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Filing date: **03/09/2016**

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	DERCO S.A.		
Entity	sociedad anonima	Citizenship	Chile
Address	Avenida Americo Vespucio 1842 Quilicura, Santiago, CHILE		

Attorney information	Lawrence Binderow, Attorney at Law BINDEROW LAW OFFICES 1330 Camino Del Mar Suite 250 Del Mar, CA 92014 UNITED STATES binderow@lawyer.com , tmparalegal@lawyer.com Phone:8582591940		
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Registration Subject to Cancellation

Registration No	407393	Registration date	06/06/1944
Registrant	Famous Lubricants, Inc. Chicago, IL 60609 UNITED STATES		

Goods/Services Subject to Cancellation

Class 004. First Use: 1922/00/00 First Use In Commerce: 1922/00/00 All goods and services in the class are cancelled, namely: Lubricating Fluid-Namely, Oil
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	DERCOUNITEDSTATESMOTORLIFEPETITIONTOCANCELP-DF030916.pdf(820401 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	/Lawrence H. Binderow/
Name	Lawrence Binderow, Attorney at Law
Date	03/09/2016

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

In the Matter of Trademark Registration No. 0407393

Cancellation No.:

Derco S.A.

Petitioner,

vs.

Famous Lubricants, Inc.,

Respondent

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on March 9, 2016

/Lawrence H. Binderow/

Lawrence H. Binderow

PETITION TO CANCEL

Petitioner, Derco S.A., is a sociedad anonima legally organized under the laws of the country of Chile, with its principal place of business at Avenida Americo Vespucio 1842, Quilicura, Santiago, Chile. Petitioner believes that it has been damaged by U.S. Registration No. 0407393, for the mark MOTOR LIFE, and hereby petitions to cancel same on the grounds stated below:

1. Respondent is the owner of record of U.S. Registration No. 0407393 for "LUBRICATING FLUID, NAMELY OIL," in International Class 04.

2. Petitioner has a pending United States Trademark Application Serial No. 86717371 under review with the U.S. Patent and Trademark Office for the trademark "MOTORLIFE" for "CHEMICAL ADDITIVES TO MOTOR FUEL; DETERGENT ADDITIVES TO GASOLINE; ANTI-KNOCK SUBSTANCES FOR INTERNAL COMBUSTION ENGINES; ANTIFREEZE; BRAKE FLUID; POWER STEERING FLUID; TRANSMISSION FLUID AND CHEMICAL ADDITIVES FOR OIL," in International Class 01, "PAINTS; ANTI-CORROSIVE PREPARATIONS; UNDERCOATING FOR VEHICLE CHASSIS; ANTI-TRUST PREPARATIONS FOR PRESERVATION," in International Class 02, and "LUBRICANTS; LUBRICATING GREASE; MOTOR OIL," in International Class 04.

3. Petitioner's Application No. 86717371 has been refused registration pursuant to Section 2(d) of the Trademark Act 15 U.S.C. § 1052(d) based on the Examining Attorney's assertion that the mark sought to be registered is confusingly similar to the mark shown in Respondent's Registration No. 0407393.

4. Upon information and belief, Respondent has ceased use of the MOTOR LIFE trademark in connection with the goods identified in U.S. Registration No. 0407393, namely, "LUBRICATING FLUID, NAMELY OIL," in International Class 04, and intends not to resume such use.

5. Upon information and belief, Respondent's business entity was dissolved by the Secretary of State of Illinois on August 14, 2015. (See Exhibit A)

6. Upon information and belief, Respondent is no longer a viable business entity.

7. Petitioner has a bona fide intention to use the "MOTORLIFE" mark in commerce under Section 1(b) of the Lanham Act.

8. The continued subsistence of U.S. Registration No. 0407393 damages Petitioner as it is the basis of the Section 2(d) refusal of Petitioner's trademark application for MOTORLIFE.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board grant its petition and cancels U.S. Trademark Registration No. 0407393.

Dated: March 9, 2016

Respectfully submitted,

/Lawrence H. Binderow/

Lawrence H. Binderow
Attorney for Petitioner

BINDEROW LAW OFFICES

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition to Cancel was served on:

Respondent, Famous Lubricants, Inc., at its address of record, 124 W. 47th Street, Chicago, Illinois 60609, by First Class Mail, postage prepaid, this 9th day of March, 2016; and

The correspondent of record, James R Goodale, at his address of record, Famous Lubricants, Inc., 124 W 47th Street, Chicago, Illinois 60609, by First Class Mail, postage prepaid, this 9th day of March, 2016.

/Lawrence H. Binderow/

Lawrence H. Binderow

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JESSE WHITE
SECRETARY OF STATE

CORPORATION FILE DETAIL REPORT

Entity Name	FAMOUS LUBRICANTS, INC.	File Number	28871458
Status	DISSOLVED		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	03/16/1948	State	ILLINOIS
Agent Name	JAMES R GOODALE	Agent Change Date	03/07/1978
Agent Street Address	124-132 W 47TH ST	President Name & Address	VAUGHN W HAFEMAN 1000 HAMLIN PARK RIDGE 60068
Agent City	CHICAGO	Secretary Name & Address	INVOLUNTARY DISSOLUTION 08 14 15
Agent Zip	60609	Duration Date	PERPETUAL
Annual Report Filing Date	0000/0000	For Year	2015

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