



03-03-2003

U.S. Patent & TMO/c/TM/Mail Rcpt. Dt. #40

TTAB

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

Gustafson, LLC

Petitioner,

vs.

Circle One International, Inc.

Registrant

Cancellation No. _____

**PETITION TO CANCEL
REGISTRATION**

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

COMES NOW PETITIONER, Gustafson, LLC, by and through its counsel of record, and petitions to cancel Registration No. 2271859 for the trademark PROSPER in International Class 001.

1. Petitioner, Gustafson, LLC, a Delaware Limited Liability Company, with its offices as 1400 Preston Road, Suite 400, Plano, Texas 75093, and is the Applicant (hereinafter so called) for the trademark PROSPER, Serial No. 78/055392 (the "Application").

2. According to the USPTO's TARR system, the name and address of the current owner of Registration No. 2271859 is Circle One International, Inc. Flight Path Drive, Brooksville, Florida 34609.

3. Petitioner has been damaged by the above-identified registration, and hereby petitions to cancel the same. On July 20, 2001, an office action was issued against the Application, stating that same was being refused due to the above-referenced registration. On

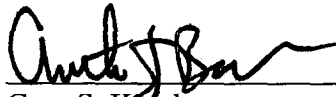
April 18, 2002, a final office action was submitted by Law Office # 102. Although Applicant has never received that office action, it has reason to believe that the above-identified registration was once again cited as a bar to registration of Applicant's mark.

4. The grounds for cancellation are that Petitioner believes that the above-referenced registrant has abandoned its use of the above referenced trademark.

5. Petitioner believes that it will be damaged from the above-identified registration.

6. A duplicate copy of this Petition and the fee required in § 2.6(a)(16) (for each class) is enclosed herewith.

KESSLER & COLLINS, P.C.



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ATTORNEYS FOR APPLICANT
GUSTAFSON, LLC

Date: 2/28/03

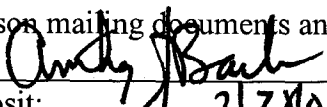
Please direct all telephone calls to:

Tony Barbieri
Kessler & Collins, P.C.
5950 Sherry Lane, Suite 222
Dallas, TX 75225
(214) 379-0733

Certification of Express Mailing (37 C.F.R. Section 1.10)

I hereby certify that this document is being deposited with the United States Postal Services as "Express Mail Post Office to Addressee" number EL 406220500US on the deposit date below in an envelope with sufficient postage addressed to: BOX TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, VA 22202-3513.

Name of Person mailing documents and/or fee: Anthony J. Barbieri

Signature: 

Date of Deposit: 2/28/03