Attorney Docket No.: 236575US33 **BOX TTAB NO FEE**

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

Mitsubishi Fuso Truck and Bus Corporation, Petitioner, v. Walter Truck Corporation, Respondent.	Cancellation No.: 92042027 Registration No. 226,700

Honorable Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

AMENDED PETITION FOR CANCELLATION

MITSUBISHI FUSO TRUCK AND BUS CORPORATION, a corporation under the laws of Japan, located at 33-8, Shiba 5-chome, Minato-ku, Tokyo, Japan, believes that it is or will be damaged by Registration No. 226,700 issued on the Principal Register on April 19, 1927 for the mark SNOW-FIGHTER in International Class 12 for motor trucks. Petitioner hereby petitions to cancel the registration.

As grounds for this petition, Petitioner alleges:

1. To the best of Petitioner's knowledge, Walter Truck Corporation is indicated as the current owner of trademark Registration No. 226,700 for the mark SNOW-FIGHTER for motor trucks, and its address is P.O. Box 279, Northeastern Industrial Park, Guilderland Center, New York 12085.

2. Upon information and belief, Petitioner believes that the mark identified above and the business of Walter Truck Corporation has been acquired by Kovatch Mobile Equipment, and upon further information and belief, the corporate headquarters are located at One Industrial Complex, Nesquehoning, Pennsylvania 18240-1499.

3. Upon information and belief, Petitioner believes that the subject mark has been abandoned by Respondent and any successor(s) in interest as a result of cessation of use of the mark coupled with an intention not to resume use of the mark.

4. Alternatively, upon information and belief, Petitioner believes that the mark identified above has been abandoned as a result of non-use of the mark for a period of three consecutive years prior to the date of this Petition.

5. Petitioner filed an application to register FIGHTER in Japan on March 13, 2003 in connection with trucks and/or related goods. Petitioner intends to file an application in the United States to register FIGHTER in which it will claim priority based on the Japanese application.

6. Petitioner believes that that the registration identified above, unless canceled, will be a cloud on Petitioner's ability and right to use and register the mark FIGHTER in interstate commerce in connection with trucks and/or related goods.

7. Petitioner therefore believes that continued registration of Respondent's Registration No. 226,700 threatens great irreparable damage to Petitioner's interest in, and rights to, the mark FIGHTER and should be canceled to remove an unlawful impediment to Petitioner's right to use and register its trademark without risk of legal harassment or interference posed by the registration sought to be canceled.

WHEREFORE, Petitioner believes that it is being and still continues to be damaged by the continued registration of the SNOW-FIGHTER mark as aforesaid, and prays that this Petition for Cancellation be granted and that Registration No. 226,700 be canceled.

Petitioner has appointed Jeffrey H. Kaufman and Colette A. Durst-Barkey, members of the bar of the Commonwealth of Virginia, to prosecute this cancellation proceeding and transact all business in and before the United States Patent and Trademark Office in connection herewith.

Please address all correspondence to Jeffrey H. Kaufman, Esquire, Oblon, Spivak, McClelland, Maier & Neustadt, P.C., 1940 Duke Street, Alexandria, Virginia 22314.

Respectfully submitted,

MITSUBISHI FUSO TRUCK AND BUS CORPORATION

By: Jeffrey H. Kaufman

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Date: April 30, 2003
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10:57am

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April 30, 2003
HAND-CARRY

Ms. Tisa Williams
Legal Assistant
Trademark Trial and Appeal Board
Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Mitsubishi Motors Corporation v. Walter Motor Truck Corporation
Registration No. 226,700
Atty Dkt. No.: 236575US33

Dear Ms. Williams:

We filed a Petition for Cancellation of U.S. Reg. No. 226,700 on April 25, 2003. We learned today that the Petitioner is Mitsubishi Fuso Truck and Bus Corporation, and not Mitsubishi Motors Corporation. Therefore, we enclose an Amended Petition for Cancellation.

Please phone the undersigned if you have any questions regarding the enclosed.

Thank you for your assistance.

Respectfully submitted,

OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.

Jeffrey H. Kaufman

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