

ESTTA Tracking number: **ESTTA352897**

Filing date: **06/15/2010**

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	Rovcal, Inc.		
Entity	Corporation	Citizenship	California
Address	601 Ray O Vac Drive Madison, WI 53711 UNITED STATES		

Attorney information	Tywanda H. Lord Kilpatrick Stockton LLP 1100 Peachtree Street, Suite 2800 Atlanta, GA 30309 UNITED STATES tlord@kilpatrickstockton.com,lestrin@kilpatrickstockton.com,rgordon@kilpatrickstockton.com,mrafter@kilstock.com,tmadmin@kilpatrickstockton.com Phone:404-815-6500
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Registrations Subject to Cancellation

Registration No	3622405	Registration date	05/19/2009
Registrant	Remington, Inc. P.O. Box 802948 Santa Clarita, CA 913802948 UNITED STATES		

Goods/Services Subject to Cancellation

Class 021. First Use: 2008/10/01 First Use In Commerce: 2008/10/01 All goods and services in the class are cancelled, namely: Sports bottles sold empty
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Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		
Registration No	3391860	Registration date	03/04/2008
Registrant	REMINGTON, INC. 24844 ANZA DRIVE SUITE A VALENCIA, CA 91355 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2004/04/01 First Use In Commerce: 2006/04/01
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All goods and services in the class are cancelled, namely: Electric coffee makers; Electric coffee percolators; Electric coffee pots

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		
Registration No	3548960	Registration date	12/23/2008
Registrant	Remington, Inc. 24844 Anza Drive Valencia, CA 91355 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2006/05/01 First Use In Commerce: 2006/05/01
All goods and services in the class are cancelled, namely: Air purifying units for domestic use; Electric coffee makers; Electric coffee percolators; Electric coffee pots; Water purifying units, for potable water for domestic use

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		
Registration No	3314992	Registration date	10/16/2007
Registrant	REMINGTON, INC. 24844 ANZA DRIVE VALENCIA, CA 91355 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2006/05/01 First Use In Commerce: 2006/05/01
All goods and services in the class are cancelled, namely: REFRIGERATION DISPENSING UNITS FOR BEVERAGES; REFRIGERATORS; WATER COOLERS; WATER HEATERS FOR DOMESTIC USE; WATER PURIFIERS

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		
Registration No	3278162	Registration date	08/07/2007
Registrant	REMINGTON, INC. 24844 ANZA DRIVE VALENCIA, CA 91355 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2006/05/01 First Use In Commerce: 2006/05/01
 All goods and services in the class are cancelled, namely: Air purifying units for domestic use; Electric coffee makers; Electric coffee percolators; Electric coffee pots; Water purifying units for potable water for domestic use

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		
Registration No	3726128	Registration date	12/15/2009
Registrant	Remington, Inc. P.O. Box 802948 Santa Clarita, CA 91380 UNITED STATES		

Goods/Services Subject to Cancellation

Class 011. First Use: 2008/01/31 First Use In Commerce: 2008/01/31
 All goods and services in the class are cancelled, namely: Water purifiers; Water purifying units, for potable water for domestic use; Water filtering units for domestic use; Water filters; Water conditioning units

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Priority and likelihood of confusion	Trademark Act section 2(d)		
Other	Trademark Act section 1 and 45;Aycock Eng'g, Inc. v. Airflite, Inc., 560 F.3d 1350 (Fed. Cir. 2009)		

Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	416818	Application Date	07/28/1944
Registration Date	10/02/1945	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U051 (International Class 003). First use: First Use: 1940/11/29 First Use In Commerce: 1940/11/29 TALCUM POWDER, PARTICULARLY TALCUM POWDER IN STICK FORM		
U.S. Registration No.	761721	Application Date	11/06/1962
Registration Date	12/17/1963	Foreign Priority	NONE

		Date	
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U051 (International Class 003). First use: First Use: 1952/05/01 First Use In Commerce: 1952/05/01 Shaving Lotions Class U052 (International Class 004). First use: First Use: 1952/05/01 First Use In Commerce: 1952/05/01 Cleaner and Lubricant for Electric Shaver Heads		

U.S. Registration No.	989674	Application Date	07/17/1972
Registration Date	07/30/1974	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U044 (International Class 011). First use: First Use: 1969/06/13 First Use In Commerce: 1969/06/13 ELECTRIC HAIR DRYERS, ELECTRIC HAIR STYLERS, AND COMPONENT PARTS THEREOF		

