

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

TRI/MARK CORPORATION,

Petitioner,

v.

HANSEN MANUFACTURING CO.,

Registrant.

Cancellation No. 92043074

Registration No. 2,275,109

Date Registered: September 7, 1999

Mark: Product design only

RESPONSE TO ORDER TO SHOW CAUSE

Registrant Hansen Manufacturing Co. hereby responds to the Order to Show Cause why judgment should not be entered against it in the instant cancellation proceeding. The Board's Order is premised upon a determination that Registrant allowed its registration to be cancelled for failing to file the appropriate declaration pursuant to Section 8 of the Trademark Act.

Registrant submits that the Board's order is in error, in that Registrant did not fail in its obligation under Section 8. Attached hereto is a true and correct of Registrant's Combined Declaration of Use and Incontestability Under Sections 8 & 15 that was filed via facsimile with the United States Patent and Trademark Office ("USPTO") on March 6, 2006. Moreover, the Trademark Document Retrieval system offered by the USPTO confirms the filing of the Declaration on March 6, 2006. Registrant has brought the USPTO's error to its attention, and has requested that the USPTO restore the registration forthwith.

Registrant would also note that it filed on March 3, 2006 a Declaration under 37 C.F.R. § 3.25(a)(3) regarding a transfer of title to effect Registrant's formal name change from Hansen Manufacturing Co. to Hansen International, Inc. The USPTO properly recorded Registrant's name change, and the change is reflected in the Registration. Therefore, undoubtedly, Registrant

did not intend to cancel or otherwise abandon its registration, and has not acted deliberately to avoid judgment against it.

Registrant therefore submits that it has not failed to file its Section 8 declaration, that it did not intend for its registration to be cancelled, and that good cause exists to avoid judgment against it in the instant proceeding.

Respectfully submitted, this 16th day of October, 2006.



Robert L. Lee
ALSTON & BIRD LLP
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7000
Facsimile: (404) 881-7777

ATTORNEYS FOR REGISTRANT
HANSEN INTERNATIONAL, INC.

CERTIFICATE OF MAILING

I hereby declare that the attached RESPONSE TO ORDER TO SHOW CAUSE 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. EL81055622805) this 16th day of October, 2006 to:

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451



ROBERT L. LEE

CERTIFICATE OF SERVICE

I hereby declare that the foregoing instrument was served upon the following this 16th day of October, 2006 via First Class U.S. Mail.

Wendy K. Marsh
McKee Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Telephone: (515) 288-3667
Facsimile: (515) 288-1338



ROBERT L. LEE



DORITY & MANNING
ATTORNEYS AT LAW, P.A.

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GREENVILLE
SOUTH CAROLINA 29602 USA

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SOUTH CAROLINA 29602 USA

FACSIMILE TRANSMISSION

**TO: U.S.P.T.O.
Post Registration Division**

**OUR REF: HMZ-5-TM
Registration No. 2,275,109**

FROM: Jeffrey M. Karmilovich, Registration No. 35,915

DATE: March 6, 2006

FACSIMILE DESTINATION: 571-273-9500

ENTIRE TRANSMISSION: 6 pages

Re: Combined Declaration of Use and Incontestability Under Sections 8 & 15

This message is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Registration No.: 2,275,109)	Law Office: <u>Dority & Manning, P.A.</u>
)	
Registration Date: 09/07/1999)	Trademark Attorney: <u>Jeffrey M. Karmilovich</u>
)	
Mark: Vehicle Handle Assembly for Doors of Emergency Vehicles and Fire Trucks)	Our Account No.: <u>04-1403</u>
)	
)	Our Customer ID No.: 22827

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1541

COMBINED DECLARATION OF USE AND INCONTESTABILITY UNDER SECTIONS 8 & 15

This is a Declaration of Use and Incontestability under Section 8 & 15 in the above-identified registration and includes the herewith attachment of same date and subject which incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

_____	\$ _____
_____	\$ _____
PLEASE CHARGE DEPOSIT ACCT:	\$ <u>400.00</u>

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any over-payment, to our Account/Order Nos. shown in the heading hereof, for which purpose a duplicate copy of this sheet is attached.

ADDRESS:
Post Office Box 1449
Greenville, SC 29602 USA
Customer ID No.: 22827
Telephone: 864-271-1592
Facsimile: 864-233-7342

DORITY & MANNING, P.A.

By: Jeffrey M. Karmilovich

Signature: Jeffrey M. Karmilovich

Date: March 6, 2006

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on the date shown below.

