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

In the matter of trademark Registration No. 2569511
For the mark PET INSURANCE NOW! BECAUSE
YOUR PET DESERVES MORE
Date registered May 14, 2002

Steven S. Teichner
d/b/a Life Insurance Now

v.

J & J International Brokerage, Inc.

Cancellation No. _____

PETITION TO CANCEL

1. Petitioner is Steven S. Teichner d/b/a Life Insurance Now, located at 3063 Waterdale Drive, Loveland, Colorado 80538.
2. To the best of petitioner's knowledge, the name and address of the current owner of the registration are J & J International Brokerage, Inc., a New York corporation, located at 185 Prospect Place, Bay Shore, New York 11706.
3. The above-identified petitioner believes that he will be damaged by the above-identified registration, and hereby petitions to cancel the same.
4. Petitioner filed an application to register the mark LIFE INSURANCE NOW for services similar to respondent's. (Serial No. 78/117475, filed March 26, 2002, claiming first use as of August 18, 2000 and first use in commerce as of October 13, 2000.)
5. Petitioner's application has been refused registration because of a likelihood of confusion, in view of respondent's registration.
6. Therefore, since the respective services create a likelihood of confusion and because petitioner has used his mark prior to respondent's use, respondent's registration should be cancelled.

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7. The grounds for cancellation are as follows:

8. Respondent's mark so resembles Petitioner's mark previously used in the United States and not abandoned, as to be likely, when used on or in connection with the goods or services of the respondent, to cause confusion, or to cause mistake, or to deceive.

A. There is a similarity of the marks, in that the petitioner's mark and the respondent's mark both contain the key words "insurance" and "now." The petitioner's mark and the respondent's mark have the phrases in the same order, that is, "now" follows "insurance."

B. The petitioner offers life insurance brokerage and underwriting. The respondent offers insurance underwriting for pets. Both offer insurance underwriting for two types of insurance, showing a similarity of goods or services.

C. Trademark registration numbers 2518906, 2481782, 2311834, 2268720, and 2489719 are registrations in which the registrant offers both pet insurance and life insurance as well as other types of insurance, showing that the services of the petitioner and respondent flow in the same channels of trade.

9. Petitioner's first use of the mark LIFE INSURANCE NOW was August 18, 2000, which is prior to the filing date of the application which matured into respondent's registration, namely September 6, 2000.

I declare under penalty of perjury that the allegations in the petition are true.

By: Steven S. Teichner
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I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on 12-18-2002.

By: Steven S. Teichner
Steven S. Teichner