U.S. Registration No.	986980	Application Date	07/21/1972
Registration Date	06/25/1974	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U044 (International Class 010). First use: First Use: 1969/11/04 First Use In Commerce: 1969/11/04 ELECTRIC HAIR CURLER AND PARTS THEREFOR, AND HAIR ROLLERS AND HAIR CLIPS USED THEREWITH		

U.S. Registration No.	2983666	Application Date	08/06/2003
Registration Date	08/09/2005	Foreign Priority Date	NONE
Word Mark	REMINGTON		

Design Mark	REMINGTON		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/10/31 First Use In Commerce: 2003/10/31 Cleaning solution for shaver cleaning appliances		

U.S. Registration No.	1009949	Application Date	03/08/1974
Registration Date	05/06/1975	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1961/04/00 First Use In Commerce: 1961/04/00 ELECTRIC SHAVER CLEANING BRUSHES		

U.S. Registration No.	1156146	Application Date	04/18/1979
Registration Date	06/02/1981	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1979/02/22 First Use In Commerce: 1979/02/22 Hair Clippers and Scissors		

U.S. Registration No.	1472924	Application Date	03/03/1987
Registration Date	01/19/1988	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1986/05/00 First Use In Commerce: 1986/05/00 ELECTRIC HAIR CURLING IRONS AND PARTS THEREOF; ELECTRIC HAIR CURLING BRUSHES AND PARTS THEREOF; ELECTRIC STEAM IRONS AND PARTS THEREOF; ELECTRICAL CONVERTER AND PARTS THEREOF; KITS COMPRISING ELECTRICAL CONVERTERS, AND CONVERTER WALL		

	PLUG ADAPTERS		
U.S. Registration No.	1480838	Application Date	02/11/1987
Registration Date	03/15/1988	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1987/02/05 First Use In Commerce: 1987/02/05 BATTERY OPERATED LINT REMOVER FOR SHAVING AND REMOVING AND STORING OF PILLS, LINT AND FUZZ AND PARTS THEREOF		
U.S. Registration No.	3372210	Application Date	05/15/2007
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	REMINGTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1946/00/00 First Use In Commerce: 1946/00/00 Electric and battery powered razors and shavers (first use date -- 00/00/1946); electric and powered powered hair clippers, mustache and beard trimmers and nose and ear hair trimmers (first use date -- 00/00/1996); electric and battery powered epilators (first use date -- 00/00/1989) Class 009. First use: First Use: 2002/02/00 First Use In Commerce: 2002/02/00 Electric hair straighteners		
U.S. Registration No.	3678034	Application Date	04/15/2008
Registration Date	09/01/2009	Foreign Priority Date	NONE
Word Mark	REMINGTON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2008/09/00 First Use In Commerce: 2008/09/00 flashlights and lanterns

Attachments	76535024#TMSN.gif (1 page)(bytes) 77181509#TMSN.jpeg (1 page)(bytes) 77448360#TMSN.jpeg (1 page)(bytes) Consolidated Petition for Cancellation.pdf (11 pages)(34121 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	/s/ Tywanda H. Lord
Name	Tywanda H. Lord
Date	06/15/2010

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

ROVCAL, INC.,	)	Cancellation No. _____
)	
Petitioner,	)	Registration Nos. 3622405
	)	(TM: REMINGTON WATER)
v.)	
	)	Registration No. 3391860
REMINGTON, INC.,	)	(TM: REMINGTON)
)	
Respondent.	)	Registration No. 3548960
	)	(TM: REMINGTON)
)	
	)	Registration No. 3314992
	)	(TM: REMINGTON)
)	
	)	Registration No. 3278162
	)	(TM: REMINGTON)
)	
	)	Registration No. 3726128
	)	(TM: REMINGTON WATER)
)	

CONSOLIDATED PETITION FOR CANCELLATION

Petitioner Rovcal, Inc., a California corporation with a place of business in Madison, Wisconsin (“Petitioner”), alleges the following as grounds for its Petition for Cancellation against Respondent, Remington, Inc. (“Respondent”):

FACTS COMMON TO ALL GROUNDS FOR CANCELLATION

Petitioner’s REMINGTON Marks

1. Petitioner, itself and through its predecessors-in-interest and affiliated entities (collectively referred to hereinafter as “Petitioner”), has, for decades, been engaged, in commerce, in the business of manufacturing, distributing, advertising and selling numerous lines of consumer products.

