registration No. 2,016,656 for OLIVETTI SUPREMA was cited against Petitioner's application to register SUPREMAS under Section 2(d) of the Act, 15 U.S.C. Section 1052(d) because of alleged confusing similarity.

5. In an Office Action dated May 2, 2001, the Patent and Trademark Examiner

handling Petitioner's application to register SUPREMAS made her citation of Respondent's Registration No. 75/835,679 for OLIVETTI SUPREMAS "final".

6. On information and belief, Respondent has not used in the United States for several years and is not currently using OLIVETTI SUPREMA as a trademark for any goods.

The grounds for cancellation are as follows:

FIRST GROUND FOR CANCELLATION

7. Petitioner repeats and realleges paragraphs 1 through 6 as though fully set forth herein.

8. By reason of nonuse of the TWO WAY trademark, Respondent has abandoned its rights IN Registration No. 2,106,656 for OLIVETTI SUPREMA.

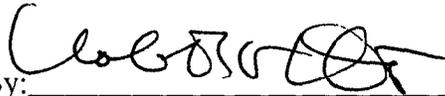
WHEREFORE, Petitioner believes that it will be damaged by the continuance of said registration and prays that it be canceled.

The filing fee of this cancellation proceeding in the amount of \$300.00 is enclosed.

Respectfully submitted,

COOPER & DUNHAM LLP

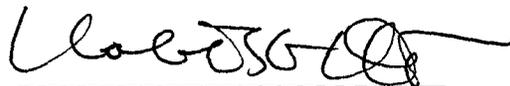
Dated : New York, N.Y.
December 27, 2002

By: 
Robert B.G. Horowitz
Attorneys for Petitioner
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New York, N.Y. 10036
(212) 278-0400

CERTIFICATE OF SERVICE

I hereby certify that the original and two copies of the foregoing Amended Petition for Cancellation were served upon the Commissioner of Patents and Trademarks by first class mail, postage prepaid, this 27th day of December, 2002 in an envelope addressed to:

Hon. Commissioner of Patents and Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3515



Robert B.G. Horowitz

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