

TTAB

Petitioner's Ref: 7/4000-21

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

In re Registration No. 2,335,805  
Registered March 28, 2000

  
07-14-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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:  
CUISINE COOKWARE INC., :  
:  
Petitioner, :  
:  
v. :  
:  
GUTMANN CUTLERY, INC., :  
:  
Registrant. :  
-----X

07-14-2003  
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Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514  
Attn: Box TTAB — FEE

**PETITION FOR CANCELLATION**

Cuisine Cookware Inc. ("Petitioner"), a corporation organized and existing under the laws of the State of New Jersey, with an address at 300-2a, Route 17 South, Lodi, New Jersey 07644, believes that it will be damaged by the continued registration of U.S. Reg. 2,335,805, issued on March 28, 2000 to Gutmann Cutlery, Inc., and hereby petitions to cancel the same pursuant to Section 14(c) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(c).

As grounds therefor, Petitioner alleges as follows:

1. On information and belief, use of the mark MARCO POLO has been discontinued with intent not to resume such use. Thus, Registrant has abandoned its trademark.

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2. Petitioner will be damaged by the continuing registration of the mark in the registration at issue because the registration is blocking registration of Petitioner's mark MARCO POLO in its application Serial No. 78/184,620.

WHEREFORE, Petitioner requests that Registration No. 2,335,805 be canceled.

The cancellation fee in the sum of \$300.00 covering one class of goods is enclosed.

Should the cancellation fee be insufficient, please charge our Deposit Account No. 15-0700.

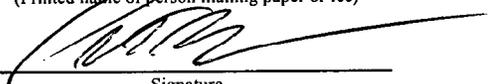
Dated: July 14, 2003  
New York, New York

Express Mail" mailing label No. EV325557190US

Date of Deposit: July 14, 2003

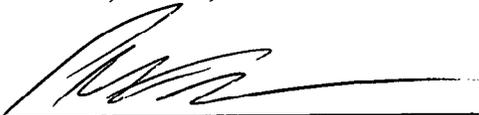
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

Peter S. Sloane  
(Printed name of person mailing paper or fee)

  
Signature

Respectfully submitted,

OSTROLENK, FABER, GERB & SOFFEN, LLP

By:   
Peter S. Sloane

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Attorneys for Petitioner