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

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

Threat Assessment Group, Inc.,

Petitioner,

v.

William P. Gassen,

Respondent.

Cancellation No. _____

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on

February 27, 2003

(Date)


Raphael A. Gutierrez

PETITION FOR CANCELLATION

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

Dear Sir or Madam:

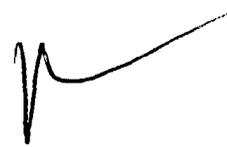
Petitioner, Threat Assessment Group, Inc., located and doing business at 537 Newport Center Drive #300, Newport Beach, CA 92660 (hereinafter referred to as "Petitioner"), believes that it is or will be damaged by Registration No. 2,686,667 registered on the Principal Register in International Class 41 for "educational service, namely conducting classes to parents to protect children" owned by William P. Gassen, who is, on information and belief, an individual (hereinafter referred to as "Respondent") and hereby petitions to cancel the same.

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TRADEMARK TRIAL AND APPEAL BOARD

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Respondent's trademark Registration No. 2,686,667 is described as follows:

Mark:



Services: Educational service, namely conducting classes to parents to protect children
Class: 41
Filed: March 9, 2002
Alleged First Use: February 26, 1999
Registered: February 11, 2003

As grounds for cancellation, it is alleged:

1. Petitioner is the owner of and relies on U.S. Trademark Registration No. 1,957,529 (the "529 Registration") for the mark TAG for "organizing, conducting, and performing training seminars, conferences, and lectures in the fields of threat management and workplace violence; development and dissemination of educational materials in the fields of forensic psychiatry and psychology, criminology, behavioral sciences relating to criminal investigations, and sexual harassment" in International Class 41; and "consultation services in the fields of workplace violence, extortion, stalking, and product tampering; psychiatric, psychological and criminological consultation and evaluation services; expert testimony services in litigation" in International Class 42.

2. Petitioner's TAG mark was registered on the Principal Register on February 20, 1996. Petitioner's '529 Registration is based on an application filed with the Patent and Trademark Office ("PTO") on December 28, 1994 and claims a first use date of July 1987. By virtue of Petitioner's compliance with the provisions of 15 U.S.C. § 1065, Petitioner's right to use the TAG trademark shown in the '529 Registration is incontestable. In addition to relying on the '529 Registration, Petitioner also relies on its common law rights beginning on the date it first used its TAG mark. Thus, the dates of first use, application and registration of the mark shown in the '529 Registration are all well prior to the date Respondent filed its application and well prior to Applicant's alleged date of first use.

3. Petitioner is the owner of and relies on U.S. Trademark Registration No. 2,274,766 (the “’766 Registration”) for the mark  (LIFE PRESERVER BUOY design) for

“educational services, namely, conducting training seminars, conferences, and lectures in the fields of threat management and workplace violence; development and dissemination of educational materials of others in the fields of forensic psychiatry and psychology, criminology, behavioral sciences relating to criminal investigations and sexual harassment” in International Class 41; and “consultation services in the field of workplace violence, extortion, stalking, and product tampering; and psychiatric, psychological and criminological consultation and evaluation services; expert witness services in the fields of forensic psychiatry, psychology, criminology, and behavioral sciences” in International Class 42.

4. Petitioner’s  mark was registered on the Principal Register on August 1, 1999. The ‘766 Registration is based on an application filed with the PTO on December 12, 1996 and claims a first use date of December 1994. In addition to relying on the ‘766 Registration, Petitioner also relies on its common law rights beginning on the date it first used its  mark. Thus, the date of first use and the application for and registration of the mark shown in the ‘529 Registration are all well prior to the date Respondent filed its application. Furthermore, Applicant’s date of first use and application filing date also predate Applicant’s alleged date of first use.

5. Petitioner’s TAG and  marks are collectively referred to as the “TAG/LIFE

PRESERVER marks.” In addition to using the TAG/LIFE PRESERVER marks as shown in Petitioner’s ‘529 and ‘766 Registrations, Petitioner also uses the TAG/LIFE PRESERVER marks together so that TAG appears within the , as indicated below:



6. Petitioner’s use of its TAG/LIFE PRESERVER marks has been valid and continuous since well prior to Respondent’s alleged date of first use and registration and has not been abandoned. Petitioner’s use of its marks has been and continues to be in connection with the services listed in its ‘529 and ‘766 Registrations. Such services include educational services regarding prevention of child abductions, child abuse, and other crimes against children. Petitioner’s TAG marks are symbolic of extensive goodwill and consumer recognition built up by Petitioner through substantial amounts of time and effort in advertising and promotion. In view of the similarity of the Respondent’s mark and the TAG/LIFE PRESERVER marks and the related nature of the services of the respective parties, it is alleged that Respondent’s mark so resembles Petitioner’s TAG/LIFE PRESERVER marks as to be likely to cause confusion or to cause mistake or to deceive.

7. If Respondent is permitted to retain Registration No. 2,686,667, it will conflict with Petitioner’s lawful and prima facie exclusive right to use its TAG/LIFE PRESERVER marks nationwide on the same or substantially similar services.

8. In view of Petitioner’s prior and superior rights to the TAG/LIFE PRESERVER marks, Respondent is not entitled to registration of the TAG/ELI mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052 (d).

WHEREFORE, Petitioner prays that U.S. Trademark Registration No. 2,686,667 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

2.27.03

By: _____



Raphael A. Gutiérrez
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Petitioner

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