

ESTTA Tracking number: **ESTTA658799**

Filing date: **03/02/2015**

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	The ESAB Group Inc.		
Entity	Corporation	Citizenship	Delaware
Address	411 South Ebenezer Road Florence, SC 29501 UNITED STATES		

Attorney information	Michael E. Hall Kacvinsky Daisak Bluni PLLC 3120 Princeton Pike, Suite 303 Lawrenceville, NJ 08648 UNITED STATES mhall@kdbfirm.com, bjackson@kdbfirm.com, kddocketing@cpaglobal.com Phone:609-270-4918
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Registration Subject to Cancellation

Registration No	1727147	Registration date	10/27/1992
Registrant	PRIME WIRE & CABLE, INC. 280 Machlin Court City of Industry, CA 917893026 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 1987/07/02 First Use In Commerce: 1987/08/03 Cancelled goods and services in the class: welding cable
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel Registration No. 1727147 for PRIME.pdf(90975 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	/Michael E. Hall/
Name	Michael E. Hall
Date	03/02/2015

2. Petitioner is the owner of pending U.S. Application Serial No. 86/283,625 (“Petitioner’s Application”) for the mark PRIMEWELD, which covers “welding wire” in Class 6.

3. Petitioner’s Application has been suspended by the USPTO Examining Attorney assigned to Petitioner’s Application, on the ground that there is allegedly a likelihood of confusion between Petitioner’s mark PRIMEWELD for “welding wire” and Respondent’s registered mark PRIME for “welding cable.”

4. Upon information and belief, Respondent has not used the registered mark PRIME on or in connection with “welding cable” for at least three consecutive years (assuming Respondent ever used the mark on or in connection with these goods).

5. Upon information and belief, Respondent has discontinued use of the registered mark PRIME on or in connection with “welding cable” (assuming Respondent ever used the mark on or in connection with these goods).

6. Upon information and belief, at the time Respondent discontinued use of the registered mark PRIME on or in connection with “welding cable” (assuming Respondent ever used the mark on or in connection with these goods), Respondent intended not to resume such use.

7. Respondent has abandoned its registered mark PRIME with respect to “welding cable.”

8. If Respondent’s registration continues to cover “welding cable,” Petitioner will continue to be damaged.

For the reasons stated above, Petitioner respectfully requests that this Petition be granted and that “welding cable” be deleted from Respondent’s registration.

Respectfully submitted,

/Michael E. Hall/

Date: March 2, 2015

Michael E. Hall
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Attorney for Petitioner

Certificate of Service

I hereby certify that on March 2, 2015, a copy of the foregoing Petition to Partially Cancel Registration No. 1,727,147 was served, via first-class mail, postage pre-paid, on:

Prime Wire & Cable, Inc.
280 Machlin Court
City of Industry, California 91789-3026
Respondent

and

John K. Buche
Buche & Associates, P.C.
875 Prospect, Suite 305
La Jolla, California 92037
Attorney for Respondent

/Michael E. Hall/

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Attorney for Petitioner