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

TRI/MARK CORPORATION)	
)	
)	
Petitioner,)	
)	
v.)	CANCELLATION NO. _____
)	
HANSEN MANUFACTURING COMPANY)	
)	
Respondent.)	
)	

U. S. Registration No.:	2,275,109
Date Registered:	September 7, 1999
Mark:	Product design only

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



03-16-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

PETITION FOR CANCELLATION

Tri/Mark Corporation (hereinafter referred to as "Petitioner"), an Iowa corporation, having an address of 500 Bailey Avenue, P.O. Box 350, New Hampton, Iowa 50659, believes that it will be damaged by Registration No. 2,275,109 issued September 7, 1999 to Hansen Manufacturing Company ("hereinafter referred to as "Respondent"), having an address of 2650 Shop Road, Columbia, South Carolina 29209, and hereby Petitions to cancel the same.

A copy of Registration No. 2,275,109 is attached as Exhibit 1. Petitioner respectfully

requests the Board make this registration of record for purposes of this proceeding pursuant to 37 C.F.R. § 2.122(d)(1).

As grounds of this Petition, it is alleged that:

1. Respondent's alleged mark has not become distinctive of the respondent's goods in commerce and no customer recognition of said product design as a valid mark identifying only respondent has been achieved.

2. Respondent's alleged mark is functional since the registered feature is essential to the use or purpose of the product and/or it affects the cost or quality of the goods of the registration. Further, Respondent's competitors need to copy the registered feature in order to compete effectively.

3. Respondent's alleged mark has not been used as a trademark. TMEP § 1202.03.

4. Respondent's alleged mark is a mutilation of the unitary design for which registration was originally sought.

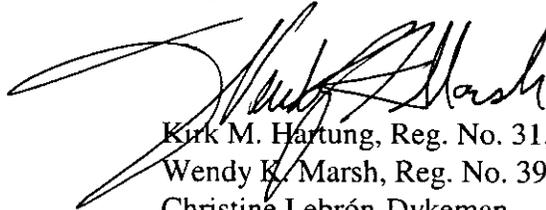
5. Respondent's registration should not have been issued in that, during prosecution, Respondent's amendments to the description and the drawing of the alleged mark materially altered the character of the alleged mark. 37 C.F.R. § 2.72; TMEP § 807.14(a); Trademark Act Section 7(d).

6. Petitioner is likely to be damaged by this improperly issued registration since Petitioner is engaged in the sale of the same or similar products and Petitioner has an interest in using Respondent's alleged mark functionally and in a non-trademark manner in its business.

WHEREFORE, Petitioner prays that Registration No. 2,275,109 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

Accompanying the duplicate signed copies of this Petition for Cancellation is the required filing fee of \$300.00. If this fee is not sufficient, please consider this a request to debit Deposit Account No. 26-0084.