2. For over seventy (70) years, Petitioner has used, and continues to use, various trademarks incorporating the distinctive designation “REMINGTON,” standing alone and together with certain design elements (collectively the “REMINGTON Marks”), in commerce throughout the United States in connection with the sale of a wide variety of consumer products, without limitation talcum powder, hair dryers, stylers, curlers, straighteners and parts and attachments thereto, electric shavers and parts thereto, lint removers, cleansing solutions for shavers, flashlights and lanterns, and electric converter kits. In addition to the foregoing list, Petitioner has used the REMINGTON Marks in connection with a host of other consumer products including, kitchen appliances such as electric coffee makers.

3. Petitioner owns the following registrations for the REMINGTON Marks on the Principal Register of the United States Patent and Trademark Office (collectively the “REMINGTON Registrations”), all right, title and interest in the REMINGTON Registrations; and all of the business and goodwill represented thereby:

Mark	Reg No. & Date	Goods
REMINGTON	0416818 Oct 2, 1945	06 Talcum powder, particularly talcum powder in stick form.
REMINGTON	0761721 Dec 17, 1963	51 Cleaner and lubricant for electric shaver heads.
REMINGTON	0989674 Jul 30, 1974	11 Electric hair dyers, electric hair stylers, and component parts thereof.
REMINGTON	0986980 Jun 25, 1974	10 Electric hair curler and parts therefor, and hair rollers and hair clips used therewith.
REMINGTON	2983666 Aug 9, 2005	03 Cleaning solution for shaver cleaning appliances.
REMINGTON	1009949 May 6, 1975	21 Electric shaver cleaning brushes.

Mark	Reg No. & Date	Goods
REMINGTON	1156146 Jun 2, 1981	08 Hair clippers and scissors.
REMINGTON	1472924 Jan 19, 1988	09 Electric hair curling irons and parts thereof; electric hair curling brushes and parts thereof; electric steam irons and parts thereof; electrical converter and parts thereof; kits comprising electrical converters, and converter wall plug adapters.
REMINGTON	1480838 Mar 15, 1988	21 Battery operated lint remover for shaving and removing and storing of pills, lint and fuzz and parts thereof.
REMINGTON	3372210 Jan 22, 2008	08 Electric and battery powered razors and shavers; electric and powered hair clippers, mustache and beard trimmers and nose and ear hair trimmers; electric and battery powered epilators. 09 Electric hair straighteners.
REMINGTON	3678034 Sep 1, 2009	11 Flashlights and lanterns.

4. These REMINGTON Registrations remain valid, subsisting and uncanceled, and *all* of the REMINGTON Registrations, except Registration Nos. 3372210 and 3678034, are incontestable pursuant to 15 U.S.C. § 1065 by virtue of long and continuous use.

5. Ever since its adoption and use of the REMINGTON Marks, Petitioner has extensively advertised, distributed and sold goods bearing the REMINGTON Marks, and uses the designation “REMINGTON” for various lines of consumer products that Petitioner advertises, distributes and sells. As a consequence, the consuming public and the trade have come to recognize, and do recognize, the REMINGTON Marks as being used by Petitioner or by a single source, and to associate and identify goods sold under the REMINGTON Marks with Petitioner or with a single source. Petitioner derives invaluable goodwill and value from the level of identification of its marks among the consuming public and the trade.

6. Petitioner controls the nature and quality of the goods provided under the REMINGTON Marks as the owner thereof.

7. In October 2009, Petitioner filed Application Serial No. 77846451 to register its REMINGTON Mark for use in connection with a variety of household appliances, namely, the following goods: electric food blenders, electric can openers, electric jar openers, electric food choppers, electric food processors, electric juicers, electric knives, electric mixers, electric irons, bread baking machines, electric grills, electric griddles, electric toasters, electric toaster ovens, electric convection ovens, electric rotisserie ovens, electric ovens, electric rice cookers, electric food steamers, electric waffle makers and electric sandwich irons.

8. The United States Patent and Trademark Office issued an office action in December 2009 rejecting registration of Petitioner’s REMINGTON Mark because it was likely to cause confusion with three (3) registrations for the mark REMINGTON owned by Respondent, namely, Registration Nos. 3548960, 3391860 and 3278162.

