

ESTTA Tracking number: **ESTTA49768**

Filing date: **10/21/2005**

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	Axens (Soci�t� Anonyme)		
Entity	Soci�t� Anonyme	Citizenship	France
Address	89, boulevard Franklin Roosevelt Rueil-Malmaison Cedex, 92508 FRANCE		

Attorney information	Jeffrey A. Smith, Esq. Millen, White, Zelano & Branigan, P.C. 2200 Clarendon Boulevard Suite 1400 Arlington, VA 22201 UNITED STATES smithj@mwzb.com Phone:(703) 465-5355		
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Registration Subject to Cancellation

Registration No	1519323	Registration date	01/03/1989
Registrant	ACE PACIFIC CO. 595 MARKET STREET, STE. 2640 SAN FRANCISCO, CA 94105 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 19800805, First Use In Commerce: 19820317 Goods/Services: ENGINEERING SERVICES		
Grounds for	The registered mark has been abandoned.		

Cancellation	
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Attachments	ACE PACIFIC Petition to Cancel.tif (1 page)
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Signature	/jas/
Name	Jeffrey A. Smith, Esq.
Date	10/21/2005

The grounds for cancellation are as follows:

1. The Registration issued January 03, 1989 on the Principal Register for the mark ACE PACIFIC & DESIGN (“the Registered Mark”), and is subsisting at the time of filing of this petition.
2. Petitioner is the owner of a pending application based on a Section 1(b) intent to use filing basis and a Section 44(d) priority filing basis, with the priority application having matured into a registration. The application was filed on November 06, 2003 to register the mark ACE for “Catalysts for use in the manufacture of industrial chemicals for use in the oil processing and petrochemical industries; Catalysts for use in the oil processing industry; Fluid cracking catalysts; Petroleum hydrotreating chemicals; Petroleum hydrocracking catalysts; Industrial chemicals for use in treating and processing oils in the petrochemical industry” in International Class 001 and “Product research and development in the field of hydrotreating and hydrocracking catalysts; Scientific research in the field of hydrotreating and hydrocracking catalysts; Research in industrial and development of new technology for others in the field of hydrotreating and hydrocracking catalysts; Surveying and engineering in the field of hydrotreating and hydrocracking catalysts; Conducting technical evaluations in the field of hydrotreating and hydrocracking catalysts; Preparing development reports in the field of hydrotreating and hydrocracking catalysts” in International Class 042 (App. No. 78/324,259), referred to hereinafter as “the Application”).
3. The Application has been refused registration on the ground of likelihood of confusion with the Registration. Thus, the continued presence of the Registration on the Principal Register is a source of damage and injury to the Petitioner, in that it interferes with the ability of Petitioner to secure the registration of the Application and may cast a cloud upon Petitioner’s right to use, develop, and expand the use of the mark ACE.
4. Upon information and belief, Registrant has made no use of the Registered Mark for at least three consecutive years prior to the filing of this petition, and does not intend to resume such use. As a result, the Registered Mark has become abandoned for the purposes of Section 45 of the Trademark Act, 15 USC § 1127, and should be cancelled on this basis.

WHEREFORE, the Petitioner prays that Registration No. 1,519,323 be cancelled and that this Petition for Cancellation be granted.