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

In the matter of Trademark Registration No. 1,240,451
For the Mark COCONUTS and Design
Registered May 31, 1983

MICHAEL S. KATZ,

CANCELLATION NO.

Petitioner,

Vs.

RECORD TOWN, INC.

Registrant.

PETITION FOR CANCELLATION

Petitioner, Michael S. Katz, is an individual doing business as Matisse Footwear at 110 Maryland Street, El Segundo, California 90266. To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Record Town, Inc., 38 Corporate Circle, Albany, New York 12203. Petitioner believes that it is being and will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner has filed an application, Serial Number 76/530689 for the registration of its mark COCONUTS BY MATISSE for footwear, namely shoes, sandals and boots.

2. The United States Patent and Trademark Office cited Registration No.

1,240,451 for the mark COCONUTS AND DESIGN for T-Shirts.

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3. Upon information and belief, Registrant is no longer using the trademark COCONUTS AND DESIGN for T-Shirts and its trademark Registration No. 1,240,451 has been abandoned.

4. Petitioner has owned the mark COCONUTS BY MATISSE and has used the same in interstate commerce in connection with footwear since 2000.

WHEREFORE, Petitioner prays that Respondent's trademark registration No. 1,240,451 be cancelled. Petitioner hereby submits the filing fee of \$300.00.

Please address all correspondence to Irene M. Guimera, Esq., Guimera & Guimera A Law Corporation, 1600 Rosecrans Avenue, Suite 210, Manhattan Beach, CA 90266.

March 25, 2004

Respectfully submitted,



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Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on:

Date of Mailing: March 25, 2004

Printed Name of Depositor: Veronica Franco

Signature of Depositor: V. Franco

Date of Signina: 03/25/04