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Filing date: **07/04/2007**

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	KarenB.Donovan		
Entity	Individual	Citizenship	UNITED STATES
Address	51 Betio Place Honolulu, HI 96818 UNITED STATES		

Attorney information	David H.E. Bursik, Esq. 401 Hamburg Turnpike Suite 210 Wayne, NJ 07470 UNITED STATES dheb@bursik.com Phone:9739041040		
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Registrations Subject to Cancellation

Registration No	2791896	Registration date	12/09/2003
Registrant	Bishop, Courtney L. 30 E. Georgia St., Ste. #208 Indianapolis, IN 46204 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 1991/09/01 , First Use In Commerce: 1992/05/15 Goods/Services: Retail store and/or on-line computerized ordering services featuring bicycles, bicycle equipment, bicycle clothing, shoes, and apparel; Promoting bicycle sports, bicycle competitions and/or events of other		
Registration No	2701247	Registration date	03/25/2003
Registrant	Bishop, Courtney L. 30 East Georgia St., Ste. #208 Indianapolis, IN 46204 UNITED STATES		
Goods/Services Subject to Cancellation	Class 036. First Use: 2000/06/01 , First Use In Commerce: 2002/06/01 Goods/Services: Financial and insurance underwriting services pertaining to Fund Raising Associations, Foundations, Charitable not for profit organizations Covering activities held within the normal scope of operations for these organizations, namely, fundraisers		

Attachments	PETITION FOR CANCELLATION-MAJOR TAYLOR.pdf (4 pages)(86639 bytes)
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Signature	/David H.E. Bursik, Esq./
Name	David H.E. Bursik, Esq.
Date	07/04/2007

register the MAJOR TAYLOR trademark with the United States Trademark Office which is pending as Serial Number 77211088.

2. Registrant is, upon information and belief, an individual resident of the State of Indiana with a residential or business address of 30 E. Georgia Street, Suite 208, Indianapolis, Indiana 46204.

COUNT 1 FOR CANCELLATION-FRAUD ON THE TRADEMARK OFFICE

3. Petitioner incorporates the prior allegations herein as if set forth at length.

4. Major Taylor is the well known alternative name by which the deceased individual Marshall W. Taylor was known. Major Taylor was born on November 26, 1878 and he died on June 21, 1932. Major Taylor has living descendants to the present day.

5. In the application filed by Registrant for registration of the MAJOR TAYLOR trademark which resulted in the issuance of Trademark Registration No. 2791896 and in the application filed by Registrant for registration of the MAJOR TAYLOR trademark which resulted in the issuance of Trademark Registration No. 2701247, Registrant filed a Declaration that "to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive". Upon information and belief, at the time that Registrant made this declaration and filed same with the U.S. Trademark Office, Registrant knew or believed such statement to be false.

6. Accordingly, the Trademark Registrations sought to be cancelled herein were obtained by reason of this fraud upon the Trademark Office.

WHEREFORE, Petitioner Karen B. Donovan, acting on behalf of the estate of MAJOR TAYLOR, will be damaged by the continuing registration of Registration No. 2791896 for MAJOR TAYLOR and Registration No. 2701247 for MAJOR TAYLOR, and requests that the registrations be cancelled.

COUNT 2 FOR CANCELLATION-ILLEGALITY OF ADOPTION OF TRADEMARK

7. Petitioner incorporates the prior allegations herein as if set forth at length.

8. Upon information and belief, at all times relevant hereto, the Registrant has been a resident of the State of Indiana.

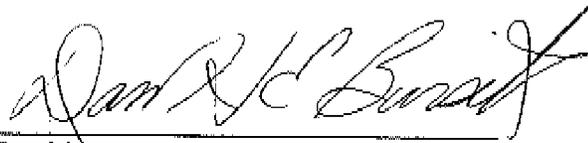
9. The State of Indiana Code of Statutes contains a chapter relating to the Rights of Publicity as set forth in Chapter IC 32-26.

10. This chapter prohibits a person from making commercial use of the name or assumed name of a deceased individual for one hundred(100) years following the death of such individual without getting the written consent from the estate of the deceased.

11. The adoption and commercial use by Registrant of the MAJOR TAYLOR trademarks was and is illegal and, for this additional reason, the above-identified registrations should be cancelled.

WHEREFORE, Petitioner Karen B. Donovan, acting on behalf of the estate of MAJOR TAYLOR, will be damaged by the continuing registration of Registration No. 2791896 for MAJOR TAYLOR and Registration No. 2701247 for MAJOR TAYLOR, and requests that the registrations be cancelled.

Respectfully submitted,



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Date: June 30, 2007