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

08-20-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #57

GOLDEN WEST FINANCIAL CORPORATION,	)	<b>PETITION FOR CANCELLATION</b>
	)	
Petitioner,	)	Cancellation No:
	)	
v.	)	Registration No.: 1,996,096
	)	
NATIONSBANK CORPORATION,	)	Date of Issue: August 20, 1996
Registrant and BANK OF AMERICA CORPORATION, Assignee,	)	
	)	
Respondents.	)	
	)	

**BOX TTAB-FEE**  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

TRADEMARK TRIAL AND APPEAL BOARD  
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**PETITION FOR CANCELLATION**

Petitioner Golden West Financial Corporation, a Delaware Corporation located and doing business at 1901 Harrison Street, Oakland, California, believes that it is or will be damaged by Registration No. 1,996,096 of the mark NATIONSBANK EQUITY BUILDER MORTGAGE and hereby petitions to cancel registration of the mark in International Class 36, for banking and related financial mortgage services.

As grounds for this Petition for Cancellation, it is alleged that:

1. Petitioner is the owner of the registered trademarks WORLD® (U.S. Trademark Registration No. 1,235,828), WORLD'S 100% HOME LOAN® (U.S.

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Petition for Cancellation  
Reg. No. 1996096

Trademark Registration No. 2,015,627) and WORLD SAVINGS® (U.S. Trademark Registration No. 1,541,875).

2. Since at least as early as February 1, 1990, Petitioner has been and is now using the marks EQUITY BUILDER and WORLD'S EQUITY BUILDER in connection with real estate loans. Petitioner's date of first use is prior to the date of filing and the date of first use of respondents' mark by the registrant. Petitioner's use has been valid and continuous since the date of first use. Petitioner's mark is symbolic of extensive good will and consumer recognition built up by Petitioner through substantial amounts of time, effort and expense in advertising and promotion. In view of the similarity of the respective marks and the similarity of the services of the respective parties, it is alleged that respondents' registered mark so resembles Petitioner's mark previously used in the United States, as to be likely to cause confusion, or to cause mistake or to deceive.

3. The mark NATIONSBANK EQUITY BUILDER MORTGAGE was registered August 20, 1996 by NationsBank Corporation with a stated first use date of August 14, 1995. In September, 1998 NationsBank Corporation merged with BankAmerica Corporation, and a document assigning the mark from BankAmerica Corporation and NationsBank Corporation to BankAmerica Corporation was signed September 30, 1998 and recorded September 14, 1999 at reel 1955 frame 0364; a document assigning the mark from NationsBank Corporation to NationsBank Corporation was signed September 25, 1998 and recorded September 14, 1999 at reel 1956, frame 144; and a document assigning its mark from BankAmerica Corporation to Bank of America Corporation was signed April 28, 1999 and recorded September 14, 1999 at reel 1958, frame 0001. Respondents have abandoned the mark NATIONSBANK

EQUITY BUILDER MORTGAGE by discontinuing use of the mark with no intent to resume said use. Petitioner is likely to be damaged by the continuance of said registration, in that Petitioner has continuously used the marks EQUITY BUILDER and WORLD'S EQUITY BUILDER in connection with real estate loans since at least as early as February 1, 1990, and Petitioner's continued and legal use of said marks will be impaired by the continued registration of the abandoned mark of respondents.

WHEREFORE, Petitioner prays that Registration No. 1,996,096 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated August 20, 2001

Respectfully submitted,

Golden West Financial Corporation  
Petitioner

By 

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## Weinberg Cummerford Legal Group



08-20-2001

U.S. Patent & TMOs/TM Mail Ropt Dt. #67

August 20, 2001

**BOX TTAB-FEE**

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

**Re: Mark: NATIONSBANK EQUITY MORTGAGE BUILDER**

**Reg. No. 1,996,096**

**Petitioner: Golden West Financial**

**Our Ref.: 5016/010383**

Dear Sir/Madam:

Enclosed please find an original and one (1) copy of a Petition for Cancellation in the above-referenced matter. Also enclosed are (1) our check in the amount of \$300.00 to cover the filling fees, and (2) a self-addressed, pre-paid postcard. Kindly stamp the postcard and send it back to us.

Very truly yours,

Steven M. Weinberg

SMW/mm

Enclosures

cc: Shawn Sax

TTM