

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

Illinois Tool Works Inc.)	
Petitioner,)	Cancellation No. _____
)	
v.)	Registration No. 1,409,385
)	
Four M Manufacturing Group of CPC, Inc.)	Registration Date: September 16, 1986
Owner-)	
Respondent.)	

PETITION FOR CANCELLATION

Petitioner, Illinois Tool Works Inc. ("ITW"), a Delaware corporation located and doing business at 3600 West Lake Avenue, Glenview, Illinois 60025, believes that it is or will be damaged by Registration No. 1,409,385 originally owned by Consolidated Packaging Corporation and now owned by Four M Manufacturing Group of CPC, Inc. by way of an assignment in 1994. As a result, Petitioner hereby Petitions to cancel Registration No. 1,409,385 pursuant to 15 U.S.C. § 1064.

Respondent's registration was filed on October 24, 1985 for the mark MASTER STAK. The mark was registered on the Principal Register in class 16 for "corrugated paperboard containers" on September 16, 1986. The Registrant claimed first use of the mark in connection with the services on September 13, 1985 and first use of the mark in connection with the services in commerce on September 13, 1985.

As grounds for this Petition, it is alleged that:

1. Petitioner has a pending trademark application for STACKMASTER, Application Serial No. 78/319,136, for use in connection with "fabricated, laminated

paper members for use in protecting goods and providing stacking strength for containers and the like" in International Class 16.

2. Petitioner's efforts to register the mark STACKMASTER for use in connection with its paper members have been refused in part on the basis of Respondent's registration and the Petitioner is likely to be damaged by the continued registration of such mark.

3. Petitioner's investigation of Respondent has revealed that Respondent is likely no longer using the mark MASTER STAK in commerce, and as a result, it is believed that Respondent has abandoned use of the mark MASTER STAK in commerce and that such mark should be cancelled.

Please charge Deposit Account No. 12-1216 the Petitioner's filing fee of \$300.00 and any fee deficiency that may be found. Enclosed is a duplicate copy of this Petition.

WHEREFORE, Petitioner prays that Registration No. 1,409,385 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

Date: 7/22/04



Mark J. Liss
Felecia S. Shankle
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312-616-5600
Attorneys for Petitioner

CERTIFICATE OF MAILING

I hereby certify that this PETITION FOR CANCELLATION (in duplicate) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202.

7/22/04
Date

[Handwritten Signature]

THE PATENT AND TRADEMARK OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS POSTAL CARD AND PLACE IT IN THE OUTGOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED.

In Re: Illinois Tool Works Inc.
Petitioner
v.
Four M Manufacturing Group of CPC, Inc.
Owner - Respondent

Registration No.: 1,409,385
Registration Date: 9/16/86

Mark in Dispute: STACKMASTER

Enclosures: Petition For Cancellation (in duplicate)
Including Certificate of Mailing (3 pp.);
Please deduct applicable fee of \$300 from
Deposit Account No. 12-1216; and
This Return Postcard

Mailed: July 22, 2004

Case No. 229893-ITW

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Case No. 229893-ITW

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FACSIMILE COVER SHEET

DATE: NOVEMBER 17, 2004

NUMBER OF PAGES (INCLUDING THIS TRANSMITTAL COVER SHEET): 5
OUR REFERENCE: 229893

TO: MS. MICHELLE GREENFIELD
 TTAB

FACSIMILE NUMBER: 571-273-4273
TELEPHONE NUMBER: 571-272-4273

FROM: SETH ROSE

DEAR MS. GREENFIELD:

PER OUR TELEPHONE DISCUSSION, ATTACHED YOU WILL FIND THE NOTICE OF CANCELLATION FILED ON JULY 22, 2004, AS WELL AS A COPY OF THE POSTCARD STAMPED FROM THE PTO.

A confirmation copy of the transmitted document will:

- Not be sent. This will be the only form of delivery of the transmitted document.
- Be sent via First Class Mail
- Be sent via Overnight Courier.

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