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

In the matter of Trademark Registration No. 2,160,888  
For the Mark TURF PRO  
Date registered May 26, 1998

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TRADemark TRIAL AND APPEAL BOARD

Kenda Rubber Industrial Co., Ltd.,  
Petitioner

Cancellation No. \_\_\_\_\_

Carlisle Management Company,  
Registrant.



Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

05-27-2003  
U.S. Patent & TMO/TM Mail Rcpt Dt. #76

Petition to Cancel

Petitioner is Kenda Rubber Industrial Co., Ltd., a corporation organized under the laws of the country of Taiwan, having a principal business address of No. 146, Sec. 1, Jungshan Rd. Yuanlin Jen, Changhua Changhua Taiwan.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration are Carlisle Management Company, a Delaware corporation, 250 South Clinton Street, Suite 201, Syracuse, NY 13202-1258.

The above-identified petitioner believes that it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner is and has been for many years engaged in the manufacture, sale and distribution of various forms of vehicle tires. In connection therewith, Petitioner has used in

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interstate commerce the trademark TURF PRO since long prior to Registrant's date of first use of the trademark TURF PRO.

2. Petitioner is the owner of significant trademark rights based upon its uninterrupted usage of the mark TURF PRO on vehicle tires since at least as early as February, 1994.

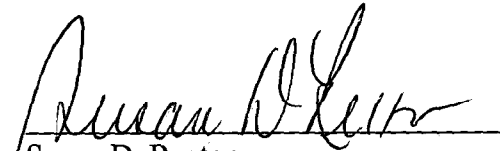
3. Petitioner's products bearing the TURF PRO mark have been extensively and continuously offered to the public through various channels of trade. Further, Petitioner has extensively advertised its products and created widespread goodwill in this mark throughout the United States. By reason of the advertising and wide distribution of Petitioner's products bearing the mark, the public has come to recognize TURF PRO as signifying Petitioner's products and Petitioner.

4. Notwithstanding Petitioner's long prior rights in and to the mark, Registrant on information and belief on July 17, 1996 filed an application for registration of the trademark TURF PRO for vehicle tires. The application was given Serial No. 75/135,321, and the mark was registered on May 26, 1998 as Registration No. 2,160,888. A copy of the registration is attached hereto as Petitioner's Exhibit 1.

5. The trademark TURF PRO is identical and confusingly similar to Petitioner's trademark TURF PRO and its registration and continued use by Registrant on its goods is likely to cause confusion, deception and mistake all to Petitioner's damage.

WHEREFORE, Petitioner believes that it will be damaged by the registration and prays that it be cancelled. The filing fee for this cancellation in the amount of \$300 is enclosed.

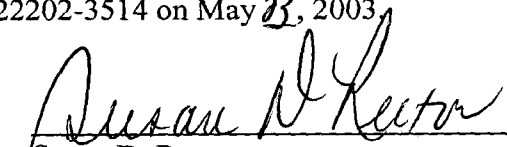
By:

  
Susan D. Rector  
Schottenstein Zox & Dunn  
41 South High Street, Suite 2600  
Columbus, OH 43215  
(614) 229-2219  
Attorney for Petitioner

Date: May 23, 2003

**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, 2900 Crystal Drive, Arlington, VA 22202-3514 on May 23, 2003.

  
Susan D. Rector

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office, that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks, and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are a part of this certificate.*

*This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.*



*Bence Lehman*

Commissioner of Patents and Trademarks

Int. Cl.: 12

Prior U.S. Cls.: 19, 21, 23, 31, 35, and 44

Reg. No. 2,160,888

United States Patent and Trademark Office

Registered May 26, 1998

**TRADEMARK  
PRINCIPAL REGISTER**

**TURF PRO**

CARLISLE MANAGEMENT COMPANY  
(DELAWARE CORPORATION)  
250 SOUTH CLINTON STREET, SUITE 201  
SYRACUSE, NY 132021258

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "TURF", APART FROM THE  
MARK AS SHOWN.

FOR: VEHICLE TIRES, IN CLASS 12 (U.S.  
CLS. 19, 21, 23, 31, 35 AND 44).  
FIRST USE 5-0-1997; IN COMMERCE  
5-0-1997.


SN 75-135,321, FILED 7-17-1996.

CONRAD WONG, EXAMINING ATTORNEY

SUSAN D. RECTOR  
614/462-2219  
E-MAIL: SRECTOR@SZD.COM

May 23, 2003

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514  
Attn: Trademark Trial and Appeal Board

  
05-27-2003

U.S. Patent & TMOs/TM Mail Rcpt Dt. #76

Re: Kenda Rubber Industrial Co., Ltd.  
Two Petitions to Cancel  
TURF PRO – Reg. No. 2,160,888  
TURF MAX – Reg. No. 2,602,680

Dear Sir:

Enclosed for filing are duplicate copies of Petitions to Cancel both the above marks and two separate \$300 checks payable to the Commissioner of Trademarks as a filing fee. Please stamp and post the enclosed postcards as evidence of receipt of each of these Petitions to Cancel.

Please direct all future correspondence to my attention and contact me with any questions.

Very truly yours,

  
Susan D. Rector

SDR/dml  
Enclosures  
cc: Angel Chen (w/ encl)



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