

ESTTA Tracking number: **ESTTA153992**

Filing date: **07/31/2007**

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	Larson/Glastron Boats, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	700 Paul Larson Memorial Drive Little Falls, MN 56345 UNITED STATES		

Attorney information	Scott W. Johnston Merchant & Gould P.C. P.O. Box 2910 Minneapolis, MN 55402-0910 UNITED STATES sjohnston@merchantgould.com, slindemeier@merchantgould.com Phone:(612) 332-5300		
----------------------	---	--	--

**Registration Subject to Cancellation**

Registration No	2584032	Registration date	06/18/2002
Registrant	Sound Craft Marine, LLC 12209 N.E. 33 rd Street Bellevue, WA 98005 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 012. First Use: 1999/07/01 First Use In Commerce: 1999/07/01 All goods and services in the class are cancelled, namely: Motor-powered boats
--

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	2007 07 31 Petition for Cancellation 2584032 BETTER BUILT BOATS.pdf ( 3 pages )(69447 bytes )
-------------	---

Signature	/SWJ/
Name	Scott W. Johnston
Date	07/31/2007

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

_____	)	
Larson/Glastron Boats, Inc.,	)	Cancellation No. _____
	)	
Petitioner,	)	Mark: BETTER BUILT BOATS
	)	
v.	)	Registration No.: 2,584,032
	)	
Sound Craft Marine, LLC,	)	Filing Date: November 15, 2000
	)	
Registrant.	)	Registration Date: June 18, 2002
_____	)	

**PETITION FOR CANCELLATION**

Larson/Glastron Boats, Inc., a Delaware corporation having a principal place of business at 700 Paul Larson Memorial Drive, Little Falls, Minnesota 56345 (hereinafter "Petitioner"), believes that it may be damaged by the continued registration of the mark BETTER BUILT BOATS as shown in trademark Registration No. 2,584,032, owned by Sound Craft Marine, LLC (hereinafter "Registrant"), and hereby petitions to cancel the registration. The grounds for cancellation are as follows:

1. Registrant has obtained a registration on the Supplemental Register for the mark BETTER BUILT BOATS for "motor-powered boats," in International Class 12 ("Registrant's Mark"). Registrant's registration is based on an application filed November 15, 2000, and asserts a first use date of July 1, 1999.
2. Petitioner uses the mark BETTER BUILT BOATS in connection with boats and structural parts therefor.

3. On September 5, 2006, Petitioner filed application Serial No. 78/966,869 in the United States Patent and Trademark Office to register BETTER BUILT BOATS for boats and structural parts therefor.

4. Petitioner has been and is being damaged because registration of Petitioner's Mark in application Serial No. 78/966,869 has been refused under Section 2(d) of the Trademark Act because of Registrant's mark.

5. Upon information and belief, Registrant is not using the BETTER BUILT BOATS mark.

6. Upon information and belief, Registrant is no longer in the boat production business.

7. Registrant has abandoned the mark shown in Registration No. 2,584,032.

8. Petitioner is likely to be damaged by continuance of Registration No. 2,584,032, in that Petitioner's use and/or registration of the mark BETTER BUILT BOATS may be limited by the continued registration of said abandoned mark of Registrant.

9. Continued registration of the mark shown in Registration No. 2,584,032 will result in damage to Petitioner under the provisions of Section 2 of the U.S. Trademark Act, 15 U.S.C. § 1052, and the abandonment doctrine as defined in Section 45 of the Trademark Act, 15 U.S.C. § 1127, pursuant to the allegations stated above.

WHEREFORE, Petitioner asks that its petition to this registration be sustained and that Registration No. 2,584,032 be cancelled.

Please direct all correspondence to:

Scott W. Johnston  
MERCHANT & GOULD P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910

Petitioner herein appoints John A. Clifford, Reg. No. 30,247; Gregory C. Golla; Andrew S. Ehard; Scott W. Johnston, Reg. No. 39,721; Heather J. Kliebenstein; Danielle I. Mattessich; Scott M. Oslick; Christopher J. Schulte; William D. Schultz and all other attorneys of the firm of Merchant & Gould P.C., its attorneys to transact all business in the U.S. Patent and Trademark Office relating to this matter with full power of substitution.

Respectfully submitted,

LARSON/GLASTRON BOATS, INC.

By its Attorneys,

Date: 7-31-07

  
\_\_\_\_\_  
Scott W. Johnston  
MERCHANT & GOULD P.C.  
80 South Eighth Street, Suite 3200  
Minneapolis, Minnesota 55402-2215  
(612) 332-5300