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

FLEETWOOD ENTERPRISES, INC., )  
)  
Petitioner, )  
)  
v. )  
)  
FEATHERLITE, INC., )  
)  
Registrant. )

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

PETITION FOR CANCELLATION



Box TTAB - FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3512

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01 FC:6401

03-26-2004  
300.00 DP  
U.S. Patent & TMO/TM Mail Rcpt Dt. #22

Fleetwood Enterprises, Inc., a corporation organized under the laws of Delaware, having its principal place of business at 3125 Myers Street, Riverside, California 92513, believes that it will be damaged by Reg. No. 2,437,095 and hereby petitions to cancel the same.

As grounds for cancellation, it is alleged that:

1. Petitioner is a large manufacturer and distributor in interstate commerce of manufactured homes and recreational vehicles, including motor homes, and has continuously engaged in the manufacture and distribution of these goods since long prior to May 1998, the date of first use claimed by the registrant.
2. Petitioner has adopted and is using the trademark VOGUE for its manufactured homes to distinguish its goods from the goods of others in

commerce and has continuously used the mark VOGUE in interstate commerce since long prior to May 1998, the date of first use claimed by registrant.

3. Through substantial use and promotion in interstate commerce, since prior to the date of first use claimed by registrant, of the mark VOGUE, petitioner has acquired valuable goodwill in this mark with the result that the mark has come to indicate to distributors and the purchasing public goods having their source of origin in petitioner.

4. Petitioner filed an application to register the mark VOGUE, Ser. No. 76/538,033, for manufactured homes, but said application was rejected in part by the trademark examining attorney on the grounds of likelihood of confusion with respect to the mark sought to be canceled.

5. On information and belief, registrant has made no use of the mark FEATHERLITE VOGUE for any product in the United States prior to May 1998.

6. On information and belief, registrant has made no use of any mark containing the word "VOGUE" for any product in the United States prior to May 1998.

7. On information and belief, registrant is aware of manufacturers and/or distributors that sell both motor homes and manufactured housing.

8. Motor homes and manufactured housing are closely related goods, manufactured by the same entity and distributed under the same mark, such as the mark FLEETWOOD used by petitioner.

9. Petitioner will be damaged by the registration sought to be canceled by reason of the fact that registrant's goods are substantially related to

petitioner's goods and accordingly, when sold under similar marks, purchasers will be or are likely to be led to believe that registrant's goods bearing the mark FEATHERLITE VOGUE originate with, are sponsored by or are otherwise connected with petitioner.

10. The trademark FEATHERLITE VOGUE sought to be canceled by petitioner so resembles the trademark VOGUE, previously used by petitioner and not abandoned, as to be likely, when applied to the goods of the registrant, to cause confusion, or to cause mistake or to deceive, to petitioner's damage.

WHEREFORE, petitioner prays that Reg. No. 2,437,095, registered March 20, 2001, be canceled.

The requisite fee is submitted herewith. If additional fees are required, please charge the same to Deposit Account No. 16-0605, Order No. 040401/268028.

Respectfully submitted,

FLEETWOOD ENTERPRISES, INC.  
By Its Attorneys

ALSTON & BIRD LLP

By: Edward M. Prince  
Edward M. Prince

Date: 3/25/04

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