

ESTTA Tracking number: **ESTTA135189**

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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 parties request to cancel indicated registration.

**Petitioner Information**

Name	Sawatacon Limited		
Entity	Corporation	Citizenship	Canada
Address	2087 Dundas Street East Unit 102 Mississauga, On L4X 1M2 CANADA		

Name	Mr.ThomasM.Sawa		
Entity	Individual	Citizenship	CANADA
Address	4116 Claypine Rise Mississauga, On L4W 3S2 CANADA		

Correspondence information	Thomas Sawa President Sawatacon Limited 2087 Dundas Street East Unit 102 Mississauga, On L4X 1M2 CANADA sawadyn00@hotmail.com Phone:905-238-3233		
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**Registration Subject to Cancellation**

Registration No	1977928	Registration date	06/04/1996
Registrant	BRACE INTERNATIONAL, INC. 1413 B Woodmont Lane Atlanta, GA 30318 UNITED STATES		
Goods/Services Subject to Cancellation	Class 010. First Use: 1989/03/00 , First Use In Commerce: 1989/03/00 Goods/Services: orthopedic brace		
Grounds for Cancellation	The registration was obtained fraudulently.		

Attachments	PLEADING.txt ( 2 pages )(4798 bytes )
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Signature	/Dr. Thomas Sawa/
Name	Thomas Sawa
Date	04/12/2007

## PLEADING

In the early 1980's I, Thomas M. Sawa, invented a shoulder brace and with the help of John Cooper of Cooper Sporting Goods. Cooper later became Bauer-Nike, at which time they were instrumental in developing my product. This product was patented in both Canada and the United States (documentation available upon request). During the transfer of Cooper to Bauer and ultimately to Nike, I was forced to seek alternatives for manufacturing and distribution which led to a company called Hood International, which was bought by Camp International USA. This eventually led me to Mr. Robert Dreesch who was a patient of mine and his brother Andre Dreesch with whom I entered into a business relationship to manufacture and distribute the Sawa shoulder brace out of Phoenix, Arizona. The company, Brace International, owned by the Dreeschs agreed under a licensing agreement to manufacture and distribute the Sawa shoulder brace under my patent (documentation available upon request). The company eventually moved to Atlanta, Georgia as a marketing move by the Dreeschs because the Olympics were coming to Atlanta. The relationship was strained at first as we had to rearrange the contract because the Dreeschs could not meet their royalty commitment (documents available upon request). The braces, however, were manufactured and distributed by Brace International and I did receive some royalties (documentation available upon request). The relationship continued to be unsettled and upon a second renewal of the relationship, Robert Dreesch was now the sole owner of Brace International and he notified me in writing that he did not wish to continue this licensing agreement and set a date for termination of the contract (documentation available upon request). Under the original contract it was quite clear that the true owner of both the patent and the logo belonged to me (documentation available upon request). It was only by accident in a conversation between Robert Dreesch and my accountant, Mr. Jim Anderson of Anderson Incorporated, that we discovered the mark/logo SAWA was registered under the name of Robert Dreesch of Brace International without my knowledge or consent. Mr. Dreesch has subsequently and frequently, without my permission, used my name and placed it on sites on the internet which point to the web site of Brace International. This creates obvious confusion regarding the SAWA shoulder brace and grossly misleads the public. Mr. Dreesch has also infringed on my patent as he has, without my permission, copied my brace and is selling it openly under the following names: SAWA, MAXX, SAWAMAXX. This has created confusion between the genuine SAWA shoulder brace which is my product and the unauthorized imitators named above. Proof of the above can be substantiated by available documentation upon request including first sales in the USA under my exclusive authorization.

In addition to the above concerns I am further stating that, given that I am a practicing sports chiropractor, I am concerned that products illegally promoted will be given undue credibility because of my professional status. I do not want to have the public misled by a product that seems to suggest that I am directly involved in it when I am not.

It has now been brought to my attention that Mr. Dreesch, in attempting to renew the mark (10/24/06) has applied for the mark using patent #5,267,928 on a tag actually attached to each product sold. This patent is owned jointly by myself and Mr. Raymond Barile. At no time was I

ever contacted in order to maintain this patent nor have I ever assigned this patent to Mr. Dreesch. It was under agreement between Dreesch, Barile, and myself that the costs of the application were to be borne by Brace International for the exclusive rights under license to manufacture and distribute this product (documentation available upon request).

In addition to the above, Mr. Dreesch, by way of Declaration, has signed on at least two occasions that he knows of no conflict with the name SAWA and that he is the rightful owner of this designation. These documents were signed and registered to the Commissioner of Patents and Trademarks in the United States.

In conclusion, it is my position that Mr. Dreesch has fraudulently obtained ownership of the SAWA trademark. This is not an acronym but my surname which is linked to my Sports Chiropractic Practice. I was the sole inventor of the SAWA shoulder brace. His use and manufacturing of the SAWA shoulder brace is illegal and misleading to the public. I respectfully request that the Office of the Commissioner take appropriate action to correct this matter.

Should you require any further information or documentation I would be happy to provide this for you at your request.