

ESTTA Tracking number: **ESTTA200048**

Filing date: **03/21/2008**

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	Danner, Inc.		
Entity	Corporation	Citizenship	Wisconsin
Address	17634 NE Airport Way Portland, OR 97230 UNITED STATES		

Attorney information	James L. Vana and Sarah J. Taylor Perkins Coie LLP 1201 Third Avenue Suite 4800 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com Phone:206-359-8000		
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Registration Subject to Cancellation

Registration No	2905004	Registration date	11/23/2004
Registrant	Striker 4-2-4 LLC Suite 4F 33 Newark Street Hoboken, NJ 07030 UNITED STATES		

Goods/Services Subject to Cancellation

Class 025. First Use: 2003/07/00 First Use In Commerce: 2003/07/00
All goods and services in the class are cancelled, namely: t-shirts, tank tops, sweatshirts, sweatpants, shorts and caps

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	FINAL Petition for Cancellation (STRIKER).pdf (4 pages)(188004 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Sarah J. Taylor/
Name	Sarah J. Taylor
Date	03/21/2008

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

DANNER, INC.,

Petitioner,

v.

STRIKER 4-2-4 LLC

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

Registration No.: 2905004

Registration Date: November 23, 2004

STRIKER 4-2-4

Danner, Inc. ("Petitioner") believes that it will be damaged by the continued registration of Striker 4-2-4 LLC. ("Registrant") for the mark STRIKER 4-2-4 ("Registrant's Mark") in International Class 25, for use in connection with those goods ("Registrant's Goods") listed in Registration No. 2905004 (the "Registration"), and hereby petitions to cancel the Registration. As grounds for its petition, Petitioner alleges as follows:

I. PARTIES

1. Petitioner is a Wisconsin corporation, having a place of business in Portland, Oregon.
2. On information and belief, Registrant is a New Jersey limited liability company, having a place of business in Newark, New Jersey.

II. PETITIONER'S MARK

3. Petitioner is engaged in the manufacture, sale and distribution of a variety of products in the footwear and apparel field ("Petitioner's Goods") as set forth in Application Serial No. 78800432 ("Petitioner's Application"), under the mark STRIKER ("Petitioner's Mark").

4. Petitioner has a bona fide intent to use Petitioner's Mark in commerce which may be regulated by the U.S. Congress.
5. Petitioner has filed Petitioner's Application to register Petitioner's Mark with Petitioner's Goods. An excerpt from the U.S. Trademark Office's on-line TESS records showing Petitioner's Application is attached.
6. The Trademark Office has refused registration of Petitioner's Mark based on a likelihood of confusion with Registrant's Mark as contained in Registrant's Registration.

III. REGISTRANT'S REGISTRATION

7. The Registration resulted from an application filed on September 17, 2003 (the "Filing Date"). Registrant claims first use of Registrant's Mark with Registrant's Goods in July of 2003.

IV. CLAIMS

ABANDONMENT

8. On information and belief, Registrant has ceased using Registrant's Mark with Registrant's Goods, with no intent to resume use of the Mark.
9. The continued registration of Registrant's Mark would prevent Petitioner from exercising exclusive control over the goodwill and reputation associated with Petitioner's Mark. Therefore, the continued registration of Registrant's Mark would damage and injure Petitioner.
10. Because Registrant's Mark has been abandoned, the Registration should be canceled.

V. REQUEST FOR RELIEF

WHEREFORE, Petitioner requests that Registration No. 2905004 be canceled.

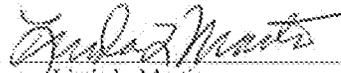
VI. FEES

Please charge Petitioner's deposit account No. 0502278, for the \$300.00 fee for this
cancellation petition.

DATED: March 21, 2008.

CERTIFICATE OF MAILING

I hereby certify that the attached
Petition for Cancellation is being deposited with
the United States Postal Service as first class
mail on March 21, 2008, in an envelope
addressed to: Marc A. Lieberstein, Ostrolenk,
Faber, Gerb & Soffen, LLP, 7th Floor, 1180
Avenue of the Americas, New York, NY 10036.

Signature: 
Printed Name: Linda L. Martin

Respectfully submitted,

PERKINS COIE LLP

By: 

James L. Vana

Attorney for Opposer

1201 Third Avenue, 48th Floor

Seattle, Washington 98101-3099

TEL: (206) 359-8000

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STRIKER

Word Mark STRIKER
Goods and Services IC 025. US 022 039. G & S: (Based on Use in Commerce) Footwear; (Based on Intent to Use) clothing, namely, jackets, coats, overcoats, rainwear, vests, pants, shorts, jeans, shirts, t-shirts, polo shirts, sweat shirts, fleece tops, underwear, hats, caps, headwear, socks, hosiery, fishing waders, hip boots, and belts; handwear, namely, gloves and mittens; bibs, namely, cloth bibs, and bibs not of cloth or paper. FIRST USE: 20010731. FIRST USE IN COMMERCE: 20010731

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78800432
Filing Date January 26, 2006
Current Filing Basis 1A;1B
Original Filing Basis 1A;1B
Owner (APPLICANT) Danner, Inc. CORPORATION WISCONSIN 17634 NE Airport Way Portland OREGON 97230
Attorney of Record James L. Vana
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)