

ESTTA Tracking number: **ESTTA237515**

Filing date: **09/18/2008**

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	Artelye Inc.		
Entity	Corporation	Citizenship	MD
Address	10116 Bacon Drive Beltsville, MD 20705 UNITED STATES		

Attorney information	Stephen L. Humphrey OBG Cameron Banfill LLP 818 Connecticut Avenue, NW Washington, DC 20006 UNITED STATES stephen.humphrey@ocblawdc.com Phone:202-293-3529		
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Registration Subject to Cancellation

Registration No	2751442	Registration date	08/12/2003
Registrant	IBIP LLC 100 South Third Street Columbus, OH 43215 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2002/03/00 First Use In Commerce: 2002/03/00 All goods and services in the class are cancelled, namely: Sinks
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel AVALON Reg No 2751442.pdf (3 pages)(68803 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	/Stephen L. Humphrey/
Name	Stephen L. Humphrey
Date	09/18/2008

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

In the matter of trademark Registration No. 2751442

For the mark AVALON

Date registered: August 12, 2003

Artelye, Inc.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
IBIP LLC,)	
)	
Respondent.)	
)	

PETITION FOR CANCELLATION

Petitioner, Artelye, Inc., a Maryland corporation having an address at 10116 Bacon Drive, Beltsville, Maryland, 20705, believes that it is being and will be damaged by Registration No. 2751442 and hereby petitions to cancel the registration.

To the best of Petitioner’s knowledge, IBIP LLC (Respondent), an Ohio limited liability company, having an address at 100 South Third Street, Columbus, Ohio, 43215, is the current owner of the above-identified registration.

The grounds for cancellation are as follows:

ABANDONMENT UNDER SECTION 14(3)

1. Petitioner owns a pending application to register the mark AVALON (Serial No. 77394038) for “kitchen sinks” in International Class 11 (Petitioner’s Mark).
2. Petitioner filed its application to register Petitioner’s Mark under Section 1(b) of the Lanham Act, 15 U.S.C. Section 1051(b), on February 11, 2008.

3. Respondent filed an application to register the mark AVALON (Respondent's Mark) on April 10, 2002 and the mark was registered on August 12, 2003.

4. Respondent's Mark is registered for "sinks" in International Class 11.

5. Respondent's Mark has been cited as a bar to the registration of Petitioner's Mark due to a likelihood of confusion between the marks under Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

6. Upon information and belief, Respondent has abandoned the mark AVALON and therefore Respondent's Mark should be cancelled pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. Section 1064(3).

7. The continued existence of Respondent's registration of the mark AVALON casts a cloud on Petitioner's right to use and register the mark AVALON, all to Petitioner's damage.

WHEREFORE, Petitioner believes that it is being and will be damaged by Respondent's registration of the mark AVALON and asks that its petition to cancel Respondent's Mark be sustained and that the aforesaid registration be cancelled.

Respectfully submitted,

By: /Stephen L. Humphrey/
Stephen L. Humphrey
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**Attorneys for Petitioner,
Artelye, Inc.**

Certificate of Service

I hereby certify that a copy of the foregoing **PETITION FOR CANCELLATION** was placed in the mail, First Class, postage pre-paid, and addressed to Edward A. Matto, Esq., Bricker & Eckler LLP, 100 South Third Street, Columbus OH 43215 this 18th day of September, 2008.

/Stephen L. Humphrey/
Stephen L. Humphrey