

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

In the matter of trademark Registration No. 155490
For the mark The Brown Adobe The New Mexican Connection
Date registered: May 5, 1989

THE PINK ADOBE, INC.,

Petitioner,

vs.

THE BROWN ADOBE, INC.,

Respondent.

10-27-2003

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

PETITION TO CANCEL

1. Petitioner, The Pink Adobe, Inc., is a New Mexico Business Corporation with its business address at 406 Old Santa Fe Trail, Santa Fe, New Mexico.

2. To the best of Petitioner's knowledge, the name and address of the current owner of the registration are: The Brown Adobe, Inc., 520 Brookside Avenue, St. Davids, Pennsylvania 19087.

3. Petitioner believes that it will be damaged by the above-identified registration, since said registration impairs Petitioner's full and legitimate use of its own mark. Petitioner accordingly petitions pursuant to § 14 of the Trademark Act of 1946, 15 U.S.C. § 1064 (the "Act") and 37 C.F.R. § 2.111 (2003) to cancel the same.

4. The grounds for cancellation are as follows:

A. Respondent dissolved effective July 15, 1999, is no longer a corporation in good standing and, as such, does not control and/or is not able legitimately to exercise control

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over the above-identified registration. Act § 14(5)(A), 15 U.S.C. § 1064(5)(A). A certified copy of the Articles of Dissolution for The Brown Adobe, Inc. filed with the State of Pennsylvania is attached hereto as Exhibit A.

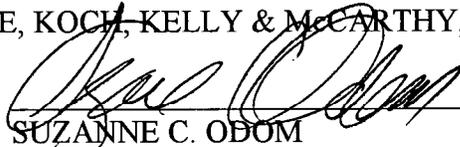
B. Respondent has abandoned the above-identified registration through non-use for over three consecutive years. Act § 14(3), 15 U.S.C. § 1064(3); Exhibit A.

C. No assignment of the above-identified registration has been made of record with the United States Patent and Trademark Office, nor, upon information and belief, has any other valid written assignment of the above-identified registration pursuant to § 10 of the Act, 15 U.S.C. § 1060 been made.

Respectfully submitted,

WHITE, KOCH, KELLY & McCARTHY, P.A.

By:


SUZANNE C. ODOM

Attorneys for Petitioner

Post Office Box 787

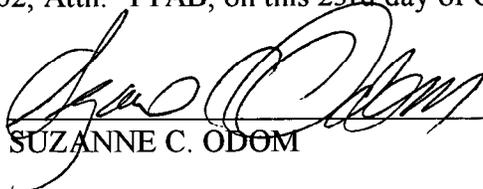
Santa Fe, New Mexico 87504-0787

(505) 982-4374

Dated: October 23, 2003

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this Petition to Cancel is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of the Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202, Attn: TTAB, on this 23rd day of October, 2003.


SUZANNE C. ODOM

Microfilm Number

Filed with the Department of State on

JUL 15 1999

Entity Number

101478 9953-262

Secretary of the Commonwealth

ARTICLES OF DISSOLUTION-DOMESTIC BUSINESS CORPORATION

DSCB:15-1977 (Rev 90)

1977

In compliance with the requirements of 15 Pa.C.S. § 1977 (relating to articles of dissolution), the undersigned business corporation, desiring to dissolve, hereby states that:

by Shareholders

1. The name of the corporation is: The Brown Adobe, Inc.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) 520 Brookside Ave, St. Davids PA 19087 Delaware
Number and Street City State Zip County

(b) c/o: Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Pennsylvania Corporation Law, 15 P.S. § 204 (1933)

4. The date of its incorporation is: January 6, 1988

5. The names and addresses, including number and street, of its directors are:
Julienne V. Brown, 520 Brookside Avenue, St. Davids, PA 19087
Karel Hayes, 800 Mill Road, Bryn Mawr, PA 19010

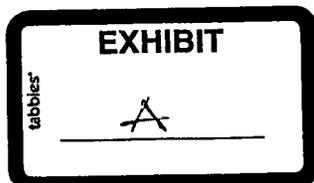
6. The names and addresses, including number and street, and official titles of its officers are:
Julienne V. Brown, 520 Brookside Avenue, St. Davids, PA 19087
President, Treasurer, and Secretary

7. (Check one of the following):

- The proposal to dissolve voluntarily was adopted by the shareholders (or members) pursuant to 15 Pa.C.S. § 1905.
[X] The proposal to dissolve voluntarily was adopted by the directors and shareholders (or members) pursuant to 15 Pa.C.S. § 1974(a).

PA DEPT. OF STATE

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8. (Check one of the following):

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All liabilities of the corporation have been discharged.

Adequate provision has been made for the discharge of the liabilities of the corporation.

The assets of the corporation are not sufficient to discharge its liabilities, and all the assets of the corporation have been fairly and equitably applied, as far as they will go, to the payment of such liabilities.

9. (Check one of the following):

All remaining assets of the corporation, if any, have been distributed as provided in the Business Corporation Law of 1988.

The corporation has elected to proceed under 15 Pa.C.S. Subch. 19H (relating to postdissolution claims) and any remaining assets of the corporation will be distributed as provided in that subchapter.

