

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEALS BOARD**

U.S. Reg. No. 1,384,270

OMNOVA SOLUTIONS, INC.,

Petitioner;

v.

THE DIE GEM CO., INC.,

Respondent.

PETITION TO CANCEL

Petitioner, Omnova Solutions, Inc., pursuant to Trademark Rule 2.111, hereby petitions to cancel Registration No. 1,384,270 of Respondent, The Die Gem Co., Inc. In support of this claim, Petitioner respectfully states as follows:

1. On February 25, 1986, Respondent obtained Registration No. 1,384,270 for the mark "PEEL N STICK" used on the goods of "weather stripping" in International Class 17.
2. On February 11, 1992, Respondent filed a Section 8 and 15 Affidavit declaring continued use of the mark "PEEL N STICK." This affidavit was acknowledged by the Office on April 16, 1992.
3. Petitioner believes and alleges that Respondent has abandoned the mark "PEEL N STICK," has made no use of it in connection with any goods for at least three consecutive years preceding the filing of this claim for cancellation, and has no intent to resume such use.

Petition to Cancel U.S. Reg. No. 1,384,270

4. Petitioner, after repeated requests to Respondent, has received no evidence or documentation of continuous trademark use of the mark "PEEL N STICK."

5. As a result of Respondent's failure to use the mark "PEEL N STICK" and lack of intent to resume such use, the mark has become abandoned for purposes of Section 45 of the Trademark Act, 15 U.S.C. § 1127.

WHEREFORE, Petitioner requests that this petition to cancel be granted and Registration No. 1,384,270 be ordered canceled.

In addition with the petition to cancel, Petitioner authorizes the Commissioner to charge the cancellation fee under 37 C.F.R. § 2.6(a)(16) in the amount of \$300.00, and charge any additional fees or credit any overpayment under 37 C.F.R. § 2.6 to **Deposit Account No. 10-0233-02-013-OMNO.**

Respectfully submitted,



Ajay A. Jagtiani

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Date: October 28, 2004



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TTAB

TRANSMITTAL LETTER

Sir:

Enclosed for filing in connection with the above-identified matter are the following documents:

1. Petition to Cancel

The Commissioner is hereby authorized to charge **\$300.00**, and any additional fees associated with this communication or credit any overpayment to **Deposit Account Number 10-0233-02-013-OMNO**.

Respectfully submitted,

Ajay A. Jagtiani
Attorney for Petitioner

JAGTIANI + GUTTAG
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