

ESTTA Tracking number: **ESTTA497353**

Filing date: **10/01/2012**

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	Uniworld FZE Corporation		
Entity	Corporation	Citizenship	United Arab Emirates
Address	P.O. Box 61472, Jebel Ali Dubai, UNITED ARAB EMIRATES		

Domestic Representative	H. Jay Spiegel Domestic Representative H. Jay Spiegel & Associates P.O. Box 11 Mount Vernon, VA 22121 UNITED STATES jayspiegel@aol.com Phone:703-619-0101		
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Registration Subject to Cancellation

Registration No	3698236	Registration date	10/20/2009
Registrant	PT Printec Perkasa Kawasan Industri Jababeka II Blok SS No. 4-5 Cikarang, 17550 INDONESIA		

Goods/Services Subject to Cancellation

Class 016. First Use: 2009/05/01 First Use In Commerce: 2009/05/01 All goods and services in the class are cancelled, namely: photocopy and multi-purpose paper in various sizes

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PrintecPetitionToCancel.pdf (13 pages)(383627 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	/H. Jay Spiegel/
Name	H. Jay Spiegel

Date	10/01/2012
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1. Notice is hereby given that Uniworld FZE Corporation (Petitioner), a corporation of the United Arab Emirates (UAE), having a place of business at P.O. Box 61472, Jebel Ali, Dubai, UAE, hereby requests that the Trademark Trial and Appeal Board (the Board) cancel Registration No. 3,698,236 for the mark "PRINTEC" (Registrant's mark)(Exhibit 1). Registrant's mark is registered to PT PRINTECT PERKASA., a Limited Liability Company (LLC) of Indonesia, having a place of business at Kawasan Industri Jababeka II Blok SS No. 4-5 Cikarang INDONESIA 17550.

2. Registrant's mark is registered in International Class 16 for the following goods: photocopy and multi-purpose paper in various sizes (Registrant's goods).

3. On May 12,, 2011, Petitioner filed an application for registration of the mark "PRINTEC and design" in International Classes 2 and16 for the following goods: printing inks, toner, filled ink cartridges, filled toner cartridges, in International Class 2, and printing paper, paper writing pads, sticky note paper in International Class 16 (collectively referred to as Petitioner's goods). The application was assigned Serial No. 85/319,331 (Petitioner's application) (Exhibit 2).

4. On April 8, 2012, the Examining Attorney in Petitioner's application mailed an Office Action in which the Examining Attorney refused registration of Petitioner's mark on the allegation that Petitioner's mark created a likelihood of confusion with Registrant's mark, registered on the Principal Register on October 20, 2009.

5. Since Registrant's mark is being relied upon by the USPTO to refuse registration of Petitioner's mark, Petitioner has standing to pursue cancellation of Registrant's mark based upon the ground set forth below.

6. Petitioner conducted an investigation concerning the Registrant's mark and found information leading to the conclusion that the Registrant's mark is not in use in interstate commerce in the United States in association with Registrant's goods. In particular, Petitioner's counsel searched the Internet and was unable to uncover any "hits" demonstrating sale or offers to sell Registrant's goods in the United States. Petitioner's counsel did, in fact find evidence (Exhibit 3) that Registrant solely sells some of its products to Dolgencorp LLC. On information and belief, Dolgencorp LLC is affiliated with a chain of retail stores in the United States known by the name "DOLLAR GENERAL." On or about September 4, 2012, Petitioner's counsel spoke by telephone with Fer Cruz, a Customer Service employee of Dolgencorp LLC. Her telephone number is 1-800-678-9258. Ms. Cruz was asked whether Dolgencorp LLC purchases Registrant's goods from Registrant. Ms. Cruz answered in the negative. Accordingly, on information and belief, the Registrant has abandoned Registrant's mark with no intention to resume use.

7. Based upon the alleged abandonment discussed in paragraph 6 above, Petitioner believes it is the true and rightful owner of Petitioner's mark for use in association with Petitioner's goods.

WHEREFORE, it is respectfully urged that this Petition for Cancellation be granted, and that Registration No. 3,698,236 be canceled.

