

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

KAWASAKI JUKOGYO KABUSHIKI)
KAISHA, D.B.A. KAWASAKI HEAVY)
INDUSTRIES, LTD.)
)
Petitioner,)
)
v.)
)
MOTO TASSINARI, INC.,)
01/08/2004 TSMITH 00000097 2213914)
)
01 FC:6401 300.00 OP)
Registrant.)
_____)



12-29-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #74

Cancellation No. _____

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

Sir:

PETITION FOR CANCELLATION OF
REGISTRATION NO. 2,213,914

In the matter of U.S. Trademark Reg. No. 2,213,914 for V FORCE for reed valves for motors, registered December 29, 1998 to Moto Tassinari, Inc. ("Registrant") of One Mechanic Street, Lebanon, New Hampshire 03766.

Kawasaki Jukogyo Kabushiki Kaisha, d.b.a. Kawasaki Heavy Industries, Ltd. ("Petitioner"), a corporation organized and existing under the laws of Japan, located and doing business at 1-1 Higashikawasaki-cho 3-chome, Chuo-ku, Kobe Japan, believes that it will be damaged by Reg. No. 2,213,914, and hereby petitions for cancellation thereof.

The grounds for this cancellation are as follows.

1. Petitioner Kawasaki Heavy Industries is a manufacturer of motorcycles and all-terrain vehicles, which are sold throughout the United States through its wholly owned subsidiary Kawasaki Motors Corp., U.S.A.

2. Petitioner Kawasaki Heavy Industries is the senior user of the mark V FORCE in the United States, via use through its related company Kawasaki Motors Corp., U.S.A., having adopted and continuously used the mark V FORCE since at least as early as 1987 in connection with motorcycle parts and accessories.

3. Petitioner Kawasaki Heavy Industries owns U.S. Trademark Application Ser. Nos. 78/183004 and 78/183,005 for the mark V FORCE.

4. On information and belief, the goods recited in U.S. Trademark Reg. No. 2,213,914, namely, reed valves for motors, are sold by Registrant for use in certain motorcycles and all-terrain vehicles.

5. Registrant's junior use of V FORCE on reed valves for motorcycles and all terrain vehicles may cause consumer confusion in view of Petitioner's prior and continuous use of its V FORCE mark on motorcycle parts and accessories, to the great detriment of Petitioner.

6. The registration sought to be cancelled confers to Registrant *prima facie* exclusive rights to use in commerce the mark V FORCE on the goods recited therein, and thus if Registrant is permitted to retain the registration, it may unjustly interfere with Petitioner's rights as senior user to use its V FORCE mark on motorcycle parts and

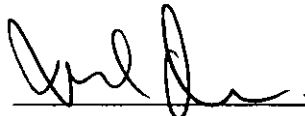
accessories, and other products into which it would be natural for Petitioner to expand.

7. WHEREFORE, Petitioner deems that it is or will be damaged by Registration No. 2,213,914, and petitions for cancellation thereof as it relates to goods in International Class 7.

A duplicate copy of this Petition, along with the required filing fee of \$300.00, as required in Section 2.6(a)(16) is enclosed herewith. Please charge our Deposit Account No. 11-1540 for any additional fees that may be required.

Dated: December 23, 2003.

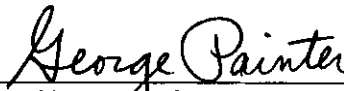
Respectfully submitted,
KOLISCH HARTWELL, P.C.



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EV377359481US "Express Mail" Mailing Label No. EV065685534US
Date of Deposit – December 23, 2003

I hereby certify that the attached correspondence and a check for \$300.00 to cover the filing fee, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.



Signature of person depositing