

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

#78374251

In re U.S. Registration No. 3,154,788
Registered: October 10, 2006
Mark: EAGLE²⁰⁰⁰
By: Corning Inc.

-----X	
EUROPTEC USA, INC.,	:
	:
Petitioner,	:
	:
v.	:
	:
	Cancellation No. _____
	:
CORNING INC.,	:
	:
Respondent.	:
-----X	

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
PO Box 1451
Alexandria, Virginia 22313-1451

I hereby certify that this correspondence is being sent via first-class mail to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, PO Box 1451, Alexandria, VA 22313-1451.	
Dated:	June 25, 2008
Name:	Keily S. Vecchio
Signature:	Keily S. Vecchio ROBINSON BRADSHAW & HINSON

PETITION TO CANCEL REGISTRATION

EUROPTEC USA, INC. (hereinafter "Petitioner"), a company organized under the laws of the State of Delaware, with offices located at 423 Tuna Street, Clarksburg, W.V. 26302, believes that it is, and will be damaged, by the registration of the above-identified mark, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Upon information and belief, Corning Inc. (hereinafter "Respondent"), has obtained U.S. Registration No. 3,154,788 issued on October 10, 2006 for the trademark EAGLE



06-27-2008

²⁰⁰⁰ in International Class 9 for use in connection with “finished display glass for use as a component part of flat panel displays; finished glass substrates for use as a component part of information displays; finished liquid crystal display glass used as a component part of flat panel displays; finished flat glass used as a component part of Active Matrix Liquid Crystal Displays (AMLCDs),” claiming a first use of at least as early as December 31, 2000.

2. Upon information and belief, Respondent is a New York corporation with offices located at One Riverfront Plaza, Corning, New York 14831.

3. Petitioner is engaged in the custom manufacturing and sale of antiglare glass for various displays in the electronics industry, including some of the displays listed in U.S. Registration No. 3,154,788. Since long prior to December 31, 2000, Petitioner has been using, and continues to use, the trademark EagleEtch in connection with these products and services in interstate commerce in the United States.

4. Petitioner’s rights in the trademark EagleEtch are a matter of public record, as partially evidenced by a federal registration in the United States, Registration No. 2,761,894 issued on September 9, 2003 for EAGLE ETCH (block letters) in International Class 40 for use in connection with “custom manufacturing of antiglare glass, namely glass products for use with touch screens and static displays,” claiming a first use of at least as early as January 1, 1997. A copy of the registration is attached hereto as Exhibit A.

5. Petitioner has invested, and continues to invest, substantial money and effort in advertising and promoting its products and services sold under the trademark EagleEtch. Petitioner’s antiglare glass has been, and is, widely promoted and distributed throughout the United States, as reflected by the information sheet attached hereto as Exhibit B.

6. By virtue of the aforesaid extensive use of the trademark EagleEtch and the advertising and promotional activities connected therewith, Petitioner's trademark has become identified by the purchasing public and the trade exclusively with Petitioner, and Petitioner has developed substantial and valuable goodwill therein.

7. The glass as described in the U.S. Registration No. 3,154,788 is closely related to the glass products provided by Petitioner under the trademark EagleEtch (both products may be used as components in the same displays), and as such, the similarities in the respective parties' marks substantially outweigh any differences, resulting in a likelihood of confusion.

8. Respondent's goods are in fact advertised, promoted, and marketed through the same or similar channels of trade as Petitioner's goods.

9. Commercial use by Respondent of the trademark EAGLE²⁰⁰⁰, in conjunction with the glass products described in U.S. Registration No. 3,154,788, is likely to cause confusion or mistake, and deceive purchasers and the trade as to the source or origin of Respondent's goods.

10. Petitioner's rights in the trademark EagleEtch predate the rights of Respondent in the trademark EAGLE²⁰⁰⁰, and priority of use therefore belongs to Petitioner.

