

**BURNS DOANE**

BURNS DOANE SWECKER & MATHIS LLP  
INTELLECTUAL PROPERTY LAW

ALEXANDRIA, VIRGINIA  
REDWOOD SHORES, CALIFORNIA  
DURHAM, NORTH CAROLINA  
SAN DIEGO, CALIFORNIA



**Correspondence To:**

P.O. Box 1404  
Alexandria, Virginia 22313-1404

**Office Address:**

Suite 500  
1737 King Street  
Alexandria, Virginia 22314-2727

Telephone: +1.703.836.6620  
Group 3 Fax: +1.703.836.2021  
Group 4 Fax: +1.703.836.0028

**Bassam N. Ibrahim**

+1.703.838.6584  
Bassami@burnsdoane.com

January 24, 2005

U.S. Patent and Trademark Office  
Trademark Trial & Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir:

Attached hereto is a Petition for Cancellation with respect to U.S. Registration No. 2,310,865 for the mark LIBERTY COUNSEL & Design.

Also enclosed is our check in the amount of \$300.00 to cover the statutory fee. Should the check attached hereto prove insufficient, please charge any additional fees to our Deposit Account No. 02-4800. A duplicate of this letter is enclosed.

Very truly yours,

Bassam N. Ibrahim

BNI/fjg  
Enclosure



01-24-2005

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

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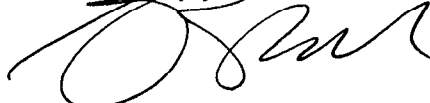
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TTAB

Attorney Docket No. 034138-002

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

GENERAL CONFERENCE  
CORPORATION OF SEVENTH-DAY  
ADVENTISTS

Petitioner,

v.

LIBERTY COUNSEL

Respondent

U.S. Reg. No. 2,310,865

Mark: LIBERTY COUNSEL and Design

Cancellation No. \_\_\_\_\_

15517209

PETITION FOR CANCELLATION

General Conference Corporation of Seventh-day Adventists ("Petitioner"), a Washington, D.C. corporation located and doing business at 12501 Old Columbia Pike, Silver Spring, Maryland, 20904, believes that it has been and will be damaged by U.S. Registration No. 2,310,865 for the mark LIBERTY COUNSEL and Design and hereby petitions to cancel the registration, based on the following grounds:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 78/446,939 for the mark LIBERTY for use in connection with "magazines in the field of religion, separation of church and state, protection of individual rights including the freedom of conscience". The mark in Serial No. 78/446,939 is hereinafter referred to as "Petitioner's LIBERTY Mark."

The above goods are hereinafter collectively referred to as "Petitioner's Goods."

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2. Upon information and belief, Liberty Counsel ("Respondent") is the record owner of U.S. Registration No. 2,310,865 for the mark LIBERTY COUNSEL, in connection with "educational materials, namely, books, brochures and informational fliers featuring information on religion, civil liberties, religious freedom and the importance of education as it relates to religion, civil liberties, religious freedom" ("Respondent's Goods"). The mark in U.S. Registration No. 2,310,865 is hereinafter referred to as "Respondent's LIBERTY COUNSEL Mark."

3. Upon information and belief, Respondent's LIBERTY COUNSEL Mark has not been used for Respondent's Goods prior to July 6, 1998, the filing date set forth in U.S. Registration 2,310,865.

4. Upon information and belief, Respondent's LIBERTY COUNSEL Mark has not been used for Respondent's Goods prior to January 1990, the date of first use and first use in commerce alleged in U.S. Registration No. 2,310,865

5. Since long prior to the filing date and any use by Respondent of Respondent's LIBERTY COUNSEL mark, Petitioner has continuously used and is currently using Petitioner's LIBERTY Mark in connection with Petitioner's Goods in interstate commerce in the United States.

6. Consumers have come to know and recognize Petitioner's LIBERTY Mark and associate Petitioner's LIBERTY Mark with Petitioner and Petitioner's Goods.

7. Respondent's LIBERTY COUNSEL Mark so resembles Petitioner's LIBERTY Mark as to be likely, when applied to Respondent's Goods, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Respondent's Goods originate with, or are

associated with, Petitioner, or that Respondent's Goods are authorized, endorsed or sponsored by Petitioner.

8. The continued existence of U.S. Registration No. 2,310,865 for LIBERTY COUNSEL is contrary to 15 U.S.C. 1052(d) and will violate and diminish the prior and superior rights of Petitioner in Petitioner's LIBERTY Mark.

9. Petitioner is and will continue to be damaged by the existence of U.S. Registration No. 2,310,865 because Respondent has obtained statutory rights in the LIBERTY COUNSEL mark in violation and derogation of the established prior rights of Petitioner in Petitioner's LIBERTY Mark, in violation of 15 U.S.C. § 1052(d).

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted, and Respondent's U.S. Registration No. 2,310,865 be canceled, and for any and all other relief the Trademark Trial and Appeal Board may deem just and proper.

Respectfully submitted,

**GENERAL CONFERENCE CORPORATION OF  
SEVENTH-DAY ADVENTISTS**



Bassam N. Ibrahim

Bryce J. Maynard

Attorneys for Petitioner

BURNS DOANE SWECKER & MATHIS, LLP

P. O. Box 1404

Alexandria, Virginia 22313-1404

(703) 836-6620

Date: 1/24/05

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