

ESTTA Tracking number: **ESTTA47462**

Filing date: **10/05/2005**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	The Cad Store		
Entity	Corporation	Citizenship	Arizona
Address	4494 W. Peoria #105 Glendale, AZ 85302 UNITED STATES		

Attorney information	Brian Gibbons 3936 S. Semoran Blvd., Suite 330 Orlando, FL 32822 UNITED STATES trademarks@briangibbons.com Phone:407-384-6156		
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Registration Subject to Cancellation

Registration No	1658077	Registration date	09/24/1991
Registrant	CONTEX A/S Svanevang 2 3450 Allerod, DENMARK		
Goods/Services Subject to Cancellation	Class 009. First Use: 19900300, First Use In Commerce: 19900400 Goods/Services: computer programs and user manuals sold therewith for use in storing, editing, modifying, converting and printing file information		
Grounds for	The registered mark has been abandoned.		

Cancellation	
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Attachments	cadstore.01.pdf (4 pages)
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Signature	/Brian Gibbons/
Name	Brian Gibbons
Date	10/05/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

THE CAD STORE,
an Arizona corporation,
Petitioner

v.

CONTEX A/S,
a Danish corporation,
Registrant

In the matter of
Registration No. 1,658,077

For the mark:
CADSTOR

Registered on the Principal Register
On September 24, 1991

Cancellation No.

PETITION TO CANCEL

PETITION TO CANCEL

Petitioner, The Cad Store, is an Arizona corporation whose principal business address is 4494 W. Peoria #105, Glendale, AZ 85302.

Registrant, Contex A/S, is a Danish corporation whose last known address was Svenevang 2, 3450 Allerod, Denmark.

Petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel such registration.

The grounds for cancellation are as follows:

1. Petitioner has used the THE CAD STORE mark in connection with retail store services and educational services, since at least as early as 1985.

BRIAN R. GIBBONS

Attorney at Law

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2. Petitioner has developed extensive goodwill throughout the United States with respect to its THE CAD STORE mark.
3. Petitioner has spent substantial sums for the advertisement and promotion of its services identified by the THE CAD STORE mark throughout the United States.
4. As a result of the expenditure of considerable sums for promotional activities and advertising, and by virtue of the high quality of its goods and services, Petitioner has garnered a valuable reputation for its THE CAD STORE mark.
5. Registration No. 1,658,077 was issued on or about September 24, 1991, and identifies the Registrant as Contex A/S, a Danish corporation whose last known address was Sveneang 2, 3450 Allerod, Denmark.
6. Registration No. 1,658,077 is for use of the trademark CADSTOR in connection with computer programs, in International Class 9.
7. Petitioner has filed an application (Serial No. 76/609,418) to register, on the Principal Register, the THE CAD STORE mark for its services in International Class 35.
8. The examining attorney assigned to Application Serial No. 76/609,418 has refused registration of the THE CAD STORE mark, asserting that the THE CAD STORE mark

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so resembles the mark CADSTOR in Registration No. 1,658,077 as to be likely to cause confusion, to cause mistake, or to deceive.

ABANDONMENT

9. On information and belief, Petitioner avers that Registrant is not presently using and has no intention to use the CADSTOR mark in connection with the goods described in Registration No. 1,658,077.
10. On information and belief, Petitioner avers that Registrant has not used the CADSTOR mark in connection with the goods described in Registration No. 1,658,077 for at least three years prior to the filing of this Petition.
11. Registrant has abandoned the CADSTOR mark in connection with the goods described in Registration No. 1,658,077.

WHEREFORE, Petitioner prays that Registration No. 1,658,077 be cancelled.

The required fee under 37 C.F.R. §2.6(a)(16) is enclosed herewith.

The Cad Store has appointed Brian R. Gibbons, an attorney admitted to practice before the Supreme Court of the State of Florida, whose principal office is located at 3936 S. Semoran Blvd., Suite 330, Orlando, Florida 32822, as its duly authorized agent and attorney in the matter of this cancellation, with full power of substitution and revocation, to transact all business with

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Attorney at Law

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the Patent and Trademark Office and elsewhere in the United States courts in connection with this cancellation, to sign all papers which may be hereinafter filed in connection with this cancellation, and to receive all communications relating to this cancellation.

Respectfully submitted,



Brian R. Gibbons
Brian R. Gibbons
Attorney for Petitioner

10/05/05

Date

3936 S. Semoran Blvd., Suite 330
Orlando, FL 32822-4016
Phone: (407) 384-6156
Fax: (407) 384-6055