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IN THE U.S. PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL & APPEAL BOARD

In the Matter of )  
Reg. No. 2,186,998 for Quiltwash )  
issued SEP. 1, 1998 )  
FAIRFIELD PROCESSING CORP., )  
Petitioner )  
vs. )  
BUROW GROUP, INC., )  
Respondent )

CANCELLATION NO.



05-28-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

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U.S. PATENT & TRADEMARK OFFICE

PETITION FOR CANCELLATION

Petitioner, Fairfield Processing Corp., is a corporation of Connecticut, located and doing business at 88 Rose Hill Avenue, Danbury CT 06813, and believes that it is likely to be damaged by the continuing presence on the Supplemental Register of the term "quiltwash" and therefore requests cancellation of the registration. As grounds therefor, it is alleged that:

1. Among other businesses, Petitioner is engaged in the sale of liquid cleaning compositions adapted for use in washing quilts.
2. Petitioner has recently begun to market a liquid cleaning composition using the term "quiltwash."
3. On or about 8 MAY 2003, Petitioner was informed, by the letter attached hereto as Exhibit A, that Burow Group, Inc. asserts the "exclusive right to use this name" i.e. the alleged mark "quiltwash."
4. On information and belief, the formative "-wash" is a generic suffix commonly used to mean a detergent or similar

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I hereby certify that this document is being filed by being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above, together with the required fee and the duplicate copy of this Petition required by 37 C.F.R. § 2.112(a), and is addressed to the Commissioner for Trademarks, Attention: TTAB, 2900 Crystal Drive, Arlington, VA 22202-3513.

Cathy Wilcox

cleaning solution used for washing a particular kind of textile, as demonstrated by the definition attached as Exhibit B.

5. The term "quiltwash" is a generic term for a detergent or similar cleaning solution used for washing a quilt, and therefore is "incapable of distinguishing" the goods of a particular supplier, under the standard of Lanham Act section 23, 15 U.S.C. § 1091.

6. At the time Reg. No. 2,186,998 was granted on SEP. 1, 1998, the term "quiltwash" was merely descriptive of the goods recited, and lacked secondary meaning.

7. On information and belief, at the present time, the term "quiltwash" is merely descriptive of the goods recited in Reg. No. 2,186,998, and lacks secondary meaning.

8. On information and belief, Burow Group, Inc. was not the first to use the term "quiltwash" for "pre-laundry preparations and laundry detergent for delicate fabrics and quilts."

9. On information and belief, Burow Group, Inc. has not used the term "quiltwash" on "pre-laundry preparations and laundry detergent for delicate fabrics and quilts" continuously since SEP. 1, 1998, the issue date of Reg. No. 2,186,998.

10. On information and belief, Burow Group, Inc. has, during the period SEP. 1998 to date, interrupted its use of its alleged mark "quiltwash" for more than 3 years, and thus has prima facie abandoned its alleged mark.

11. On information and belief, Burow Group, Inc. has failed to prevent other parties from using the alleged mark "quiltwash" for "pre-laundry preparations and laundry detergent for delicate fabrics and quilts" and has acquiesced in the use of "quiltwash" as a common descriptive name of the goods recited in Reg. No. 2,186,998.

12. On information and belief, Burow Group, Inc. made inaccurate statements to the Patent & Trademark Office during the prosecution of its application S.N. 73/ 377,905, and therefore Reg. No. 2,186,998 should not have been granted as a result of application S.N. 73/ 377,905.

13. On information and belief, the alleged mark "quiltwash" is functional, within the meaning of Lanham Act sec. 14(3),

15 U.S.C. § 1064(3), and Reg. No. 2,186,998 is therefore invalid.

WHEREFORE, Petitioner requests that Registration No. 2,186,998 be cancelled.

POWER OF ATTORNEY

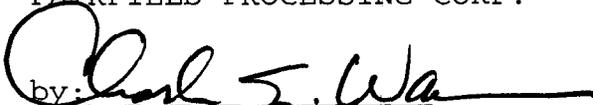
Petitioner, through the undersigned, hereby appoints: Robert H. Ware, Reg. No. 18,179; Milton Oliver, Reg. No. 28,333; Alfred A. Fressola, Reg. No. 27,550; K. Bradford Adolphson, Reg. No. 30,927; Francis J. Maguire, Jr., Reg. No. 31,391; James R. Frederick, Reg. No. 25,865; William J. Barber, Reg. No. 32,720; and Dr. James Retter, Reg. No. 41,266, of the firm WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON, LLP, Attorneys at Law, 755 Main Street, P.O. Box 224, Monroe, Connecticut 06468-0224, as its attorneys, with full power of substitution and revocation, to prosecute this proceeding, to transact all business in the Patent and Trademark Office, and to receive all notice and process in connection therewith. Please direct all communications in this matter (both written and telephonic) as follows:

Robert H. Ware, Esq.  
WARE, FRESSOLA, VAN DER SLUYS & ADOLPHSON LLP  
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Respectfully submitted,  
FAIRFIELD PROCESSING CORP.

DATE: 5/27/ 2003

by:   
Chuck Waimon  
Chief Operating Officer

Attachments:

- Exhibit A: Letter of MAY 8, 2003 from Burow Group, Inc. to Petitioner
- Exhibit B: Dictionary definition of formative "-wash."
- Exhibit C: Status printout re Reg. No. 2,186,998

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A

8 May 2003

Mr. Roy Young, President  
Fairfield Processing Corporation  
PO Box 1157  
Danbury CT 06813-1157

Dear Mr. Young:

Last week I attended the Portland Quilt Market and was surprised to see that your company is marketing a new product called QuiltWash. You need to know that The Burow Group, Inc. (parent company of The Craftgard® Co.) holds a certificate of registration for this name from the US Patent and Trademark Office, dated September 1, 1998. The certificate also confirms that our name was first used in commerce on June 20, 1997.