Katrina C. Morris

Katrina C. Morris

March 6, 2006

Date of Facsimile

Combined Declaration of Use and Incontestability Under Sections 8 & 15

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2275109

REGISTRATION DATE: 09/07/1999

MARK: Design only

The owner, HANSEN INTERNATIONAL, INC., residing at 130 ZENKER ROAD, LEXINGTON, South Carolina United States 29072, is using the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 012, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, depicting a vehicle handle assembly incorporating mark, as depicted in an on-line catalog used by the owner.

The registrant hereby appoints Jeffrey M. Karmilovich and James M. Bagarazzi, Julian W. Dority, Wellington M. Manning, Jr., Richard M. Moose, Stephen E. Bondura, Timothy A. Cassidy, Tim F. Williams, Timothy D. St. Clair, Jason W. Johnston, Steven R. LeBlanc, all of Dority & Manning, P.A., P.O. Box 1449, Greenville, South Carolina United States 29602 to submit this Combined Declaration of Use and Incontestability Under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is HMZ-5-TM.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 1 class, plus any additional grace period fee, if necessary.

APPLICANT NAME: HANSEN INTERNATIONAL, INC.

MARK: Stylized or Design Format

Declaration

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with all goods and/or services as identified above. There has been no final decision adverse to the owner's claim of ownership of such mark for such goods and/or services, or to the owner's right to register the same or to keep the same on the register, and there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the court, except for Cancellation No. 92043074.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

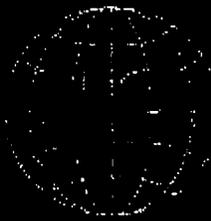
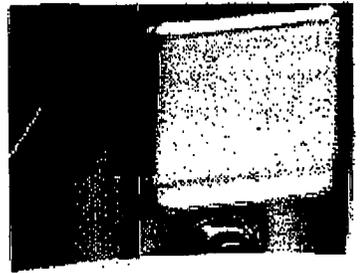
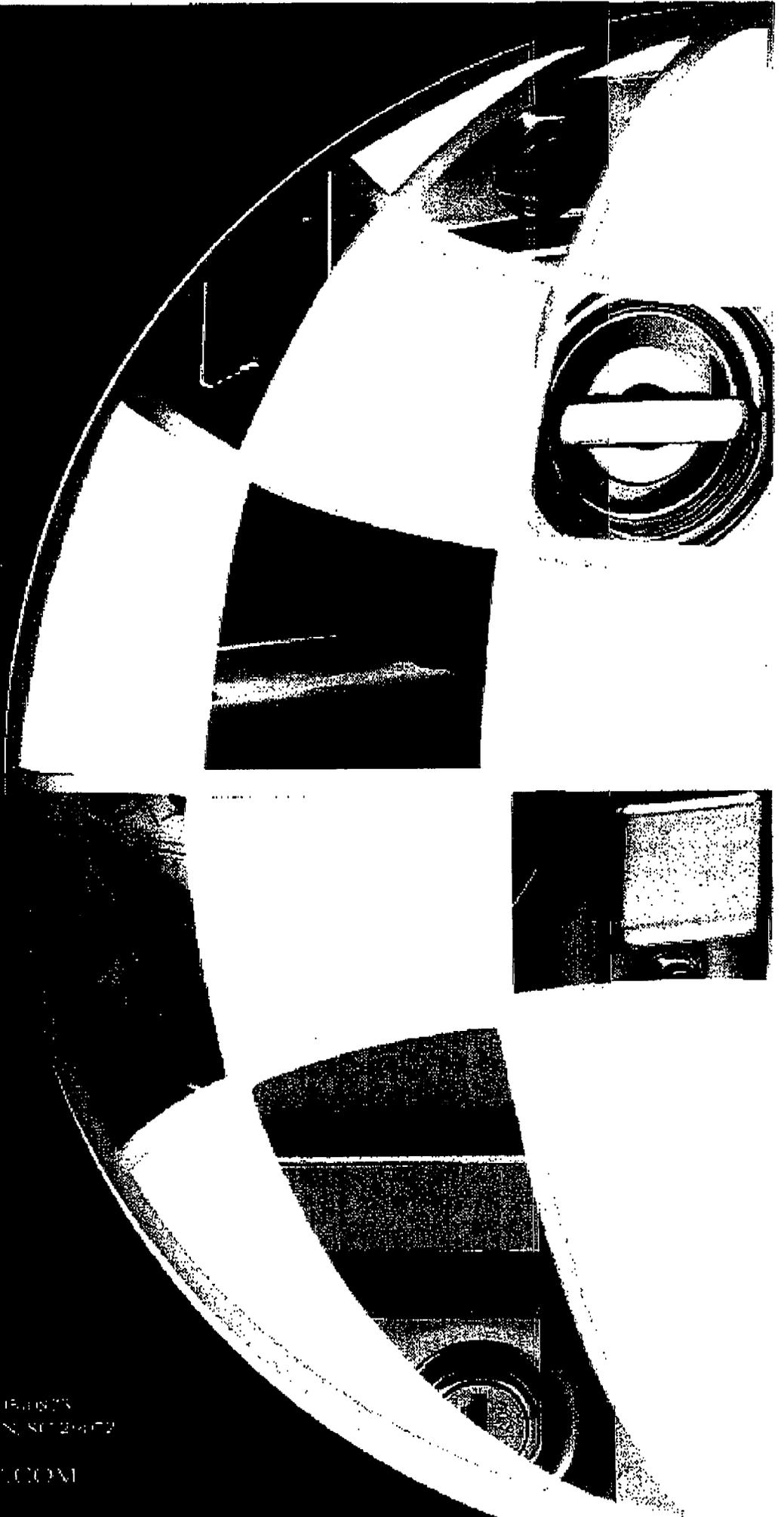
Signature: _____

