

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

Mark: TRAVEL POCKETS International Class: 18
Registration No: 2,630,313 Registrant: Janice Gore Thomas
Registration Issued: October 8, 2002 Attorney Docket No.: DANA62544
Goods: travel bag organizer

K-2 CORPORATION, an Indiana corporation,

Cancellation No. _____

Petitioner,

PETITION FOR CANCELLATION

v.

JANICE GORE THOMAS, an individual,



Registrant.

12-15-2003

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

PETITION FOR CANCELLATION

Seattle, Washington 98101

December 12, 2003

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

K-2 Corporation, an Indiana corporation, having a place of business at 19215 Vashon Highway SW, Vashon, Washington 98070 (hereinafter "Petitioner"), believes that it is being damaged by U.S. Registration No. 2,630,313 for the mark TRAVEL POCKETS, issued October 8, 2002, and hereby petitions for cancellation of the same.

As grounds for the Petition for Cancellation, Petitioner alleges as follows:

1. On information and belief, Janice Gore Thomas is an individual have an address of 6502A Rodrigo, Houston, Texas 77007 (hereinafter "Registrant").

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2 2. Continuously since at least as early as 1987, Petitioner has used the mark
3 TRAVEL POCKET in association with bags.

4 3. The mark TRAVEL POCKETS, when used in association with the goods claimed
5 by Registration No. 2,630,313, so resembles Petitioner's mark TRAVEL POCKET as to be likely
6 to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the
7 Lanham Act, 15 U.S.C. § 1052(d).

8 4. Petitioner is being damaged by Registration No. 2,630,313 insofar as the
9 registration is *prima facie* evidence of the validity of the registration, Registrant's ownership of
10 the mark TRAVEL POCKETS, and Registrant's exclusive right to use the mark TRAVEL
11 POCKETS in association with the provision of goods claimed by Registration No. 2,630,313
12 when, in fact, Registrant is not entitled to such rights by virtue of Petitioner's prior and
13 continuous use of the mark TRAVEL POCKET in association with the sale of bags.

14 5. For the above-stated reasons, Registration No. 2,630,313 is in derogation of and
15 causes damage to Petitioner's right to the continuous and exclusive use of the mark TRAVEL
16 POCKET.

17 WHEREFORE, Petitioner respectfully requests that Registration No. 2,630,313 be
18 canceled pursuant to Section 14 of the Trademark Act of 1946, 15 U.S.C. § 1064, and that this
19 cancellation be sustained.

20 Accompanying the duplicate signed copies of this Petition for Cancellation is our Check
21 No. 152561 for the required filing fee in the amount of \$300.00 (\$300.00 per class). Please
22 charge any excess fees to Deposit Account No. 03-1740 of Petitioner's counsel noted below.

23 Respondent-Registrant's last known address is:

24 Janice Gore Thomas
25 6502A Rodrigo
26 Houston, Texas 77077

27 The Trademark Trial and Appeal Board is requested to serve a copy of this Petition on

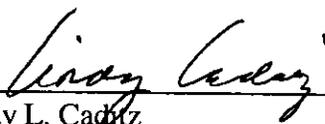
1 Respondent-Registrant, Respondent-Registrant's attorney of record, or any assignee or
2 successor-in-interest of Respondent-Registrant.
3

4 Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson
5 Kindness^{PLLC} at the following address:

6 Cindy L. Caditz, Esq.
7 Christensen O'Connor Johnson Kindness^{PLLC}
8 1420 Fifth Avenue, Suite 2800
9 Seattle, WA 98101-2347

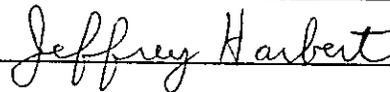
10 Please direct all telephone calls to Cindy L. Caditz at 206-682-8100.

11 Respectfully submitted,
12 CHRISTENSEN O'CONNOR
13 JOHNSON KINDNESS^{PLLC}

14 
15 Cindy L. Caditz
16 Attorneys for Petitioner

17 I hereby certify that this PETITION FOR CANCELLATION of U.S. Trademark
18 Registration No. 2,630,313 for the mark TRAVEL POCKETS is being deposited in duplicate
19 with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully
20 prepaid and addressed to: BOX TTAB FEE, Commissioner for Trademarks, Trademark Trial
21 and Appeal Board, 2900 Crystal Drive, Arlington, VA 22202-3513, on 12-12-03.

22 Date: December 12, 2003

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25 CLC:jh
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