11. If Respondent is permitted to continue to retain the registration herein sought to be cancelled, said registration would be a source of irreparable damage to Petitioner as a result of the similarities between the respective parties' trademarks and the closely related nature of their respective products and services. Petitioner has no control over the quality of the glass products and manufacturing services offered by Respondent notwithstanding that purchasers and the trade will associate the latter products and services with Petitioner.

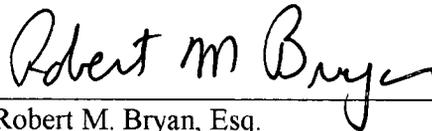
WHEREFORE, Petitioner prays that U.S. Registration No. 3154788 be cancelled under Section 2(d) of the Trademark Act.

Please charge the statutory fee of \$300.00 required for the filing of the Petition to Cancel and any other necessary charges to Deposit Account No. 50-4543.

Dated: June 25, 2008

Respectfully submitted,

ROBINSON, BRADSHAW & HINSON, P.A.

By: 
Robert M. Bryan, Esq.
Robert H. Cameron, Esq.
Robinson, Bradshaw & Hinson, P.A.
101 North Tryon Street, Suite 1900
Charlotte, NC 28246
(704) 377-2536

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PETITION TO CANCEL REGISTRATION** has been served upon each of the parties to this action by depositing same in the United States mail, postage prepaid, in an envelope(s) addressed as follows:

Corning Incorporated
One Riverfront Plaza
Corning, NY 14831

This 25th day of June, 2008



Robert M. Bryan, Esq.
Robert H. Cameron, Esq.
Robinson, Bradshaw & Hinson, P.A.

EXHIBIT A

Int. Cl.: 40

Prior U.S. Cls.: 100, 103 and 106

Reg. No. 2,761,894

United States Patent and Trademark Office

Registered Sep. 9, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

EAGLE ETCH

EAGLE GLASS SPECIALTIES, INC. (WEST VIRGINIA CORPORATION)
423 TUNA STREET
CLARKSBURG, WV 263021340

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ETCH", APART FROM THE MARK AS SHOWN.

FOR: CUSTOM MANUFACTURING OF ANTI-GLARE GLASS, NAMELY GLASS PRODUCTS FOR USE WITH TOUCH SCREENS AND STATIC DISPLAYS, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).

SER. NO. 78-173,412, FILED 10-11-2002.

FIRST USE 1-1-1997; IN COMMERCE 11-1-2001.

PAUL F. GAST, EXAMINING ATTORNEY

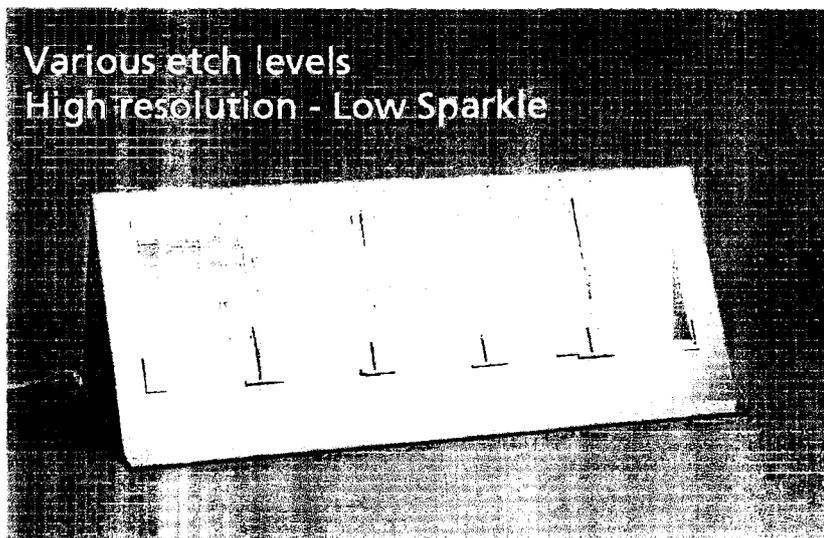
EUROPTec USA, INC. v. CORNING INC.
EXHIBIT A
PETITION TO CANCEL