Signatory's Name: James Hoban

Signatory's Position: General Manager

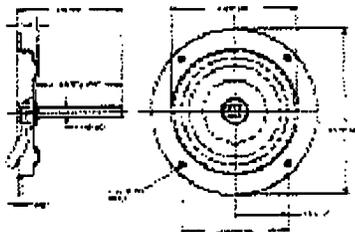
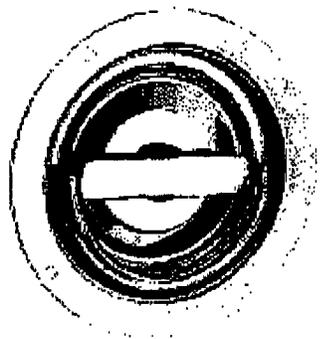
Date: _____

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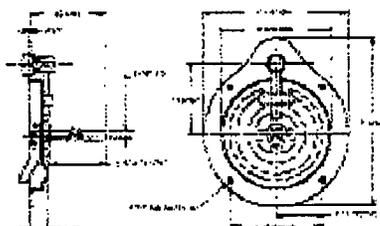
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#79-L D-RING HANDLE NON-LOCKING*

Flush-mounted handle with center rotating shaft.

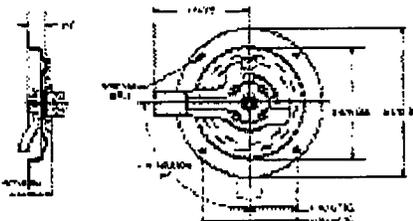
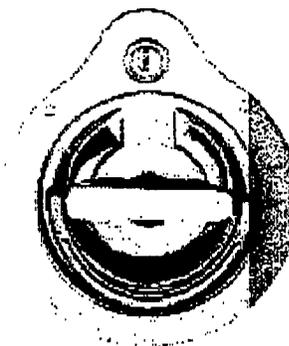
Materials: Cold-rolled Steel - Zinc plated, Stainless Steel - Polished
Installation Methods: Mounting holes (standard on Stainless Steel)
Available with: Small cup (4 7/8" diameter) - specify #79-S
Use with: #459 Rotary Lock and #550 Series Slant Latches
For use on: Medium to large compartment doors



#279-L D-RING HANDLE LOCKING*

Flush-mounted locking handle with center rotating shaft.

Materials: Cold-rolled Steel - Zinc plated, Stainless Steel - Polished
Installation Methods: Mounting holes (standard on Stainless Steel)
Available with: Small cup (4 7/8" diameter) - specify #279-S
Use with: #459 Rotary Lock and #550 Series Slant Latches
For use on: Medium to large compartment doors



#101-L D-RING HANDLE NON-LOCKING*

Flush-mounted handle that secures at one point. Specify left or right hand. (Right hand shown).

Materials: Cold-rolled Steel - Zinc plated, Stainless Steel - Polished
Installation Methods: Mounting holes (standard on Stainless Steel)
Available with: Small cup (4 7/8" diameter) - specify #101-S
For use on: Medium to large compartment doors

*Flush-mounted D-Ring handles are registered trademarks of Hansen International, Inc. (U.S. Trademark Registration No. 2,348,461).

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