

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: January 25, 2003

General Sportcraft Company Ltd.
140 Woodbine St.
Bergenfield, NJ 07621

Cancellation No. 92041487
Reg. No. 1198083

MYRON AMER, ESQ.
MYRON AMER, P.C.
114 OLD COUNTRY ROAD, SUITE 310
MINEOLA, NY 11501

MILLERSPORT, INC.

V.

General Sportcraft Company Ltd.

Lalita Greer, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.

A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as follows:

Discovery period to open: February 14, 2003

Discovery period to close: August 13, 2003

30-day testimony period for party
in position of plaintiff to close: November 11, 2003

30-day testimony period for party
in position of defendant to close: January 10, 2004

15-day rebuttal testimony period
for plaintiff to close: February 24, 2004

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MILLERSPORT, INC.

Petitioner,

v.

GENERAL SPORTCRAFT COMPANY LTD.

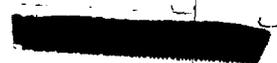
Registrant.

November 18, 2002

Cancellation No.:

Registration No.: 1,198,083

Registration Date: June 15, 1982



PETITION FOR CANCELLATION

11-20-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #01

Petitioner, MILLERSPORT, INC., a New York corporation located and doing business at 1 Commercial Court, Plainview, New York 11803-1600, believes that it is or will be damaged by Registration No. 1,198,083, and hereby petitions to cancel same.

Description of registrant's registration: Filed on April 13, 1981 for the mark SCORE in typed form, registered on the Principal Register, in International Class 028, prior U.S. Class 022, for "ATHLETIC BALLS — NAMELY, SOCCER BALLS, BASKETBALLS, VOLLEY BALLS, TETHER BALLS AND MULTI-USE ALL RUBBER ACTION BALLS FOR INDOOR AND OUTDOOR USE", claiming first use on November 21, 1980.

Current owner of registration: To the best of petitioner's knowledge and belief, the current owner of the above-identified registration is General Sportcraft Company Ltd., whose address is 140 Woodbine Street, Bergenfield, New Jersey 07621.

As grounds for this petition, it is alleged that:

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1. Petitioner provides "balls and other sports equipment for baseball, football, basketball, soccer, tennis, golf, hockey; playground balls and other balls, outdoor games and toys, indoor games and toys" under the mark SCORE in typed form.

2. Petitioner was the applicant of U.S. trademark application Serial No. 76/403,290, filed May 2, 2002, for the mark SCORE in typed form for "athletic balls — namely, soccer balls, basketballs, volley balls, tether balls and multi-use all rubber action balls for indoor and outdoor use."

3. The aforementioned application Serial No. 76/404,290 for the mark SCORE in typed form, by petitioner, has been refused as likely to cause confusion, or to cause mistake, or to deceive, in view of registrant's aforementioned registration No. 1,198,083.

4. Upon information and belief, registrant has abandoned said registered mark by discontinuing use of said mark with no intent to resume said use.

5. Petitioner is likely to be damaged by continuance on the register of said registration No. 1,198,083 as petitioner presently intends to use the mark SCORE in typed form for "athletic balls — namely, soccer balls, basketballs, volley balls, tether balls and multi-use all rubber action balls for indoor and outdoor use," and petitioner's ability to obtain its own registration of this mark is being impaired and the continuance of petitioner's legal use of said mark will be impaired by the continued registration of said abandoned mark of registrant.

POWER OF ATTORNEY

Petitioner hereby appoints Myron Amer, Registration No. 18,650, who is a member of the firm of Myron Amer, P.C., a professional corporation, whose business address is 114 Old Country Road, Suite 310, Mineola, New York 11501, Telephone Number (516) 742-5290, to prosecute this cancellation, and to transact all business in the Patent and Trademark Office in connection with this matter.

WHEREFORE, petitioner prays that registration No. 1,198,083 be cancelled and that this PETITION FOR CANCELLATION be sustained in favor of the petitioner.

Respectfully,

MYRON AMER, P.C.
Attorney for Petitioner

By: *Myron Amer*
Myron Amer
Reg. No. 18,650

114 Old Country Road
Suite 310
Mineola, NY 11501
(516) 742-5290

Dated: November 18, 2002

N.B.: Enclosed is the prescribed fee of \$300

Trademarks\3936-1.Petition for Cancellation