

ESTTA Tracking number: **ESTTA106487**

Filing date: **10/26/2006**

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	DeepSea Power & Light, Inc.		
Entity	Corporation	Citizenship	California
Address	3855 Ruffin Road San Diego, CA 92123 UNITED STATES		

Attorney information	Michael H. Jester, Esq. A Professional Law Corporation 505 D Grand Caribe Causeway Coronado, CA 92118 UNITED STATES mjester@jesterlaw.com Phone:6196284598
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Registration Subject to Cancellation

Registration No	2520801	Registration date	12/18/2001
Registrant	SEA VIEW UNDERWATER RESEARCH, INC. 200 MADONNA BLVD. TIERRA VERDE, FL 33715 UNITED STATES		
Goods/Services Subject to Cancellation	Class 028. First Use: 1999/07/00 , First Use In Commerce: 1999/07/00 Goods/Services: Illuminated fish attractants		

Attachments	PET.pdf (2 pages)(59682 bytes)
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Signature	/Michael H. Jester/
Name	Michael H. Jester, Esq.
Date	10/26/2006

PETITION FOR CANCELTATION

1. DeepSea Power & Light, Inc., hereinafter referred to as "Petitioner," is a California corporation having a place of business at 3855 Ruffin Road, San Diego, California 92123.
2. Petitioner is the owner, by assignment, of U.S. Trademark Registration No. 2,822,627 on the Principal Register for the trademark SEALITE, together with all of the good will associated with that trademark.
3. Said assignment referred to in paragraph 2 was recorded in the USPTO on May 19, 2006 at Reel 003346, Frame 0541.
4. On information and belief, Petitioner's predecessor in interest first used the SEALITE trademark in commerce on or about December 31, 1985 in connection with oceanographic equipment and parts thereof, namely, underwater lights.
5. On information and belief, Petitioner's predecessor in interest and petitioner have continuously used said SEALITE trademark in commerce in connection with said goods recited in paragraph 4 since December 31, 1985.
6. On information and belief, Sea View Underwater Research, Inc., hereinafter referred to as "Respondent," is a Florida corporation having a place of business at 1700 66th Street N, Suite 300, St. Petersburg, Florida, 33710.
7. On information and belief, Respondent obtained U.S. Trademark Registration No. 2,520,801 on the Principal Register for the trademark SEALITE listing illuminated fish attractants as the goods, reciting a first use date in commerce in 1999, said first use date being long after the first use in commerce by Petitioner's predecessor in interest of SEALITE as recited in paragraph 4.

8. Respondent's registered trademark so resembles Petitioner's registered trademark as to be likely, when used on or in connection with the goods of Respondent, to cause confusion, or to cause mistake or to deceive.

9. On information and belief, at the time Respondent filed U.S. Trademark Application Serial No. 75/742,606 on June 30, 1999 that resulted in the registration cited in paragraph 7, Respondent was not the rightful owner of the SEALITE trademark.

WHEREFORE, Petitioner prays for relief in the form of an order from the Director of the USPTO that U.S. Trademark Registration No. 2,520,801 be canceled from the Principal Register.

Dated: October 26, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael H. Jester". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Michael H. Jester
Reg. No. 28,022
Attorney for Petitioner
DeepSea Power & Light, Inc.