Respectfully submitted,



Kirk M. Hartung, Reg. No. 31,021
Wendy K. Marsh, Reg. No. 39,705
Christine Lebrón-Dykeman
McKEE, VOORHEES & SEASE
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309
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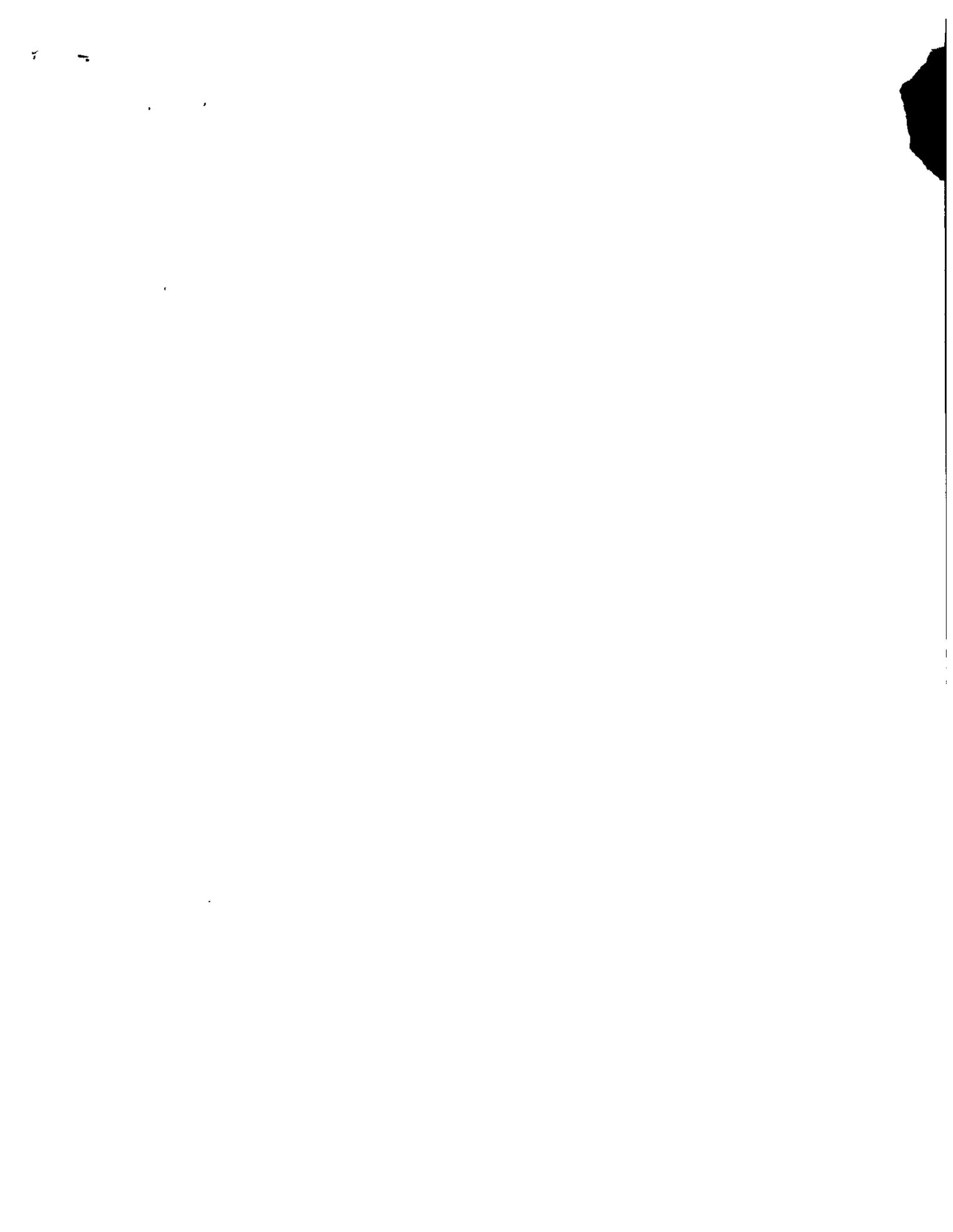
Filed: March 16, 2004

CERTIFICATE OF MAILING

I hereby declare that the attached Petition for Cancellation has been filed by depositing the same with the U.S. Postal Service "Post Office to Addressee" Express Mail service prior to 5:00 p.m. (Express Mail Certificate No. EL987135272US) this 16th day of March, 2004 to:

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, VA 22202-3514





Int. Cl.: 12

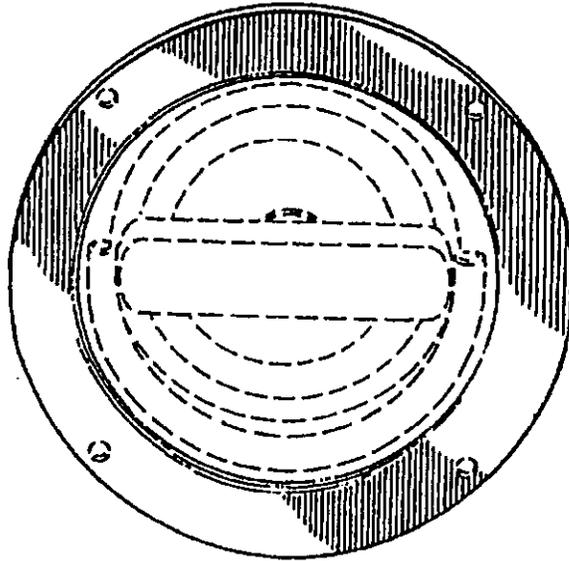
Prior U.S. Cls.: 19, 21, 23, 31, 35 and 44

United States Patent and Trademark Office

Reg. No. 2,275,109

Registered Sep. 7, 1999

**TRADEMARK
PRINCIPAL REGISTER**



HANSEN MANUFACTURING COMPANY (ILLINOIS CORPORATION)
2650 SHOP ROAD
COLUMBIA, SC 292094600

FOR: VEHICLE HANDLE ASSEMBLY FOR DOORS OF EMERGENCY VEHICLES AND FIRE TRUCKS, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 0-0-1940; IN COMMERCE 0-0-1940.

THE DOTTED LINING IN THE DRAWING SHOWS THE POSITION OF THE MARK ON THE GOODS AND IS NOT PART OF THE

MARK. THE OTHER LINING IS FOR SHADING PURPOSES ONLY AND DOES NOT INDICATE COLOR.

THE MARK CONSISTS OF THE SUBSTANTIALLY CIRCULAR OUTER PERIPHERY OF THE FLANGE OF THE VEHICLE HANDLE ASSEMBLY.

SEC. 2(F).

SER. NO. 75-094,072, FILED 4-25-1996.

BARBARA GAYNOR, EXAMINING ATTORNEY

EXHIBIT

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