EXHIBIT B



EagleEtch[®]

EagleEtch Plus[™]



The Antiglare Glass for Technical Display Applications

EagleEtch[®] glass is designed and manufactured especially for the electronic display industry. The subtractive etching process makes our glass ideal for high resolution applications in adverse conditions which require the best in anti-glare properties, low sparkle, low haze, and improved clarity. Ideal applications include Touch screens, Industrial and Commercial, Point of Sale, Kiosks, and Outdoor displays.

EuropTec | Glass and Polymer Technologies | www.EuropTec.com

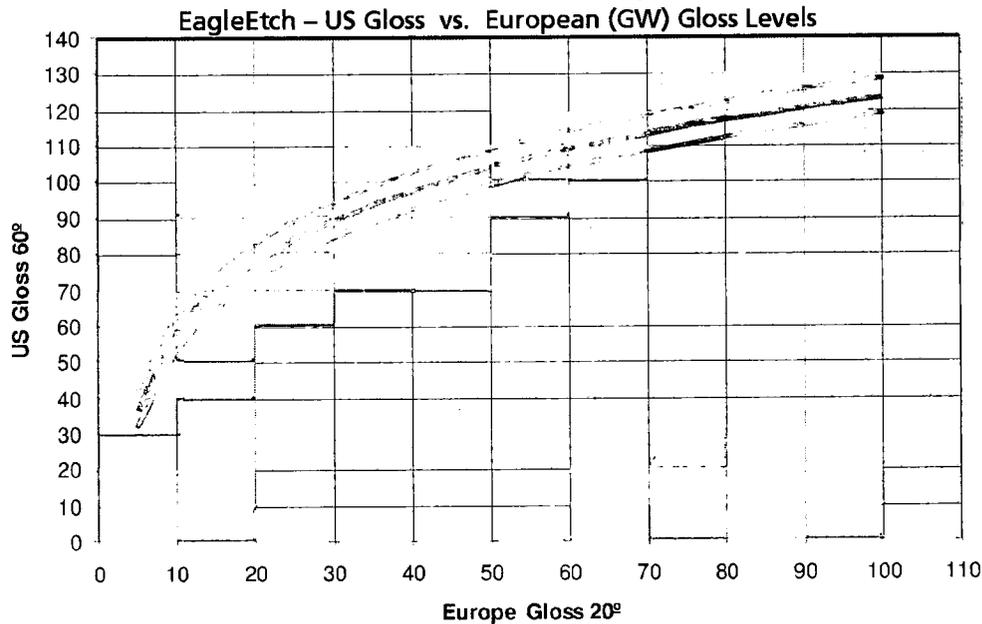
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EXHIBIT B
PETITION TO CANCEL

EagleEtch® Fact Sheet

	Eagle Etch	EagleEtch Plus (1 Side AR)	EagleEtch Plus (2 Side AR)
Transmission	>89%	>92%	>96%
Reflection (Photopic)	~8%	<5%	<0.5%
Roughness	.8-1.5 μ m		
Maximum Laser Speckle Contrast	.17 - 4	.2 - 4	.2 - 4
Sparkle (as peaks per 100 microns)	≥ 4		
Resolution	$\geq 3:1$		
Resolution Lines/mm	8		
Max. Size Available	32" x 50"		
Thickness Range	.7 - 12mm		
Gloss Values	35 - 120*		
Haze	.5-25	.8-12	
Clarity	33-94.9	59-95	

*gloss values indicated for coated glass are before coating
 -Gloss measurements taken with BYK Gardner Gloss meters, models 4430 or 4460
 -Haze and Clarity Measurements taken with BYK Gardner haze-guard plus
 -Speckle is defined by the equation, Speckle Contrast = Stand. Dev. Intensity / Mean Intensity



Note: gloss readings will change on coated or laminated glass