

ESTTA Tracking number: **ESTTA245926**

Filing date: **10/30/2008**

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	PRESTOLITE WIRE LLC		
Entity	LIMITED LIABILITY COMPANY	Citizenship	DELAWARE
Address	200 GALLERIA OFFICECENTRE, SUITE 212 SOUTHFIELD, MI 48034 UNITED STATES		

Attorney information	LINDA E. SUDZINA RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE, SUITE 140 BLOOMFIELD HILLS, MI 48304 UNITED STATES LEM@RADERFISHMAN.COM, INTERPARTESPARALEGALS@RADERFISHMAN.COM, MDF@RADERFISHMAN.COM Phone:248-594-0600
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Registration Subject to Cancellation

Registration No	2772755	Registration date	10/07/2003
Registrant	Hays Automotive, Inc. 955 Calle Higuera Camarillo, CA 93010 UNITED STATES		

Goods/Services Subject to Cancellation

Class 037. First Use: 1999/03/00 First Use In Commerce: 1999/03/00
All goods and services in the class are cancelled, namely: Automotive repair services

Grounds for Cancellation

The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
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Attachments	20081030150908292.pdf (2 pages)(152921 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	/Linda E. Sudzina/
Name	LINDA E. SUDZINA
Date	10/30/2008

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

PRESTOLITE WIRE LLC

Petitioner,

v.

HAYS AUTOMOTIVE, INC.

Respondent.

Cancellation No.: _____
Registration No.: 2,772,755
Mark: HAYS AUTOMOTIVE

PETITION FOR CANCELLATION

Petitioner, PRESTOLITE WIRE LLC, a Delaware limited liability company, at 200 Galleria Officecentre Suite 212, Southfield, Michigan 48034, believes that it will be damaged by the continued registration of HAYS AUTOMOTIVE that is the subject of U.S. Registration No. 2,772,755 on the Supplemental Register by Hays Automotive, Inc., (“Respondent”) and hereby petitions for cancellation of the registration.

1. On January 22, 2008, Petitioner, filed with the U.S. Patent and Trademark Office (the “Office”) Application No. 77/377,542 in International Class 12 (“Petitioner’s Application”).

2. On information and belief, Respondent is a California corporation with an address of 955 Calle Higuera, Camarillo, California 93010, and is recited as owner of Supplemental Registration No. 2,772,755 for the mark HAYS AUTOMOTIVE covering “*automotive repair services*” (“Respondent’s Registration”).

3. Petitioner’s Application has been refused registration by the Office based on Respondent’s Registration as evidenced by an Office Action that issued April 30, 2008. The Office believes that Petitioner’s Application so resembles Respondent’s Registration as to be likely to cause confusion, or to cause mistake or deceive. Therefore, Petitioner is likely to be damaged by the continued registration of Respondent’s Registration.

WHEREFORE, PETITIONER PRAYS THAT Registration No. 2,772,755 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

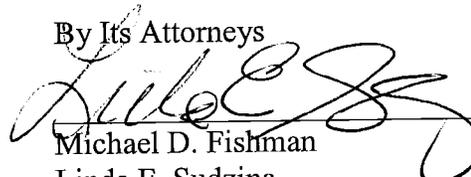
The Commissioner is authorized to charge the \$300.00 filing fee for this Petition for Cancellation to Deposit Account No. 18-0013. Additional fees required should be charged to the same account.

Respectfully submitted,

PRESTOLITE WIRE LLC

By Its Attorneys

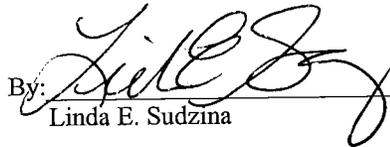
Date: October 30, 2008


Michael D. Fishman
Linda E. Sudzina
RADER, FISHMAN & GRAUER, PLLC
39533 Woodward Ave., Suite 140
Bloomfield Hills, Michigan 48304
(248) 594-0600

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) on the following date:

Date: October 30, 2008

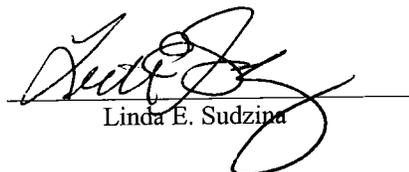
By: 
Linda E. Sudzina

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petition to Cancel upon Registrant by causing a true and correct copy thereof to be sent on October 30, 2008, by email and first class mail, postage prepaid to:

Meghan B. Clark
Nordman, Cormany, Hair & Compton
1000 Town Center Dr., 6th Floor
Oxnard, CA 93031

Date: October 30, 2008


Linda E. Sudzina