

TTAB

UNITED STATES PATENT
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

lg

Mailed: April 9, 2007

Cancellation No. 92046911

National Envelope Corporation 73/661,160

v.

CENVEO CORPORATION

Lalita R. Greer, Paralegal Specialist:

The notice instituting this proceeding and a copy of the petition to cancel were forwarded to registrant but were returned by the Postal Service as undeliverable.

The Office was advised on February 5, 2007 that service upon registrant could be effected and would be accepted when documents are mailed as follows:

**Cenveo Corporation
8310 S. Valley Highway, Suite 400
Englewood, CO 80122**

Accordingly, the above notice, with enclosure, is remailed as indicated above.

Registrant is allowed until **FORTY DAYS** from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended.

04-18-2007

U.S. Patent & TMO/TM Mail Rept Dt. #30

Compliance with Trademark Rule 2.193(b) and Trademark 2.119(a) is required.

If there has been any transfer of interest in the involved registration, registrant must so advise the Board and registrant must submit copies of the appropriate documents. See Section 10 of the Trademark Act and Patent and Trademark Rules 3.71 and 3.73.

In view of the circumstances, the time for filing an answer to the petition to cancel is extended to **FORTY DAYS** from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.¹

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Discovery period to close: **10/26/2007**

30-day testimony period for party

¹ Simultaneously therewith, notice is hereby given that unless the registrant listed herein, its assigns or legal representatives, shall enter an appearance, answer or other response to the petition within the time frame allowed above, the cancellation will proceed as in the case of default.

in position of plaintiff to close: **1/24/2008**

30-day testimony period for party
in position of defendant to close: **3/24/2008**

15-day rebuttal testimony period
to close: **5/8/2008**

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

ESTTA Tracking number: **ESTTA118369**

Filing date: **01/08/2007**

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	National Envelope Corporation		
Entity	Corporation	Citizenship	New York
Address	333 Earle Ovington Boulevard, Suite 1035 Uniondale, NY 11553 UNITED STATES		

Attorney information	Mark N. Mutterperl Fulbright & Jaworski L.L.P. 666 Fifth Avenue New York, NY 10103 UNITED STATES mmutterperl@fulbright.com, hrosenberg@fulbright.com, jparise@fulbright.com, nyipdocket@fulbright.com Phone:212-318-3183
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Registration Subject to Cancellation

Registration No	1469035	Registration date	12/15/1987
Registrant	CENVEO CORPORATION 8310 S. VALLEY HIGHWAY SUITE 400 ENGLEWOOD, CO 80112 UNITED STATES		
Goods/Services Subject to Cancellation	Class 016. First Use: 1987/03/16 , First Use In Commerce: 1987/03/16 Goods/Services: ENVELOPES		
	Class 020. First Use: 1987/03/16 , First Use In Commerce: 1987/03/16 Goods/Services: SHIPPING CONTAINERS		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	national envelope v. cenveo's INTERNATIONAL ENVELOPE-cancellation.pdf (2 pages)(71727 bytes)
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Signature	/mark n. mutterperl/
Name	Mark N. Mutterperl
Date	01/08/2007

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

In the matter of Registration No.: 1,469,035
By Cenveo Corporation for INTERNATIONAL ENVELOPE COMPANY & DESIGN
Registered: December 15, 2987

National Envelope Corporation,

Petitioner,

v.

Cenveo Corporation,

Respondent.

Cancellation No. _____

PETITION FOR CANCELLATION

National Envelope Corporation ("Petitioner") believes that it will be damaged by the continued registration of U.S. Reg. No. 1,469,035, issued on December 15, 1987 to Cenveo Corporation ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(3).

As grounds therefore, Petitioner alleges as follows:

1. Petitioner has adopted and is now using the mark NATIONAL ENVELOPE, application Serial No. 78/623,149.
2. The mark INTERNATIONAL ENVELOPE COMPANY & DESIGN, in Registration No. 1,469,035, which stands in the name of Registrant, was cited under Section 2(d) of the Trademark Act as a basis for refusing registration of Petitioner's application for the mark, NATIONAL ENVELOPE, application Serial No. 78/623,149.
3. On information and belief, use of the mark INTERNATIONAL ENVELOPE COMPANY & DESIGN has been discontinued with intent not to resume such use. Thus, Registrant has abandoned its trademark.

4. Petitioner will be damaged by the continuing registration of the mark in the registration at issue because the registration will block registration of Petitioner's mark NATIONAL ENVELOPE, application Serial No. 78/623,149.

WHEREFORE, Petitioner requests that Registration No. 1,469,035 be canceled.

This Petition For Cancellation is being filed electronically, with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Fulbright & Jaworski L.L.P., Account No. 50-0624 (10204752/MM/HR), if there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: January 5, 2007



Mark M. Mutterperl
Jessica S. Parise
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
Telephone: (212) 318-3183
Facsimile: (212) 318-3400

ATTORNEYS FOR PETITIONER

COMMISSIONER OF TREASURERS

P.O. Box 1451

Alexandria, VA, 22313-1451

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