

ESTTA Tracking number: **ESTTA660639**

Filing date: **03/12/2015**

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	Vasilios Lazaris		
Entity	Individual	Citizenship	UNITED STATES
Address	3005 Lancelot Cross Ellicot City, MD 21042 UNITED STATES		

Attorney information	Gene Bolmarcich Law Offices of Gene Bolmarcich 215 Sterling Drive Newington, CT 06111 UNITED STATES gxbesq1@gmail.com Phone:6096511261		
----------------------	---	--	--

**Registration Subject to Cancellation**

Registration No	3711584	Registration date	11/17/2009
Registrant	Plaskolite, Inc. 1770 Joyce Avenue Columbus, OH 43219 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 017. First Use: 1987/09/00 First Use In Commerce: 1987/09/00 All goods and services in the class are cancelled, namely: Full line of extruded acrylic sheets inflat sheet and roll stock form for industrial and commercial use and for use inmanufacturing a wide variety of plasticproducts; acrylic in sheet form for further fabrication and general manufacturing; plastic sheets for construction and general use; plastic sheets and panels for use in lighting panels, glazing, windows, doors, skylights, awnings, indoor and outdoor signage, point of sale displays, store fixtures, light diffusers, neon, fluourescent and LED lights, picture framing, silk screening, cellular telephone displays, vehicle instrument panels, automotive accessories, noise abatement barriers, all available in a wide variety of colors, sizes, grades, thicknesses,finishes, coatings, packaging, masking and tolerances</p>
<p>Class 019. First Use: 1987/09/00 First Use In Commerce: 1987/09/00 All goods and services in the class are cancelled, namely: Building materials, namely, plastic sheets and panels for use in storm window/door replacements and ceiling lighting panels, skylights, sun-rooms, and awnings, all available in a wide variety of colors, sizes, grades, thicknesses, finishes,coatings, packaging, masking and tolerances</p>

**Grounds for Cancellation**

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	Petition for Partial Cancellation - OPTIX.pdf(74581 bytes )
-------------	---

### **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	/gb/
Name	Gene Bolmarcich
Date	03/12/2015

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

In re Registration of:

Registrant : Plaskolite, Inc.  
Reg. No. : 3,711,584  
Mark : OPTIX  
Registration Date : November 17, 2009

Vasilios Lazaris :  
Petitioner :  
v. : Cancellation No.  
Plaskolite, Inc.. :  
Registrant/Respondent :

Commissioner for Trademarks Box  
TTAB, FEE  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION FOR PARTIAL CANCELLATION  
OR RESTRICTION UNDER 15 U.S.C. 1068**

1. Petitioner Vasilios Lazaris ("Petitioner"), an United States citizen with an address at 3005 Lancelot Cross Ellicott City MARYLAND 21042, believes that it will be damaged by Respondent's Registration No. 3,711,584 for the mark OPTIX (the "OPTIX Registration") and hereby petitions, pursuant to Trademark Act § 18, 15 U.S.C. § 1068 to restrict this registration to the goods "an automated alert feature provided in connection with a prepaid debit card service".

2. To the best of Petitioner's knowledge, the name and address of the current

registrant of the OPTIX REGISTRATION is Plaskolite, Inc. ("Respondent"), a Ohio corporation with a place of business at 1770 Joyce Avenue Columbus OHIO 43219.

3. On March 26, 2009, Respondent filed application Serial No. 77/699,982 to register the mark OPTIX for use with "Full line of extruded acrylic sheets in flat sheet and roll stock form for industrial and commercial use and for use in manufacturing a wide variety of plastic products; acrylic in sheet form for further fabrication and general manufacturing; plastic sheets for construction and general use; plastic sheets and panels for use in lighting panels, glazing, windows, doors, skylights, awnings, indoor and outdoor signage, point of sale displays, store fixtures, light diffusers, neon, fluorescent and LED lights, picture framing, silk screening, cellular telephone displays, vehicle instrument panels, automotive accessories, noise abatement barriers, all available in a wide variety of colors, sizes, grades, thicknesses, finishes, coatings, packaging, masking and tolerances" in Class 17 and "Building materials, namely, plastic sheets and panels for use in storm window/door replacements and ceiling lighting panels, skylights, sunrooms, and awnings, all available in a wide variety of colors, sizes, grades, thicknesses, finishes, coatings, packaging, masking and tolerances" in Class 19.

4. The OPTIX REGISTRATION registered on November 17, 2009 under Section 1(a).

5. On June 6, 2014, Petitioner filed U.S. Application Ser. No. 86/302,863 to register the mark OPTEX for use with "Laminated plastic films for use on windows in Class 17.

6. On September 17, 2014, an office action issued for Application Ser. No. 86/302,863 refusing registration on the grounds of likelihood of confusion with the OPTIX REGISTRATION.

7. Upon information and belief, Respondent does not sell any of its goods directly to the consuming public, not does the general consuming public purchase any of its goods through any other channels of trade. Respondent sells its goods as components of other manufactured goods including cell phones, store fixtures, signage, lighting, automotive glass, glass furniture, picture frames, and trade show displays. Applicant only sells its goods to the general consuming public as decorative panels for windows. If this Petition, is granted then the likelihood of confusion found by the USPTO will be avoided, thereby protecting the public interest.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board grant the partial cancellation requested so as to restrict the recitation of goods in Registrant's Registration No. 3,711,584 to "Full line of extruded acrylic sheets in flat sheet and roll stock form for industrial and commercial use and for use in manufacturing a wide variety of plastic products; acrylic in sheet form for further fabrication and general manufacturing; plastic sheets for construction and general use; plastic sheets and panels for use in lighting panels, glazing, windows, doors, skylights, awnings, indoor and outdoor signage, point of sale displays, store fixtures, light diffusers, neon, fluorescent and LED lights, picture framing, silk screening, cellular telephone displays, vehicle instrument panels, automotive accessories, noise abatement barriers, all available in a wide variety of colors, sizes, grades, thicknesses, finishes, coatings, packaging, masking and tolerances, all of the above sold to manufacturers as components of other manufactured products" in Class 17 and "Building