10. (Check one of the following):

There are no actions or proceedings pending against the corporation in any court.

Adequate provision has been made for the satisfaction of any judgement or decree that may be obtained against the corporation in each action or proceeding pending against the corporation.

11. Notice of the winding-up proceedings of the corporation was mailed by certified or registered mail to each known creditor and claimant of the corporation and to each municipal corporation in which the corporation's registered office or principal place of business in this Commonwealth is located.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Dissolution to be signed by a duly authorized officer thereof this 21st day of November, 1998

The Brown Adobe Inc
(Name of Corporation)

BY: Judianne V Brown
(Signature)

TITLE: President

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THE BROWN ADOBE, INC.

UNANIMOUS CONSENT OF SHAREHOLDERS

November 15, 1998

The undersigned, constituting all of the shareholders of The Brown Adobe, Inc. a Pennsylvania corporation (the "Corporation"), pursuant to the authority contained in Section 1766(a) of the Pennsylvania Business Corporation Law of 1988, as amended, consent in writing to the adoption of the following resolutions, with the same force and effect as if the resolutions had been duly proposed and adopted at a meeting of the shareholders of the Corporation duly called and held in accordance with applicable law and the bylaws of the Corporation:

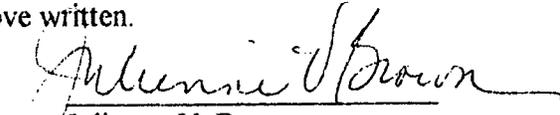
WHEREAS, the Board of Directors of the Corporation adopted resolutions recommending that the Corporation be dissolved, and directing that the question of dissolution be submitted to the shareholders of the Corporation, it:

RESOLVED, that the Corporation be dissolved; and

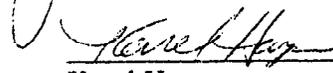
RESOLVED, that the proper officers of the Corporation are authorized and directed to take all steps necessary to give effect to this resolution

The undersigned, being all of the shareholders of Corporation, authorize the above resolutions by their written signatures below. This unanimous consent may be executed in one or more counterparts, all of which together shall be one and the same instrument.

IN WITNESS WHEREOF, the undersigned have executed this Unanimous
Consent of Shareholders as of the date first above written.



Julienne V. Brown



Karel Hayes

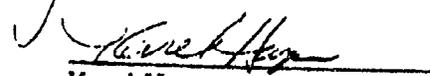
Ellen Barolak

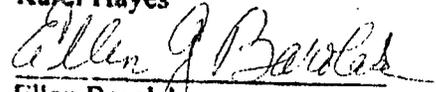
Carol Heringslake

9953- 266

IN WITNESS WHEREOF, the undersigned have executed this Unanimous
Consent of Shareholders as of the date first above written


Julienne V. Brown


Karel Hayes


Ellen Barolak

Carol Heringslake

9953- 267

IN WITNESS WHEREOF, the undersigned have executed this Unanimous
Consent of Shareholders as of the date first above written

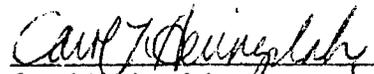


Julienne V. Brown



Karel Hayes

Ellen Barolak



Carol Heringslake

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

October 15, 2003

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

THE BROWN ADOBE, INC.

I, Pedro A. Cortés, Secretary of the Commonwealth of Pennsylvania do hereby certify that the foregoing and annexed is a true and correct photocopy of Articles of Dissolution

which appear of record in this department



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the Secretary's Office to be affixed, the day and year above written.

Pedro A. Cortés

Secretary of the Commonwealth

dpos

WHITE,
KOCH, KELLY
&
McCARTHY

A Professional Association

TTAB

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October 23, 2003

10-27-2003

U.S. Patent & TMOfo/TM Mail Ropt Dt. #22

Commissioner of the Trademarks
2900 Crystal Drive
Arlington, Virginia 22202
Attn: TTAB

Re: In the matter of Trademark Registration No. 155490 for the mark The Brown
Adobe the New Mexican Pink Adobe Trademark Connection
Date Registered: May 5, 1989

Dear Sir or Madam:

Enclosed for filing in connection with the above-referenced matter are:

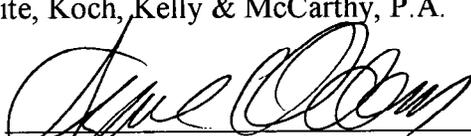
1. An original and one copy of the Petition to Cancel; and
2. Check No. 36349 in the amount of \$300.00 made payable to the United States Patent and Trademark Office for the filing fee in connection with the Petition.

Thank you in advance for your assistance in filing the above-referenced Petition. If you have any questions or there are any problems with this filing, please contact me at (505) 982-4374.

Sincerely,

White, Koch, Kelly & McCarthy, P.A.

By:


SUZANNE C. ODOM

Attorneys for Petitioner, The Pink Adobe, Inc.

SCO/rms

Enclosures

cc: Joe Hoback

JFM/PINK ADOBE 5760-0/COMM TRADEMARKS 10-23-03

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