Respondent’s Registration of the REMINGTON Marks

9. Respondent is identified as the record owner of the following registrations for marks incorporating the term “Remington” (collectively, the RI Marks”):

Mark	Reg. Date.	Registration No.	Goods
REMINGTON WATER	5/19/09	3622405	Sports bottles sold empty
REMINGTON WATER	12/15/09	3726128	Water purifiers; water purifying units, for potable water for domestic use; water filtering units for domestic use; water filters; water conditioning units
REMINGTON	12/23/08	3548960	Air purifying units for domestic use; electric coffee makers; electric coffee percolators; electric coffee pots; water purifying units, for potable water for domestic use
REMINGTON	3/4/08	3391860	Electric coffee makers; electric coffee percolators; electric coffee pots

Mark	Reg. Date.	Registration No.	Goods
REMINGTON	10/16/07	3314992	Refrigeration dispensing units for beverages; refrigerators; water coolers; water heaters for domestic use; water purifiers
REMINGTON	8/7/07	3278162	Air purifying units for domestic use; electric coffee makers; electric coffee percolators; electric coffee pots; water purifying units for potable water for domestic use

10. Petitioner used its REMINGTON Marks for over sixty (60) years prior to any actual or constructive first use of the RI Marks by Respondent.

11. Respondent's RI Marks are identical or closely related to Petitioner's REMINGTON Marks and the marks shown in the REMINGTON Registrations.

12. The goods identified in Respondent's registrations travel in the same or similar channels of trade as the goods under which Petitioner uses its REMINGTON Marks and the marks that are shown in the REMINGTON Registrations.

13. Respondent markets the goods identified in its registrations for the RI Marks to the same consumers that Petitioner markets and sells goods under its REMINGTON Marks and the marks that are shown in the REMINGTON Registrations.

GROUND I- REGISTRATIONS VOID AB INITIO

14. Petitioner incorporates by reference the allegations of Paragraph Nos. 1 through 13.

15. At the time Respondent filed the application that matured into Registration No. 3548960, Respondent was not using, and had not used, in commerce the REMINGTON mark in connection with each of the products identified in the application. The application that matured

into Registration No. 3548960 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3548960 should be cancelled.

16. At the time Respondent amended the application that matured into Registration No. 3391860 to allege use, Respondent was not using, and had not used, in commerce the REMINGTON mark in connection with each of the products identified in the application. The application that matured into Registration No. 3391860 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3391860 should be cancelled.

17. At the time Respondent amended the application that matured into Registration No. 3314992 to allege use, Respondent was not using, and had not used, in commerce the REMINGTON mark in connection with each of the products identified in the application. The application that matured into Registration No. 3314992 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3314992 should be cancelled.

18. At the time Respondent amended the application that matured into Registration No. 3278162 to allege use, Respondent was not using, and had not used, in commerce the REMINGTON mark in connection with each of the goods identified in the application. The application that matured into Registration No. 3278162 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3278162 should be cancelled.

19. At the time Respondent filed the application that matured into Registration No. 3622405, Respondent was not using, and had not used, in commerce the REMINGTON WATER mark in connection with each of the products identified in the application. The application that matured into Registration No. 3622405 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3622405 should be cancelled.

20. At the time Respondent filed its statement of use in connection with the application that matured into Registration No. 3726128, Respondent was not using, and had not used, in commerce the REMINGTON WATER mark in connection with each of the goods identified in the application. The application that matured into Registration No. 3726128 was, thus, void ab initio and Respondent was never entitled to a registration. Accordingly, Registration No. 3276128 should be cancelled.

GROUND II - ABANDONMENT

21. Petitioner incorporates by reference the allegations of Paragraph Nos. 1 through 20.

22. Upon information and belief, Respondent has never used any of the RI Marks in connection with any of the following goods: electric coffee makers, electric coffee percolators or electric coffee pots.

23. At minimum, Respondent has not used any one of the RI Marks in connection with electric coffee makers, electric coffee percolators or electric coffee pots in the past three (3) years.

24. To the extent Respondent has ever used any RI Mark in connection with electric coffee makers, electric coffee percolators or electric coffee pots, such use ceased at least three years ago and, on information and belief, Respondent has no intent to resume use.

