

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the matter of Trademark Registration No. 2,689,078

For the Mark: CARAVAN

Registration Date: February 18, 2003

Caravan Canopy International, Inc.,  
Petitioner,

v.

Fleetwood Enterprises, Inc.,  
Registrant.

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

**BOX TTAB FEE**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**PETITION FOR CANCELLATION**

Petitioner Caravan Canopy Int'l, Inc. ("Petitioner") is a California corporation with its principal place of business located at 2111 South Acacia Avenue, Compton, California, 90229.

To the best of Petitioner's knowledge, the current registrant of Trademark Registration No. 2689078 is Fleetwood Enterprises, Inc., ("Registrant") a Delaware corporation with its principal place of business located at 3125 Myers Street, Post Office Box 7638, Riverside, California 92513-7638.

Petitioner believes that it will be damaged by and hereby petitions to cancel Trademark Registration No. 2689078.

Trademark Registration No. 2,689,078

The grounds for cancellation are as follows:

1. Petitioner has adopted and continuously used the trademark CARAVAN since at least as early as January 31, 2000 to the present, in connection with the sale of canopies and tents for outdoor use in Class 22.

2. Petitioner has obtained U.S. Trademark Registration Nos. 2,487,388 and 2,487,389 covering the trademark CARAVAN for canopies and tents for outdoor use. A copy of the registrations are appended to this petition as Exhibit "A" and Exhibit "B," respectively.

3. Registration No. 2,487,388 was issued on September 11, 2001 to the Petitioner.

4. Registration No. 2,487,389 was issued on September 11, 2001 to the Petitioner.

5. Trademark Registration No. 2689078, sought to be cancelled, is for the trademark CARAVAN and is registered for use with folding camper trailers. Such goods are closely related to those of Petitioner.

6. The date of first use asserted by Registrant for the CARAVAN mark is December 2000, which is after the date of first use for Petitioner's CARAVAN marks.

Trademark Registration No. 689,078

7. Petitioner has expended considerable effort and expense in promoting its trademark CARAVAN and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the products of Petitioner by such mark. As a result of Petitioner's efforts in promoting its CARAVAN mark, Petitioner has valuable goodwill established in its mark.

8. If the Registrant is permitted to retain the registration sought to be cancelled, and thereby obtain the *prima facie* exclusive right to use in commerce on the mark CARAVAN on identical goods sold by Petitioner, confusion in trade is likely to result from any concurrent use of Petitioner's mark and that of the Registrant, all to the great detriment of Petitioner, who has expended considerable sums and effort in promoting its marks.

9. Purchasers are likely to consider the goods of the Registrant sold under the mark CARAVAN as emanating from Petitioner, and purchase such goods as those of the Petitioner, resulting in loss of sales to Petitioner.

10. Concurrent use of the CARAVAN mark by the Registrant and the CARAVAN marks by Petitioner may result in irreparable damage to Petitioner's reputation and goodwill, if the goods sold by the Registrant are inferior, since purchasers are likely to attribute the source of the Registrant's goods to the Petitioner.

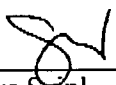
11. If the Registrant is permitted to retain the registration sought to be cancelled, a cloud will be placed on Petitioner's title in and to its trademark, CARAVAN, and on its right

to enjoy the free and exclusive use thereof in connection with the sale of its goods, all to the injury of Petitioner.

WHEREFORE, Petitioner deems that it is or will be damaged by Registration No. 2689078, and petitions for cancellation thereof as it relates to goods in Class 12. A duplicate Petition for Cancellation is being filed herewith, along with the filing fee required in § 2.6(a)(16).

Respectfully submitted,

GRIFFIN & SZIPL, PC

  
\_\_\_\_\_  
Joerg-Uwe Szipl  
Reg. No. 31,799

Date: July 7, 2003

GRIFFIN & SZIPL, PC  
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**RAM** Fee History  
Query  
Revenue Accounting and Management

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Name/Number: 2689078

Total Records Found: 1

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/08/2003	00000030	<u>0</u>	<u>6401</u>	\$300.00	07/07/2003	CK

# facsimile TRANSMITTAL

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Date: September 26, 2003

No. of Pages: 7 (including this cover sheet)

Fax No.: (703)746-7085

**PLEASE DELIVER THE FOLLOWING PAGES IMMEDIATELY TO:**

Name: Commissioner of Trademarks

Law Office: TTAB

Examiner: Eric McWilliams

Phone: (703)308-9300 ext. 234


From: Trisha A. Martin  
Paralegal and Library Administrator

Re: Reg. No. 2,689,078; Reg. Date February 18, 2003  
For the Mark: CARAVAN

File: C1015:110.2-1

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I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO  
THE UNITED STATES PATENT AND TRADEMARK OFFICE ON **September 26, 2003.**

  
Anita Johnson

\*Correspondence: Transmittal Letter and Copy of Petition for Cancellation

**For Office Services Use Only**  
**Return to Anita Johnson**

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Post Office Box 7068  
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September 26, 2003

Via Facsimile (703)746-7085

Eric McWilliams  
 TRADEMARK TRIAL AND APPEAL BOARD  
 2900 Crystal Drive  
 Arlington, VA 22202-3513

**Re: In the Matter of Trademark Registration No. 2,689,078  
 For the Mark CARAVAN  
 Registration Date: February 18, 2003  
 Caravan Canopy International, Inc. v. Fleetwood Enterprises, Inc.  
 Petition For Cancellation  
 CPH Ref. C1015:110.2-1**

Dear Mr. McWilliams:

In accordance with the telephone conversation of September 16, 2003, with the TTAB, I am faxing a copy of the Petition for Cancellation to you which was hand-carried to the Trademark Office and is stamped with the received date.

As discussed, the TTAB has a record of the petition fee being paid in July 2003, but does not show that the Petition itself was ever scanned and thus is not able locate it.

Thank you for your attention, and please give me a call if you have any questions.

Sincerely,

Trisha A. Martin  
 Paralegal and Library Administrator

TAM/agj  
 Enclosure  
 AGJ PASS28555.1.\*-09/26/03 11:48 AM

James B. Christie (1904-1959)  
 Robert L. Parker (1920-1980)

D. Bruce Prout  
 Richard J. Ward, Jr.  
 Walter G. Maxwell  
 William P. Christie  
 David A. Dillard  
 Thomas J. Daly  
 Theodore A. Planko  
 Edward R. Schwartz  
 John D. Carpenter  
 Wesley W. Monroe  
 David A. Plumley  
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 Mark Garscia  
 Syed A. Hason  
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RECEIPT OF FILINGS  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This paper, when stamped with the date stamp of the U. S. Patent and Trademark Office, acknowledges receipt of the following paper(s) relating to:

In re application of	)	
Caravan Canopy International, Inc.	)	Atty. Docket No.: CARAV0012
	)	
	)	Cancellation No. Unknown
Serial No. 76/086,963	)	
	)	
For: PETITION FOR CANCELLATION OF U.S. REGISTRATIONS	)	

Documents submitted July 7, 2003

HAND CARRY TO:

Trademark Trial and Appeal Board  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

TRADEMARK FEE PROCESS  
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 2003 JUL -7 P 4:38  
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1. Petition for Cancellation (4 pages);
2. Check #2217 in the amount of \$300.00.

Dkt. # CARAV0012 Due: July 5, 2003 (JUS//lc)

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