

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 2,302,961 for SMART COW, Registered  
December 21, 1999:

|                          |             |   |
|--------------------------|-------------|---|
| _____                    |             | ) |
| <b>GFI America, Inc.</b> |             | ) |
|                          |             | ) |
|                          | Petitioner, | ) |
|                          |             | ) |
|                          | v.          | ) |
|                          |             | ) |
| <b>GFA Brands, Inc.</b>  |             | ) |
|                          |             | ) |
|                          | Registrant. | ) |
| _____                    |             | ) |

Cancellation No. \_\_\_\_\_



02-09-2004  
U.S. Patent & TMO/TM Mail Rcpt Dt. #79

02/12/2004 KSONCHAN 00000076 2302961

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300.00 OP

PETITION TO CANCEL

ATTN: TTAB  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

I CERTIFY THAT THIS PAPER IS BEING SENT BY U.S. MAIL,  
FIRST CLASS, TO THE ASSISTANT COMMISSIONER OF  
TRADEMARKS, ARLINGTON, VA 22202, THIS 6 DAY OF  
February, 2004.  
David B. Brown  
ATTORNEY

Sir:

GFI America, Inc., a Minnesota Corporation, having a place of business at  
2815 Blaisdell Avenue South, Minneapolis, Minnesota 55408, is being damaged by U.S.  
Registration No. 2,302,961 for SMART COW, and petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner, GFI America, Inc. ("GFI") is the owner of a family of U.S. Registrations for the SMART MEAT mark including U.S. Registration Nos. 1,746,500, 1,763,036, 1,771,662 and 2,731,422.
2. GFI has continuously used its SMART MEAT mark beginning as early as January 1990.
3. Upon information and belief GFA Brands, Inc. ("GFA") is the owner and title holder of record to U.S. Registration No. 2,302,961 for the SMART COW mark.

4. The SMART COW mark set forth in U.S. Registration No. 2,302,961 is confusingly similar to GFI's family of SMART MEAT marks.

5. GFA's use of the SMART COW mark is likely to cause confusion, mistake, or deceive the public that the goods sold under the SMART COW mark emanate from or are otherwise sponsored by or endorsed by GFI.

6. Petitioner, GFI, believes that it will be and is currently being damaged by the existence of U.S. Registration No. 2,302,961 because of the likelihood of confusion created between the goods associated with GFI's family of SMART MEAT marks and the goods associated with GFA's SMART COW mark.

WHEREFORE, Petitioner, GFI America, Inc, believes and avers that it is being and will continue to be damaged by the registration of the SMART COW mark and prays that U.S. Registration No. 2,302,961 be cancelled and that this cancellation be sustained in favor of Petitioner.

The filing fee for this cancellation in the amount of \$300.00 is enclosed. The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-1123. An original and two copies of this Petition for Cancellation are enclosed.

All correspondence should be addressed to David D. Brush.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

Date: 2/6/04

By: David D. Brush

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**ATTORNEYS FOR PETITIONER  
GFI AMERICA, INC.**