Respectfully submitted,

H. JAY SPIEGEL & ASSOCIATES

H. Jay Spiegel

By H. Jay Spiegel
Attorney for Petitioner
Reg. No. 30,722

Date: October 1, 2012

H. JAY SPIEGEL & ASSOCIATES
P.O. Box 11
Mount Vernon, VA 22121
(703) 619-0101 - Phone
(703) 619-0110 - Facsimile
jayspiegel@aol.com - e-mail

CERTIFICATE OF SERVICE

I, H. Jay Spiegel, hereby certify that on October 1, 2012, I served the foregoing **PETITION FOR CANCELLATION** on Registrant's domestic representative as set forth in the records of the USPTO, by mailing a copy thereof, via US First Class certified mail, postcard receipt requested, Article No. 7008 3230 0002 8616 2950, postage prepaid, to Registrant's domestic representative's last known address as set forth in the records of the USPTO found at www.uspto.gov:

Janet F. Satterthwaite, Esq.
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998

H. Jay Spiegel

H. Jay Spiegel
Attorney for Plaintiff

EXHIBIT 1



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PRINTEC

Word Mark PRINTEC
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: photocopy and multi-purpose paper in various sizes. FIRST USE: 20090501. FIRST USE IN COMMERCE: 20090501
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77690803
Filing Date March 13, 2009
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 4, 2009
Registration Number 3698236
Registration Date October 20, 2009
Owner (REGISTRANT) PT Printec Perkasa LIMITED LIABILITY COMPANY INDONESIA Kawasan Industri Jababeka II Blok SS No. 4-5 Cikarang INDONESIA 17550
Attorney of Record Janet F. Satterthwaite
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

EXHIBIT 2

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Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Sep 4 05:21:28 EDT 2012

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Word Mark PRINTEC**Goods and Services** IC 002. US 006 011 016. G & S: printing inks, toner, filled ink cartridges, filled toner cartridges

IC 016. US 002 005 022 023 029 037 038 050. G & S: printing paper, paper writing pads, sticky note paper

Mark**Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design** 26.01.16 - Circles touching or intersecting**Search Code** 26.01.21 - Circles that are totally or partially shaded.

26.01.30 - Circles, exactly four circles; Four circles

29.01.07 - Inconspicuous designs functioning as punctuation or parts of letters; Small, inconspicuous design elements functioning as punctuation or parts of letters

Serial**Number** 85319331**Filing Date** May 12, 2011**Current Basis** 1B**Original Filing Basis** 1B**Owner** (APPLICANT) Uniworld FZE CORPORATION UNITED ARAB EMIR. P.O. Box 61472 Jebel Ali, Dubai UNITED ARAB EMIR.**Attorney of** H. Jay Spiegel

Record

Description of Mark The color(s) blue, pink, black and yellow is/are claimed as a feature of the mark. The mark consists of the word PRINTEC in blue lower case letters with the dot on the letter "I" consisting of four dots, two horizontally adjacent dots in the colors pink and yellow, respectively, and two vertically adjacent dots in the colors blue and black, respectively, with the blue and black dots partially overlying the pink and yellow dots so that the blue and black dots are fully visible while the pink and yellow dots are partially visible.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Pt Printec Perkasa

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Pt Printec Perkasa

Pt Printec Perkasa is an overseas supplier

which exports goods to importers in the following states



Monthly Shipping Activity Chart

Will be available soon...Stay tuned.



Trade Data Map

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BILL OF LADING

BILL OF LADING NO.
MSCUDZ006554

ARRIVAL DATE
2012-08-01

VOYAGE NO.
1229A

VESSEL NAME
MSC FRANCESCA



SHIPPER	CONSIGNEE	NOTIFY PARTY
PT. PRINTEC PERKASA JL. PLN NO.8, KAMPUNG KELAPA RT.02/ TANGERANG BT 15117 INDONESIA	DOLGENCORP LLC 100 MISSION RIDGEGOOD GOODLETTSVILLE TN 37072 UNITED STAT	EXPEDITORS INTERNATIONAL OF WASHINGCLEARTRAC

PORT OF LOADING	PORT OF DISCHARGE
Chiwan	Long Beach, California

DECLARATION OF GOODS
1349 CTNS 679896 PACKS O F TISSUE PAPER PO IN 3 M IN NR IN PP
STY 01 038002 01035508 01037903 H S 4804 39 4041 NW 13 998 98
KGS

OTHER INFORMATION AVAILABLE
Gross Weight, Number of Units, Volume, Country of Origin, Carrier Code,
Ship Registered In, Container Number, Marks & Numbers

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Pt. Printec Perkasa exports products to **Dolgencorp Llc** in Long Beach, California via **Chiwan**. Container #**MSCU9067486**

COMPANY NAME	ADDRESS
Pt Printec Perkasa	JL. PLN NO.8, KAMPUNG KELAPA RT.02/ TANGERANG BT 15117 INDONESIA

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Customer Support Team:

Tel: 877-915-0828
International: +1 480-745-3396
Fax: +1 480-245-5000
info@importgenius.com

Shanghai, China:

Tel: +86-21-63808036
Mobile No.: +86-13671737628
china@importgenius.com

Corporate Headquarters

DBase VI, LLC
One Hibiscus Alley
St. Thomas 00802
US Virgin Islands

9150 Del Camino Rd Suite 116
Scottsdale, AZ 85258

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