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03-25-2002

M&G 2316.979-US-TA

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #11

TRADEMARK

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

_____)	
ADC Telecommunications, Inc.,)	Cancellation No. _____
))	
))	Mark: ADC
))	
))	Registration No. 2,051,372
))	
))	Filed: April 12, 1995
))	
))	Registered: April 8, 1997
))	
_____)	

PETITION FOR CANCELLATION

ADC Telecommunications, Inc., a Minnesota corporation having its principal place of business at 13625 Technology Drive, Eden Prairie, Minnesota 55344-2252, believes that it is or will be damaged by the existence of Registration No. 2,051,372 for the mark ADC, and hereby petitions for cancellation of said registration.

The grounds for cancellation are as follows:

1. The Registrant, The Entheos Group, LLC, has registered the mark ADC for "clothing, namely, hats, shirts, jackets, pants, under garments, sleep wear" in International Class 25, claiming a date of first use of March 3, 1995.
2. Petitioner, ADC Telecommunications, Inc., is the owner of the mark ADC, having adopted and used said mark on or in connection with a variety of goods and services since at least as early as 1943. Petitioner owns a number of trademark applications and registrations for

its ADC mark, including U.S. Registration Nos. 524,423; 1,021,919; 1,397,448; 1,397,449; and 2,039,288 and Serial Nos. 75/573,620; 75/573,766 and 75/157,501.

3. Petitioner is the owner of the mark ADC, having adopted and used said mark on or in connection with clothing and in the marketing and sale thereof in interstate commerce since at least as early as 1990.

4. Petitioner seeks to obtain a federal registration for its ADC mark on clothing in International Class 25. Registration may be denied in view of Registrant's mark, to the damage of Petitioner.

5. Petitioner has priority of use with respect to the ADC mark for clothing. Petitioner's use of the mark on clothing pre-dates the first use date alleged in Registrant's trademark registration by five years. Petitioner also used the mark on other products and services many decades before Registrant allegedly first used its mark.

6. Registrant's ADC mark is confusingly and deceptively similar to Petitioner's previously used ADC mark.

7. The goods of the parties are closely related. Petitioner's clothing is virtually identical to Registrant's clothing products.

8. Upon information and belief, the parties' products are sold through the same channels of trade to the same types of customers.

9. The marks at issue are identical in appearance, sound, connotation and commercial impression.

10. Due to the similarity between the marks, and the related nature of the goods of the parties, customers and potential customers are likely to believe that Registrant's products

Please direct all correspondence to:

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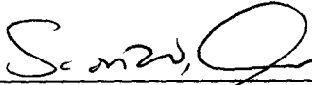
The Petitioner herein appoints Brian H. Batzli, Reg. No. 32,960; John L. Beard, Reg. No. 27,612; Linda M. Byrne, Reg. No. 32,404; John A. Clifford, Reg. No. 30,247; Kristina M. Foudray; Charles E. Golla, Reg. No. 26,896; Gregory C. Golla; John D. Gould, Reg. No. 18,223; Curtis B. Hamre, Reg. No. 29,165; Allen Hinderaker; Scott W. Johnston, Reg. No. 39,721; Daniel W. McDonald, Reg. No. 32,044; D. Randall King; Gregory A. Sebald, Reg. No. 33,280; and Paul A. Welter, Reg. No. 20,890, its attorneys to transact all business in the U.S. Patent and Trademark Office related to this matter with full power of substitution.

Accompanying the duplicate signed copies of this Petition for Cancellation is the required fee of \$300.00. Please charge any excess fees or credit any overpayment to the Deposit Account No. 13-2725 of Petitioner's counsel noted below.

ADC TELECOMMUNICATIONS, INC.

By its attorneys,


3-22-02
Date



Scott W. Johnston
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CERTIFICATE OF MAILING

I hereby certify that this PETITION FOR CANCELLATION is being deposited with the U.S. Postal Service by First Class Mail, in an envelope addressed to the Commissioner for Trademarks, Box TTAB FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on this 22nd day of March, 2002.



Scott W. Johnston