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

Proceeding	92058956
Party	Defendant 578539 B.C. Ltd.
Correspondence Address	PAUL W REIDL LAW OFFICE OF PAUL W REIDL 241 EAGLE TRACE DRIVE, SECOND FLOOR HALF MOON BAY, CA 94019 UNITED STATES paul@reidllaw.com
Submission	Motion to Dismiss - Rule 12(b)
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Date	05/09/2016
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1 **BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**
2 **TRADEMARK TRIAL AND APPEAL BOARD**

3 Registration No. 4,156,487

4 Mark: MAICO and Design

5	_____)	
6	SOCAL MAICO,)	Cancellation No. 92058956
7	Petitioner,)	
8	v.)	RESPONDENT’S
9	578539 B.C Ltd.,)	MOTION TO DISMISS
10	Respondent.)	
11	_____)	

12 Respondent hereby moves to dismiss the Amended Petition under Rule 12 (b)(6) for failure
13 to state a claim on which relief can be granted.

14 **PROCEDURAL BACKGROUND**

15 Petitioner is a competitor of Respondent’s. In its original Petition, Petitioner raised false
16 association, genericness, deceptiveness and fraud claims. (Docket No. 1). Specifically, it alleged
17 that the original German owner of the mark was defunct, that the mark had been “abandoned,” and
18 that Respondent was falsely suggesting a connection with the original owner.

19 In a related case, another competitor of Respondent’s, Mr. Eric Cook also petitioned to
20 cancel the registration. He made similar claims. The Board dismissed Mr. Cook’s petition with
21 prejudice because Mr. Cook failed to plead a claim that the Board could adjudicate. *Eric Cook v.*
22 *578539 B.C Ltd.*, No. 92058956 (Order of December 2, 2015)(Docket No. 16)(not precedential).
23 Specifically, the Board held that: