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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	AFP IMAGING CORPORATION d/b/a IMAGEWORKS		
Entity	Corporation	Citizenship	New York
Address	250 Clearbook Road Elmsford, NY 10523 UNITED STATES		

Attorney information	Norman H. Zivin COOPER & DUNHAM LLP 30 Rockefeller Plaza New York, NY 10112 UNITED STATES nzivin@cooperdunham.com Phone:2122780400		
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Registration Subject to Cancellation

Registration No	4082815	Registration date	01/10/2012
Registrant	ASAHI KASEI E-MATERIALS CORPORATION 1-105 Kanda Jinbocho, Chiyoda-ku Tokyo 101-8101, JAPAN		

Goods/Services Subject to Cancellation

Class 001. First Use: 1986/08/01 First Use In Commerce: 2000/01/01 All goods and services in the class are cancelled, namely: Photosensitive synthetic resin for printing, Photographic chemicals, Photographic dry plates, Photographic sensitizers, Photographic developers, Unexposed photographic film

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1221518	Application Date	11/12/1981
Registration Date	12/28/1982	Foreign Priority Date	NONE
Word Mark	AFP		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 1979/01/01 First Use In Commerce: 1979/01/01 Automatic Image Processing Apparatus for Processing X-Ray and Other Latent Image Films and Papers		
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U.S. Registration No.	1266226	Application Date	12/13/1982
Registration Date	02/07/1984	Foreign Priority Date	NONE
Word Mark	AFP IMAGING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1982/10/22 First Use In Commerce: 1982/10/22 Automatic Image Processing Apparatus for Processing X-Ray and Other Latent Image Films and Papers		

U.S. Registration No.	1310946	Application Date	02/21/1984
Registration Date	12/25/1984	Foreign Priority Date	NONE
Word Mark	A F P IMAGING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1983/05/00 First Use In Commerce: 1983/05/00 Medical Imaging Apparatus-Namely, Video, Multiple-Format Sheet Film and Roll-Film Cameras, [Image Intensifiers,] Video (CRT) Monitors and Video Imagers		

Attachments	petition to cancel.pdf(12636 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	/norman h. zivin/
Name	Norman H. Zivin
Date	09/17/2013

AFP IMAGING CORPORATION d/b/a IMAGEWORKS, a corporation of the State of New York, having a place of business at 250 Clearbook Road, Elmsford, New York 10523 (hereinafter "Petitioner"), believes that it is being damaged by the registration of the mark shown in Reg. No. 4,082,815 of ASAHI KASEI E-MATERIALS CORPORATION, a corporation of Japan, having a place of business at 1-105 Kanda Jinbocho, Chiyoda-ku Tokyo 101-8101 Japan (hereinafter "Registrant"), and hereby petitions to cancel the registration in Class 1.

As grounds for cancellation, Petitioner states as follows:

1. Since as early as January 1979, Petitioner has been engaged in the sale, manufacture and distribution and of automatic image processing apparatus for various latent image films and related goods.

2. At least as early as January 1979, Petitioner adopted, used and has continuously used the AFP mark in association with the manufacture, sale and distribution of automatic image processors and related goods in interstate commerce throughout the United States.

3. At least as early as 1983, Petitioner adopted and has continuously used the AFP mark in association with photographic chemicals and developers used with image processors.

4. Petitioner has sold and distributed substantial amounts of goods in association with the AFP mark. Petitioner

has spent substantial sums in advertising and promoting goods in association with the AFP mark.

5. Petitioner is the owner of several federal trademark registrations for the mark AFP. In particular, Petitioner is the owner of Reg. Nos. 1,221,518, issued December 28, 1992; 1,266,226, issued February 7, 1984; and 1,310,946, issued December 25, 1984. The registrations are valid, subsisting and incontestable.

6. Upon information and belief, Registrant distributes and sells photographic chemicals and developers and equipment for processing and printing latent image films.

7. On April 20, 2011, Registrant applied for registration of the mark AFP for use in connection with photographic chemicals and developers for processing and printing latent image films, alleging a date of first use in commerce of January 2000.

8. Registrant's application issued as Reg. No. 4,082,815 on January 10, 2012.

9. Registrant's use of the mark AFP is likely to cause confusion, or to cause mistake or to deceive, in view of Petitioner's long prior use and registration of the mark AFP in association with the manufacture, sale and distribution of the same or related goods.

10. By reason of Petitioner's use and registration of the mark AFP from a date long prior to Registrant's filing of its application and alleged first use of an identical or confusingly similar mark in association with the same or related goods, Petitioner has rights superior to any rights of Registrant.

11. The registration of the mark AFP on the Principal Register has interfered with and will continue to interfere with Petitioner's enjoyment of its rights in its AFP mark, to Petitioner's substantial detriment.

WHEREFORE, Petitioner prays that its petition to cancel be sustained and that the registration of Registrant be cancelled from the Principal Register.