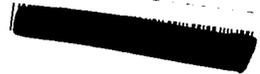


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of)
Trademark Registration No. 2,772,766)
For the Mark SAN DIMAS GUITARS THE)
CALIFORNIA GUITAR COMPANY (Design))
Registration Date: October 7, 2003)
JACKSON/CHARVEL MANUFACTURING,)
INC.,)
Petitioner,)
v.)
PRINS, LLOYD A.,)
Registrant-Respondent.)

Cancellation No. _____



10-24-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

Box TTAB FEE
Honorable Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

PETITION FOR CANCELLATION

Petitioner, Jackson/Charvel Manufacturing, Inc. ("Jackson/Charvel"), a corporation established under the laws of Delaware, having an address at 8860 E. Chaparral Road Suite 100, Scottsdale, Arizona 85250, believes that it is or will be damaged by the continued registration of the mark shown in the above-identified Registration and hereby petitions to cancel the Registration. In support of its Petition for Cancellation, Jackson/Charvel states as follows:

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CERTIFICATE OF MAILING 37 C.F.R. 1.10

I hereby certify that the enclosed Petition for Cancellation and postcard are being deposited with the United States Postal Service with sufficient postage, using United States Postal Service's Express Mail Post Office to Addressee service, addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202 on the date indicated below.

Dated: October 24, 2003

Salvador K. Karotki

EL873829767US

1. Jackson/Charvel manufactures musical instruments, including electric guitars and electric bass guitars, using various trademarks including the mark SAN DIMAS. Jackson/Charvel also advertises, markets, distributes and sells such products exclusively through its parent company Fender Musical Instruments Corporation and its assigns.

2. On October 25, 2002, Jackson/Charvel purchased specific assets of the Jackson/Charvel Division of Akai Musical Instruments Corporation ("Predecessor"), including but not limited to all trademarks and other intellectual property.

3. Jackson/Charvel and its Predecessor have used the SAN DIMAS trademark continuously in association with electric guitars since at least as early as June 22, 1993, to identify various characteristics of its electric guitars, including the source and quality of those guitars.

4. Jackson/Charvel and its Predecessor have sold in the United States tens to hundreds of thousands of dollars worth of electric guitar products using the SAN DIMAS trademark. Based upon, inter alia, Jackson/Charvel's and its Predecessor's exclusive and continuous use of and advertising related to the SAN DIMAS trademark, this trademark has tremendous value to Jackson/Charvel.

5. Based upon, inter alia, Jackson/Charvel's and its Predecessor's extensive use and promotion of the SAN DIMAS trademark with respect to electric guitars in interstate commerce, the SAN DIMAS trademark has acquired goodwill and public recognition among relevant consumers, the industry, and the purchasing public.

6. On December 3, 2002, Registrant-Respondent, Lloyd A. Prins, filed an Application for the SAN DIMAS GUITARS CALIFORNIA GUITAR COMPANY logo, for use in connection with the following goods:

International Class 015. Musical instruments, namely electric guitars and electric basses.

7. Registrant-Respondent claims a first use date for its SAN DIMAS GUITARS CALIFORNIA GUITAR COMPANY logo of October 24, 2002.

8. On October 7, 2003, Registrant-Respondent's mark was registered on the Supplemental Register.

9. Jackson/Charvel has not authorized Registrant-Respondent to incorporate the SAN DIMAS trademark into Registrant-Respondent's mark and has not authorized Registrant-Respondent to use the SAN DIMAS trademark in any manner whatsoever.

10. Registrant-Respondent's mark is likely to cause confusion, or to cause mistake, or to deceive consumers with respect to Jackson/Charvel's SAN DIMAS trademark.

11. Based upon the foregoing averments, the continued registration of Registrant-Respondent's mark will cause injury and damage to Petitioner.

12. Because Petitioner used its SAN DIMAS trademark prior to Registrant-Respondent (and continues to use the SAN DIMAS mark to this day) and because Registrant-Respondent's mark is likely to cause confusion with Petitioner's senior mark, Registrant-Respondent's trademark Registration should be cancelled.

13. Petitioner has enclosed a check in the amount of \$300 for the filing fee for this Petition for Cancellation (one class). This Petition is being filed in duplicate as required by 37 C.F.R. § 2.112.

WHEREFORE, Petitioner Jackson/Charvel respectfully requests that Registration No. 2,772,766 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner hereby appoints Salvador K. Karottki of the firm GOLDBERG, KOHN, BELL, BLACK, ROSENBLOOM & MORITZ, LTD. as its Attorney of Record in the above-captioned Cancellation Proceeding to prosecute this Petition, to transact all business with the United States Patent and Trademark Office and the United States Courts connected with this Cancellation Proceeding, to sign his name to all papers which may hereafter be filed in connection with this Cancellation Proceeding, and to receive the official communications relating to this Cancellation Proceeding.

Respectfully Submitted,

JACKSON/CHARVEL MANUFACTURING,
INC.

By 
One of Its Attorneys

Oscar L. Alcantara
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October 24, 2003

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VIA EXPRESS MAIL

"Express Mail" Mail Label Number: EL873829767US
DATE OF DEPOSIT: October 24, 2003

Box TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

10-24-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

**Re: Petition for Cancellation of Trademark Registration No. 2,772,766,
SAN DIMAS GUITARS THE CALIFORNIA GUITAR COMPANY (Design)**

Dear Sir or Madam:

Please find enclosed an original and one copy of a Petition for Cancellation of the above-referenced trademark. Please return the enclosed self-addressed, stamped postcard, acknowledging your receipt of the enclosed materials.

Please contact me at (312) 201-3861 if you have any questions or comments regarding the enclosed.

Very truly yours,



Salvador K. Karottki

SKK/pcs
Enclosures

cc: Oscar L. Alcantara, Esq.