

ESTTA Tracking number: **ESTTA99868**

Filing date: **09/19/2006**

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	MarketQuest Group dba All-In-One Mfg., Inc.		
Entity	Corporation	Citizenship	California
Address	9600 Kearny Villa Road San Diego, CA 92126 UNITED STATES		

Attorney information	Todd A. Vaughn Breneman & Georges 3150 Commonwealth Avenue Alexandria, VA 22305 UNITED STATES vaughtodd@aol.com Phone:703.855.1283
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Registration Subject to Cancellation

Registration No	2855077	Registration date	06/15/2004
Registrant	BIC CORPORATION 500 BIC DRIVE MILFORD, CT 06460 UNITED STATES		
Goods/Services Subject to Cancellation	Class 016. First Use: 2003/11/21 , First Use In Commerce: 2003/11/21 Goods/Services: Writing instruments, namely, pens, and inks and ink delivery systems for writing instruments comprised of ink, balls and their housing		

Related Proceedings	Concurrent filing of Notice of Opposition relative to U.S. Trademark App. S.N. 78/736,461 for the mark EASY GLIDE FEEL THE SMOOTHNESS
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Attachments	Cancellation 1.PDF (1 page)(33519 bytes) Cancellation 2.PDF (1 page)(54122 bytes) Cancellation 3.PDF (1 page)(38988 bytes) Cancellation 4.PDF (1 page)(20360 bytes)
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Signature	/Todd A. Vaughn/
Name	Todd A. Vaughn
Date	09/19/2006

PETITION TO CANCEL

U.S. Trademark Registration No. 2,855,077

Page 2

2. Petitioner is the owner of pending U.S. Trademark Application Serial No. 78/933,546 for the mark EASY GLIDE in International Class 16, for use in connection with "Writing instruments, namely, pens, and inks and ink delivery systems for writing instruments comprised of ink, balls and their housing." Such application for registration is based on a date of first use as early as January 2001 and a date of first use in commerce as early as January 2001.

3. Upon information and belief, Registrant is a corporation having a principal place of business at 500 Bic Drive, Milford, Connecticut 06460, and is the purported owner of Registration No. 2,855,077 for the mark EASY-GLIDE SYSTEM in International Class 16, for use in connection with "Writing instruments, namely, pens, and inks and ink delivery systems for writing instruments comprised of ink, balls and their housing."

4. Registration No. 2,855,077 was based on an intent-to-use application for registration filed on August 30, 2002 and assigned Serial No. 78/159,491. Registrant claimed a date of first use of November 21, 2003 and a date of first use in commerce of November 21, 2003.

5. The continued registration of the EASY-GLIDE SYSTEM mark is likely to cause harm to Petitioner because the term "EASY-GLIDE" is the dominant portion of the mark and is identical to Petitioner's EASY GLIDE mark, and thus, is likely to cause confusion or mistake to deceive the public when applied to similar goods.

6. Registrant's goods as set forth in Registration No. 2,855,077 include, *inter alia*, writing instruments, and therefore, are substantially identical to Petitioner's; Registrant's continued

PETITION TO CANCEL

U.S. Trademark Registration No. 2,855,077

Page 3

use of its EASY-GLIDE SYSTEM mark would effect the same channels of trade and be promoted to the same or similar class of customers.

7. Due to the foregoing, continued use by Registrant of its mark listed in Registration No. 2,855,077 is likely to create the impression that Registrant's goods so identified are directly and indirectly associated with Petitioner; this confusion, mistake or deception will result in loss of sales to Petitioner and damage to its reputation and goodwill.

8. Moreover, Petitioner's use of EASY GLIDE dates back to at least as early as 2001, which predates the November 21, 2003 date of first use claimed in Registration No. 2,855,077, and therefore, EASY-GLIDE SYSTEM should not have been registered pursuant to 15 U.S.C. §1052(d), and thus, should be cancelled.

WHEREFORE, Petitioner believes that it is and will be damaged by Registration No. 2,855,077, and prays that this *Petition to Cancel* be sustained and that Registration No. 2,855,077 be cancelled.

A duplicate copy of this *Petition to Cancel* and the \$300.00 fee for one international class as required by **Paragraph 2.6(a)(17)** are enclosed herewith.

PETITION TO CANCEL

U.S. Trademark Registration No. 2,855,077

Page 4

If, in the event the amount submitted herewith is deemed incorrect, please pay any additional fees or credit any refunds to Account No. 18-2361.

Please direct all correspondence to:

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3150 Commonwealth Avenue
Alexandria, VA 22305

Respectfully submitted,

BRENEMAN & GEORGES,
As counsel for MarketQuest Group, Inc.,

Dated: 19 Sept 06

By: 
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