

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

In the matter of Trademark Registration No. 4,043,109, Registration No. for GRINDGUARDN, Mark,
Registered October 18, 2011, Granted:

85103101

Archtek, Inc., v. Joseph J. Pelerin,	Petitioner Registrant.	Cancellation No. _____
--	-----------------------------------	------------------------

PETITION FOR CANCELLATION

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

Archtek, Inc., Petitioner, a corporation of Colorado, having a place of business at 12105 West Cedar Drive, Lakewood, CO 80228, is being damaged by the above-identified Registration No. 4,043,109, for GRINDGUARDN, and petitions to cancel the same.

As grounds for cancellation, Petitioner alleges:

1. Petitioner had a first use and first use in commerce of its mark, GRIND GUARD, on December 1, 2007, and has continued that use to the present day, as noted in its application filed March 8, 2012, having Serial No. 76/710,846. Registrant's first use as noted on the Registration is October 2010, which is after Petitioner's use. The US Patent and Trademark Office has rejected Petitioner's application based on the registration.



12-21-2012

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

In the matter of Trademark Registration No. 4,043,109, Registration No. for GRINDGUARDN, Mark,
Registered October 18, 2011, Granted:

Archtek, Inc., Petitioner	Cancellation No. _____
v.	
Joseph J. Pelerin, Registrant.	

PETITION FOR CANCELLATION

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

Archtek, Inc., Petitioner, a corporation of Colorado, having a place of business at 12105 West Cedar Drive, Lakewood, CO 80228, is being damaged by the above-identified Registration No. 4,043,109, for GRINDGUARDN, and petitions to cancel the same.

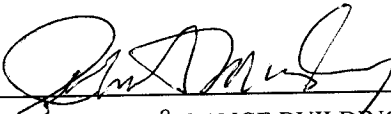
As grounds for cancellation, Petitioner alleges:

1. Petitioner had a first use and first use in commerce of its mark, GRIND GUARD, on December 1, 2007, and has continued that use to the present day, as noted in its application filed March 8, 2012, having Serial No. 76/710,846. Registrant's first use as noted on the Registration is October 2010, which is after Petitioner's use. The US Patent and Trademark Office has rejected Petitioner's application based on the registration.

WHEREFORE, Petitioner requests cancellation of Registration No. 4,043,109.

Respectfully submitted,


Date: December 18, 2012

By: 
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

JSM:hlm

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on this 18th day of December, 2012.

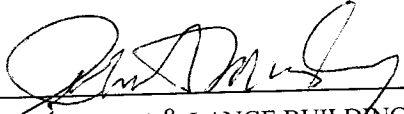


Attorney

WHEREFORE, Petitioner requests cancellation of Registration No. 4,043,109.

Respectfully submitted,

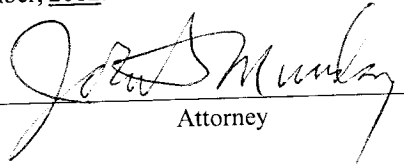
Date: December 18, 2012

By: 
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

JSM:hlm

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on this 18th day of December, 2012.



Attorney