Since June 20, 1997, we have been and are now actively selling Quiltwash™ as part of The Craftgard® Co.'s quilt care and protection line of products.

Our trademark attorney has advised us that with prior use rights and the certificate from the US Patent & Trademark Office, our exclusive right to use this name is well protected. Having been the chief executive of a large company, I am fully aware of the cost of attorneys and expenditure of time involved in these situations.

So I consider it prudent to bring this matter to your attention and ask for your comments before we proceed any further.

I await your response.

Sincerely,

A handwritten signature in black ink that reads "Richard E. Burow". The signature is written in a cursive, flowing style.

Richard E. Burow  
President

B



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The American Heritage® Dictionary of the English Language: Fourth Edition. 2000.

## wash

**PRONUNCIATION:** wŏsh, wŏsh

**VERB:** Inflected forms: **washed, wash ing, wash es**

**TRANSITIVE VERB:** **1a.** To cleanse, using water or other liquid, usually with soap, detergent, or bleach, by immersing, dipping, rubbing, or scrubbing: *wash one's hands; wash windows.* **b.** To soak, rinse out, and remove (dirt or stain) with or as if with water: *wash grease out of overalls.* **2.** To make moist or wet; drench: *Tears washed the child's cheeks.* **3.** To flow over, against, or past: *waves that washed the sandy shores.* **4.** To carry, erode, remove, or destroy by the action of moving water: *Heavy rains washed the topsoil away.* **5.** To rid of corruption or guilt; cleanse or purify: *wash sins away.* **6.** To cover or coat with a watery layer of paint or other coloring substance. **7. Chemistry** **a.** To purify (a gas) by passing through or over a liquid, as to remove soluble matter. **b.** To pass a solvent, such as distilled water, through (a precipitate). **8.** To separate constituents of (an ore) by immersion in or agitation with water. **9.** To cause to undergo a swirling action: *washed the tea around in the cup.*

**INTRANSITIVE VERB:** **1.** To cleanse something in or by means of water or other liquid. **2a.** To undergo washing without fading or other damage: *This fabric will wash.* **b. Informal** To hold up under examination; be convincing: *"That [proclamation], of course, will not wash"* (John Hughes). **3.** To flow, sweep, or beat with a characteristic lapping sound: *Waves washed over the pilings.* **4.** To be carried away, removed, or drawn by the action of water.

**NOUN:** **1.** The act or process of washing or cleansing. **2.** A quantity of articles washed or intended for washing: *The wash is on the back porch.* **3.** Waste liquid; swill. **4.** Fermented liquid from which liquor is distilled. **5.** A preparation or product used in washing or coating. **6.** A cosmetic or medicinal liquid, such as a mouthwash. **7a.** A thin layer of water color or India ink spread on a drawing. **b.** A light tint or hue: *"a wash of red sunset"* (Thomas Pynchon). **8a.** A rush or surge of water or waves. **b.** The sound of this rush or surge. **9a.** Removal or erosion of

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soil by the action of moving water. **b.** A deposit of recently eroded debris. **10a.** Low or marshy ground washed by tidal waters. **b.** A stretch of shallow water. **11.** *Western U.S.* The dry bed of a stream. **12.** Turbulence in air or water caused by the motion or action of an oar, propeller, jet, or airfoil. **13. Informal** An activity, action, or enterprise that yields neither marked gain nor marked loss: “[The company] *doesn't do badly. That is, it's a wash*” (Harper's).

**ADJECTIVE:** **1.** Used for washing. **2.** Being such that washing is possible; washable.

**PHRASAL VERBS:** **wash down** **1.** To clean by washing with water from top to bottom: *wash down the walls.* **2.** To follow the ingestion of (food, for example) with the ingestion of a liquid: *washed the cake down with coffee.* **wash out** **1a.** To remove or be removed by washing. **b.** To cause to fade by laundering: *color that had been washed out by bleach.* **2.** To carry or wear away or be carried or worn away by the action of moving water: *The river rose and washed out the dam. The road has washed out five miles down the mountain.* **3.** To deplete or become depleted of vitality: *By evening, I was washed out from overwork.* **4.** To eliminate or be eliminated as unsatisfactory: *a football player who was washed out; an officer candidate who washed out after one month.* **5.** To cause (an event) to be rained out. **wash up** **1.** To wash one's hands. **2. Chiefly British** To wash dishes after a meal. **3.** To burn out; exhaust: *all washed up as a politician.*

**IDIOMS:** **come out in the wash** *Slang* **1.** To be revealed eventually: *The real reasons for her resignation will come out in the wash.* **2.** To turn out well in the end: *Don't worry: this project will come out in the wash.* **wash (one's) hands of** **1.** To refuse to accept responsibility for. **2.** To abandon; renounce.

**ETYMOLOGY:** Middle English *washen*, from Old English *wacsan, wæscan*. See **wed**<sup>1</sup> in Appendix I.

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# Quiltwash

<b>Word Mark</b>	QUILTWASH
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: pre-wash laundry preparations and laundry detergent for delicate fabrics and quilts. FIRST USE: 19970620. FIRST USE IN COMMERCE: 19970620
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	75377905
<b>Filing Date</b>	October 23, 1997
<b>Supplemental Register Date</b>	June 23, 1998
<b>Registration Number</b>	2186998
<b>Registration Date</b>	September 1, 1998
<b>Owner</b>	(REGISTRANT) Burow Group, Inc., The CORPORATION CALIFORNIA P.O. Box 472 Tustin CALIFORNIA 927810472
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	SUPPLEMENTAL

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