

ESTTA Tracking number: **ESTTA170284**

Filing date: **10/23/2007**

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	Transcon Trading Co., Inc.		
Entity	Corporation	Citizenship	South Carolina
Address	121 Dutchman Blvd. Irmo, SC 29063 UNITED STATES		

Attorney information	Thomas L. Moses Monahan & Moses, LLC 13-B West Washington St. Greenville, SC 29601 UNITED STATES tom.moses@momolaw.com Phone:864-241-4604		
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Registration Subject to Cancellation

Registration No	2687407	Registration date	02/11/2003
Registrant	W.F. YOUNG, INCORPORATED 302 Benton Drive East Longmeadow, MA 010281990 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 2001/11/08 First Use In Commerce: 2001/11/08 All goods and services in the class are cancelled, namely: Non-medicated shampoos and conditioners for cleaning the coats of horses, dogs, cats, and other animals
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Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78880533	Application Date	05/10/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SHOW GROOM		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 2005/06/01 First Use In Commerce: 2005/06/01 Non-medicated aerosol grooming preparations for animals, namely, preparation for the conditioning of animal coats, detangling of coats and fur, sunscreen protection and skin treatment
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Attachments	78880533#TMSN.jpeg (1 page)(bytes) Petition for Cancellation - GROOM N SHOW.pdf (2 pages)(18616 bytes)
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Signature	/Thomas L. Moses/
Name	Thomas L. Moses
Date	10/23/2007

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

TRANSCON TRADING COMPANY, INC.

Petitioner,

vs.

W.F. YOUNG, INC.,

Registrant.

Cancellation No. _____

In re Reg. No. 2687407

For the Mark: GROOM 'N SHOW

Registered: February 11, 2003

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Transcon Trading Company, Inc., (hereinafter Petitioner), a corporation organized under the laws of the State of South Carolina, having a business address at 121 Dutchman Blvd., Irmo, South Carolina, 29063, respectfully requests cancellation of Reg. No. 2687407, for the trademark "GROOM 'N SHOW" for "non-medicated shampoos and conditioners for cleaning the coats of horses, dogs, cats, and other animals" in International Class 003, which was registered on the Principal Register February 11, 2003. Upon information and belief, the current owner of this registration is W. F. Young, Inc. (hereinafter "Registrant"). Petitioner states that it is and will continue to be damaged by the above-referenced registration and, more specifically, states the following grounds for cancellation:

1. Petitioner is engaged in the sales of a wide variety of animal care products, including vitamin, nutritional food supplements, grooming supplies and products, topical treatments, pet supplies, animal treats, and other animal related goods.
2. Beginning at least as early as 1973, long prior to Registrant, and continuing without interruption until the present day, Petitioner has used the name "SHOW GROOM" in connection with non-medicated aerosol grooming preparations for animals, namely preparation for the conditioning of animal coats, detangling of coats and fur, sunscreen protection and skin treatment.

3. Based on Petitioner's extensive, exclusive, and continuous use of "SHOW GROOM" in connection with its products, the name "SHOW GROOM" has come to be widely recognized among the consuming public as the designator of origin with respect to said products.
4. On May 10, 2006, Petitioner filed trademark application number 78/880,533 with the United States Patent and Trademark Office to register the trademark "SHOW GROOM" as a designation for non-medicated aerosol grooming preparations for animals, namely preparation for the conditioning of animal coats, detangling of coats and fur, sunscreen protection and skin treatment in International Class 003.
5. On February 28, 2007, the Patent and Trademark Office issued Petitioner a final office action in which Petitioner's application was refused registration under Trademark Act Section 2(d), 15 U.S.C. § 1052(d). The action alleged that Petitioner's mark, when used on or in connection with the identified goods, so resembles Registrant's above-identified mark as to be likely to cause confusion, to cause mistake, or to deceive.
6. Based on the foregoing, Petitioner is and will continue to be damaged by the existence and continued registration of Reg. No. 2687407 because it may prevent Petitioner's application from being allowed.
7. On information and belief, Registrant has abandoned its GROOM 'N SHOW mark.
8. Petitioner respectfully submits that U.S. Registration No. 2687407 should be canceled from the Principal Register at the USPTO on the grounds that Registrant has abandoned the mark, and on the grounds that the Registrant's mark is likely to be confused with Petitioner's mark, under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

Respectfully Submitted,

/Thomas L. Moses/

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October 23, 2007