25. If Respondent ever acquired any rights in the RI Marks in connection with electric coffee makers, electric coffee percolators or electric coffee pots, it has abandoned those rights. Accordingly, Registration Nos. 3278162, 3391860 and 3548960 should be partially cancelled to remove electric coffee makers, electric coffee percolators or electric coffee pots from each such registration.

GROUND III- LIKELIHOOD OF CONFUSION

26. Petitioner incorporates by reference the allegations of Paragraph Nos. 1 through 25.

27. Respondent's RI Marks are identical and confusingly similar in sight, sound, and commercial impression to the previously used and well-known REMINGTON Marks.

28. Given the strength of the REMINGTON Marks, and the goods with which Petitioner has expanded use of its REMINGTON Marks over the decades, the goods identified in the subject registrations for the RI Marks are related to goods on which the REMINGTON Marks have previously been used, such that consumers would believe that all such goods would emanate from a single source.

29. Respondent's RI Marks are identical and confusingly similar in sight, sound, and commercial impression to the well-known marks shown in the REMINGTON Registrations.

30. Given the strength of the REMINGTON Marks, and goods for which Petitioner has registered its REMINGTON Marks over the decades, the goods identified in the subject registrations for the RI Marks are related to goods for which the REMINGTON Marks have previously been registered, as identified in the REMINGTON Registrations, such that consumers would believe that all such goods would emanate from a single source.

31. The RI Marks, when used in connection with the goods as identified in the subject registrations, so resemble Petitioner's previously used REMINGTON Marks as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public concerning an affiliation, connection, association or sponsorship with the source of goods sold under the REMINGTON Marks, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Petitioner, the public, and the trade.

32. The RI Marks, when used in connection with the goods as identified in the subject registrations, so resemble the marks shown in the previously registered REMINGTON Registrations as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public concerning an affiliation, connection, association or sponsorship with the source of goods sold under the REMINGTON Marks, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to PETITIONER, the public, and the trade.

33. Pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner believes it will be damaged by the continued registrations of the RI Marks in that members of the purchasing public and/or the trade are likely to be confused or mistaken that Respondent's goods offered under the RI Marks originate from Petitioner, or from the same source as goods sold under Petitioner's well-known REMINGTON Marks and/or the registered marks shown in the REMINGTON Registrations, or that such goods of Respondent are sponsored by, endorsed by, or affiliated with the source of goods sold under the REMINGTON Marks and/or the registered marks shown in the REMINGTON Registrations. Such likelihood of confusion results in damage to the goodwill among purchasers and the trade that the REMINGTON Marks symbolize.

34. Continued registration of Respondent's RI Marks will support and assist Respondent in the confusing and misleading use of the RI Marks, and, in addition, will give color to Respondent's claim of rights in the marks in violation and derogation of the prior and superior rights of Petitioner.

WHEREFORE, for the reasons stated in this Petition, Petitioner prays that the Board cancel registration of the RI Marks shown in Registration Nos. 3622405, 3548960, 3391860, 3314992, 3278162 and 3726128.

The required fee for instituting this proceeding is being submitted with the filing of this Petition. Please charge any deficiency or refund in the filing fee to Deposit Account No. 11-0855.

Please recognize Tywanda H. Lord, Michael Rafter, Lauren Estrin and the law firm of Kilpatrick Stockton LLP as attorneys for Petitioner in connection with this cancellation proceeding. Please address all correspondence regarding this proceeding to Tywanda H. Lord at Kilpatrick Stockton LLP, 1100 Peachtree Street Suite 2800, Atlanta, Georgia 30309.

Dated: June 15, 2010

Kilpatrick Stockton LLP
1100 Peachtree Street
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Atlanta, Georgia 30309-4530
404-815-6500 (phone)
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Respectfully submitted,

/s/ Tywanda H. Lord

Tywanda H. Lord
Michael Rafter
Lauren Estrin
Attorneys for Petitioner

CERTIFICATE OF SERVICE

This is to certify that the foregoing **CONSOLIDATED PETITION FOR CANCELLATION** was served on Respondent by depositing true and correct copies in the U.S. first class mail, postage pre-paid, addressed as follows:

SCOTT W. KELLEY
KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVE STE 1650
WOODLAND HILLS, CA 91367-7704

This 15th day of June, 2010.

Kilpatrick Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4530
404-815-6500 (phone)
404-815-6555 (fax)

/s/ Tywanda H. Lord

Tywanda H. Lord
Attorney for Petitioner