

ESTTA Tracking number: **ESTTA375709**

Filing date: **10/28/2010**

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	Klein Electronics, Inc.		
Entity	Corporation	Citizenship	California
Address	349 N. Vinewood Street Escondido, CA 92029 UNITED STATES		

Attorney information	Mark I. Reichenthal Branfman Law Group, P.C. 708 Civic Center Drive Oceanside, CA 92054 UNITED STATES markr@branfman.com Phone:760-637-2400
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### Registration Subject to Cancellation

Registration No	3198802	Registration date	01/16/2007
Registrant	Eycos Multimedia Systems Co., Ltd. No. 756, 189-1, Kumi-dong, Bundand-ku Seongnamsi, Gyeonggi-do, 463-810 KOREA, REPUBLIC OF		

### Goods/Services Subject to Cancellation

Class 009. First Use: 2005/11/30 First Use In Commerce: 2005/11/30  
All goods and services in the class are cancelled, namely: DIGITAL RECEIVERS FOR SATELLITE BROADCASTING, TELEVISION AND CABLE TELEVISION

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20101028115108346.pdf ( 5 pages )(167884 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	/Mark I. Reichenthal/
Name	Mark I. Reichenthal
Date	10/28/2010



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

In the matter of Registration No. 3,198,802  
Issued January 16, 2007.

KLEIN ELECTRONICS, INC.,	)	
	)	
Petitioner,	)	Cancellation No. _____
	)	Mark: <b>BUZZ</b>
v.	)	
	)	
EYCOS MULTIMEDIA SYSTEMS CO. LTD.	)	
	)	
	)	
Respondent.	)	
	)	
	)	

Commissioner For Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL REGISTRATION NO. 3,198,802**

Klein Electronics, Inc., a California corporation, located and doing business at 349 N. Vinewood Street, Escondido, CA 92029 believes that it is damaged by Registration No. 3,198,802, and hereby petitions to cancel this registration. As grounds for this Petition, it is alleged that:

**STANDING**

1. Petitioner Klein Electronics, Inc. ("Klein") is a corporation which offers two-way radios; 2-way radio accessories including chargers, carry cases, earpiece kits, microphone kits, headsets, tactical headsets, motorcycle headsets, lightweight headsets, wireless headsets, listen-only

earpieces, adapters, parts, antennas, batteries and cables; cell phone accessories including carry cases, earpiece kits, wireless headsets, high-noise headsets, lightweight headsets, motorcycle headsets, batteries, chargers, data cables, and antennas. Petitioner has filed Application, Ser. No. 77/930,459 for the mark BUZZ (words only) in connection with two-way radios in International Class 009.

2. The U.S. Patent and Trademark Office has issued a refusal of Petitioner's application identified in Paragraph 1 hereof based upon the Examiner's finding that a likelihood of confusion exists between Respondent's Registration Reg. No. 3,198,802 and Petitioner's Application, Ser. No. 77/930,459.

3. Respondent's mark sought to be cancelled is for BUZZ (words + design) in connection with digital receivers for satellite broadcasting, television and cable television in Class 009 with a claimed date of first use of November 30, 2005. Respondent's Registration No. 3,198,802 issued on January 16, 2007 to Eycos Multimedia Systems, Co., Ltd. a corporation of the Republic of Korea, located at No. 765, 189-1, Kumi-dong, Bundand-ku Seongnamsi, Gyeonggi-do, Republic of Korea 463-810.

#### **EXAMINER'S FINDING OF LIKELIHOOD OF CONFUSION**

4. Respondent owns Reg. No. 3,198,802, issued January 16, 2007 for the mark BUZZ (words + design) for the goods and services mentioned in Paragraph 3 above with claimed dates of first use of November 30, 2005.

5. Petitioner owns Application, Ser. No. 77/930,459 upon which a refusal has been issued by the Examiner for the mark BUZZ (words only) for the goods mentioned above in Paragraph 1. The refusal is based on the Examiner's finding that a likelihood of confusion exists between Respondent's Registration Reg. No. 3,198,802 and Petitioner's Application, Ser. No. 77/930,459.

6. Assuming only for the purpose of this Petition to Cancel that the Trademark Examining Attorney is correct in holding that the contemporaneous marketing of Petitioner's goods and Respondent's goods is likely to cause confusion in the trade as to the source or sponsorship of their respective products or services, Petitioner as user of the mark BUZZ, is or will be damaged by the continued existence of Respondent's mark as the Examiner has refused registration of Petitioner's mark under Trademark Act Section 2(d).

**ABANDONMENT BY RESPONDENT**

7. After investigation and upon information and belief, Respondent has abandoned all rights in and to the BUZZ mark as it has discontinued its use of the BUZZ mark in the ordinary course of trade and upon information and belief has no intent to resume the use of the mark BUZZ. Therefore, Petitioner has abandoned, according to Section 45 of the Lanham Act, use of its BUZZ mark in the United States in connection with the goods listed in Registration 3,198,802.

8. Respondent's Reg. No. 3,198,802 is therefore subject to cancellation under Section 14 of the U.S. Trademark Act because of Respondent's abandonment of the BUZZ mark.

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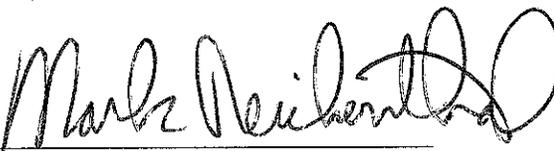
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WHEREFORE, Petitioner prays that the Petition to Cancel be granted and that Registration No. 3,198,802 be cancelled.

This Petition is accompanied by a payment in the amount of \$300.00 for payment of the required fee.

October 28, 2010

Respectfully submitted,

By: 

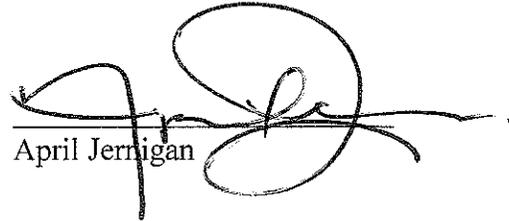
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Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **PETITION TO CANCEL REGISTRATION NO. 3,198,802** has been served by first-class mail, postage pre-paid, upon the Registrant's Attorney of Record and Domestic Representative at the following address:

Stephen P. McNamara  
St. Onge Steward Johnston & Reens, LLC  
986 Bedford Street  
Stamford, CT 06905-5619

Dated: 10/20/10

  
April Jerrigan