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

In the matter of Trademark Registration No. 2,833,384 for the mark PORK EARZ
registered on April 13, 2004

PET CENTER, INC.)
a California corporation,)
Petitioner,)
v.)
VISION OVERSEAS, LLC)
a limited liability company of Texas)
Registrant.)

Cancellation No.:

#76379314

ROZSA LAW GROUP, LC
ATTORNEYS AT LAW
18757 BURBANK BOULEVARD, SUITE 220
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I hereby certify that this correspondence is being deposited
by Express Mail, Mail Label No. EM 463690268 US with
the United States Postal Service in an envelope addressed to:
Trademark Trial and Appeal Board, U.S. Patent and Trademark Office,
P.O. Box 1451, Alexandria, VA 22313-1451, on the date set forth below.

April 18, 2013

Date of Signature and
Mail Deposit

By Thomas I. Rozsa

Thomas I. Rozsa
Registration No. 29,210
Attorney for Petitioner

04/22/2013 SWILSON 00000013 2833384

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300.00 OP

PETITION FOR CANCELLATION

PET CENTER, INC., a corporation organized and existing under the laws of the
State of California, located and doing business at 4105 W. Jefferson Boulevard



04-18-2013

1 Los Angeles, California 90016 (hereafter "Petitioner"), believes that it will be damaged
2
3 by the registration of VISION OVERSEAS, LLC, a limited liability company of Texas
4 (hereafter "Registrant"), Registration No. 2,833,384, as it relates to goods in International
5 Class 31, namely, EDIBLE PIG SKIN TREATS IN ASSORTED SHAPES AND SIZES,
6 FOR DOGS, and hereby petitions to cancel the registration of the mark PORK EARZ for
7 these goods.

8 As grounds therefor, it is alleged:

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10 1. Petitioner has adopted and continuously used the trademark PIGZEARZ
11 (in the stylized lettering) since at least as early as April 20, 1992 to the present, in
12 connection with the sale of PET FOOD. Based upon the record in the Trademark Office,
13 the date of first use of the mark PORK EARZ by Registrant is February 1, 2002.
14 Therefore, Petitioner has a substantial priority of use of the mark PIGZEARZ.
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17 2. Further, Petitioner will be prevented from obtaining a registration for its
18 mark PIGZEARZ. Petitioner filed an application to protect PIGZEARZ, Application
19 Serial No. 85/662,923. An examiner cited Registration No. 2,833,384 as a bar under
20 Section 2(d) on the grounds that PIGZEARZ would be confusingly similar with PORK
21 EARZ protected by Registration No. 2,833,384.
22

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24 3. Registrant having a trademark PORK EARZ for goods which would be
25 considered confusingly similar with the goods of Petitioner is preventing the Petitioner
26 from obtaining a registration for its trademark PIGZEARZ. Therefore, Petitioner is being
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1 damaged by the continued registration of PORK EARZ by Registrant.
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4 4. Registration No. 2,833,384, sought to be cancelled, is for the trademark
5 PORK EARZ, registered in conjunction with EDIBLE PIG SKIN TREATS IN
6 ASSORTED SHAPES AND SIZES, FOR DOGS in International Class 31.
7

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9 5. Registration No. 2,833,384 was registered on the Supplemental Register
10 and therefore is subject to cancellation proceedings.
11

12 6. Petitioner will be damaged by the continued registration of Registration
13 No. 2,833,384 because if the Registrant is permitted to retain the registration sought to be
14 cancelled, and thereby, the prima facie exclusive right to use in commerce the mark
15 PORK EARZ on goods which are similar to the goods offered by the Petitioner,
16 confusion in the trade is likely to result from any concurrent use of Petitioner's mark and
17 that of the Registrant, all to the great detriment of Petitioner, who has expended
18 considerable sums and effort in promoting its mark PIGZEARZ.
19

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21 7. If Registrant is permitted to retain the registration sought to be cancelled, a
22 pall will be placed on Petitioner's title in and to its trademark PIGZEARZ and its right to
23 enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the
24 great injury of Petitioner.
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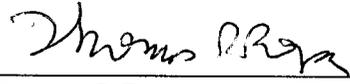
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WHEREFORE, Petitioner deems that it will be damaged by Registration No. 2,833,384, and petitions for cancellation thereof.

Attached hereto is a check in the amount of \$300.00 for the required fees to the Trademark Trial and Appeal Board for petitioning to cancel Registrant's mark. In the event the Commissioner for Trademarks or the Trademark Trial and Appeal Board should determine that any additional fee is due, then the Commissioner for Trademarks and/or Trademark Trial and Appeal Board is hereby authorized to charge my Deposit Account No. 18-2222.

Respectfully submitted,

Dated: April 18, 2013


Thomas I. Rozsa
Attorney for Petitioner
PET CENTER, INC.

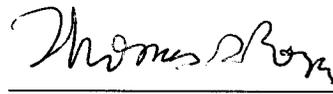
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1
2 **CERTIFICATE OF SERVICE**

3 I hereby certify that a true and correct copy of the foregoing Petition to Cancel
4 was served by first-class mail, postage prepaid, to the attorney for Registrant at the
5 following address:
6

7 Geoffrey A. Mantooth
8 DECKER, JONES, MCMACKIN, MCCLANE, HALL &
9 BURNETT PLAZA,
10 Suite 2000, 801 Cherry St, Unit 46
11 FORT WORTH, TEXAS 76102-6836

12 Dated: April 18, 2013



13 Thomas I. Rozsa
14 Attorney for Petitioner
15 PET CENTER, INC.
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