

TTAB

**UNITED STATES PATENT AND TRADEMARK
OFFICE**

Trademark Trial and Appeal Board

2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: April 22, 2004

UNITED STATES IDENTIFICATION CARD, INC.

5959 W. Century Blvd. Suite 1101
Los Angeles, CA 90045

75545357

Cancellation No. 92043185

Reg. No. 2432347

RICHARD A. MARGULIES
CONAIR CORPORATION
1 CUMMINGS POINT ROAD
STAMFORD, CT 06904



05-11-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

CONAIR CORPORATION

V.

UNITED STATES IDENTIFICATION CARD,
INC.

Monique Tyson, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,

2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	May 12, 2004
Discovery period to close:	November 08, 2004
30-day testimony period for party in position of plaintiff to close:	February 06, 2005
30-day testimony period for party in position of defendant to close:	April 07, 2005
15-day rebuttal testimony period for plaintiff to close:	May 22, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the

Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

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

In the Matter Trademark Registration No. 2,432,347
For the Mark: USA ID
Date Registered: February 27, 2001

Conair Corporation,

Petitioner,

vs.

United States Identification Card, Inc.

Registrant.

Cancellation No. 92043185



04-14-2004

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

PETITION FOR CANCELLATION

Petitioner is Conair Corporation, a corporation organized and existing under the laws of the state of Delaware, having a business address of One Cummings Point Road, Stamford, CT 06902, (herein after referred to as "Petitioner"). To the best of Petitioner's knowledge, the above identified registration is owned by United States Identification Card, Inc., a corporation organized under the laws of the state of Nevada, with a business address of 5959 W. Century Boulevard, Suite 1101, Los Angeles, California 90045, (herein after referred to as "Registrant"). The above-mentioned Petitioner believes that it will be damaged by the registration of U.S. Trademark Registration No. 2,434,347 for the trademark "USA ID", and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

1. Petitioner has applied to register the mark USA ID on the Principal Trademark Register for use on or in connection with "Encoded smart

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cards, encoded intergrated circuit cards, encoded electronic chip cards containing programming to track individuals, products, and shipping containers. Encoded electronic chip cards for use in identifying particular users of a global security system. Blank electronic chip cards, blank smart cards, blank integrated chip cards. Communication servers. Communication software for connecting via a global computer network. Computer software and programs for use in database management in the field of security that may be downloaded from a global computer network. Computer software for application and database management. Electronic database in the field of security recorded on computer media. Computer communications software to allow customers to access personal security information. Computer network hubs, switches and routers. Computer operating systems. Computer software for accessing information directories that may be downloaded from a global computer network. Computer software to automate data warehousing. Global Positioning System (GPS) consisting of computers, computer software, transmitters, receivers, and network interface devices. Interactive multimedia computer program for security purposes. Facilities management software, namely, software to control the contents of shipment containers and the entry and exit of individuals through security check points" in International Class 9 under 15 U.S.C. 1051 (b), Section 1(b) of the Trademark Act, on April 4, 2003 and was assigned Serial No. 78/233907 by the United States Trademark Office.

2. Petitioner has a bona fide intention to use the trademark USA ID on or in connection with the aforementioned goods.
3. Registration No. 2,432,347 has been cited as a potential bar to the registration of Petitioner's Application No. 78/233907 in an Office Action dated October 14, 2003.
4. Upon information and belief, Registration No. 2,432,347 has not been in use in commerce in the U.S., and Registrant has discontinued use of said registration with an intent to not resume such use.
5. Upon information and belief, Registration No. 2,434,347 has been abandoned within the meaning of §45 of the Trademark Act, 15 USC §1127.
6. If the abandoned Registration No. 2,434,347 is permitted to remain registered, Petitioner will continue to suffer injury to itself and its trademark rights, including the maintained refusal to allow to registration of Petitioner's Application No. 78/233907.

WHEREFORE, Petitioner requests that Registration No. 2,432,347 be canceled and that this petition for cancellation be sustained in favor of Petitioner on the merits, with prejudice, and without leave to refile

This Petition is submitted in duplicate and the required fee is enclosed herewith.

Dated: September 16, 2003

Conair Corporation

By: 

Richard A. Margulies
Vice President & General Counsel
Conair Corporation
1 Cummings Point Road
Stamford, CT 06904
203-351-9088

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

In Re Registration:

Mark: USA ID
Registration No.: 2,432,347



04-14-2004

U.S. Patent & TMO/c/TM Mail Rcp1.Dt. #22

BOX TTAB FEE

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

We are enclosing for filing for the above-identified application:

1. Petition to Cancel (in duplicate);
2. Postcard; and
3. Duplicate copy of this letter.

The Commissioner is hereby authorized to charge any amounts due or to credit any overpayment to our Deposit Account No.: 501239. A duplicate copy of this authorization is enclosed for such purpose.

Respectfully submitted,

Richard A. Margulies
Vice President & General Counsel
Conair Corporation
One Cummings Point Road
Stamford, CT 06902
(203) 351-9088

Dated: April 14, 2004

Certificate of Express Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Express mail in an envelope addressed to: Box TTAB No Fee, 2900 Crystal Drive, Arlington, VA 22202-3315 on:

Mailing date:

April 14, 2004
~~September 16, 2003~~

Debra M. Duguid

Dated:

April 14, 2004

Express Mail Envelope

No.:

EV058363145US -

92043185
UNITED STATES IDENTIFICATION CARD, INC.
5959 W. CENTURY BLVD. SUITE 1101
LOS ANGELES, CA 90045

