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

In the Matter of Registration No. 2,396,412

Mark: **TELESPRIT**

Petitioner's Ref: ESIP USA TC-03/06309

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ESPRIT IP LIMITED, :
: :
Petitioner, :
: Cancellation No. _____
- against - :
: :
SMITH CORONA CORPORATION :
: :
Registrant. :
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03-03-2004

U.S. Patent & TMO/tm Mail Rcpt Dt. #22

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PETITION FOR CANCELLATION

Petitioner, Esprit IP Limited, a British Virgin Island corporation with its registered business address at Offshore Incorporations Centre, P.O. Box 957, Road Town, Tortola, British Virgin Islands, believe that it will be damaged by the continued registration for the trademark **TELESPRIT**, Registration No. 2,396,412, and therefore Petitions to cancel the same. As grounds for its opposition, Petitioner, by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since in or about 1970, Petitioner and its predecessors in interest have used the mark **ESPRIT** in connection with a wide variety of goods and services in the United States and in various jurisdictions throughout the world.
2. Petitioner owns rights in and to the **ESPRIT** mark, and other marks incorporating the term **ESPRIT**, in the U.S.

3. Petitioner Esprit IP Limited owns the following U.S. Registrations, among others, for the mark **ESPRIT** and variants thereof:

MARK	GOODS/CLASS	REG. NO	REG. DATE
ESPRIT	Women's shoes, in Class 25	765,974	03/03/64
ESPRIT	Watches, in Class 14	1,056,960	01/25/77
ESPRIT	Luggage, in Class 18	1,080,349	12/27/77
ESPRIT DE CORP.	Women's wearing apparel-namely, blouses, knit tops, halters, t-shirts, smock tops, sweaters, jackets, pants and skirts, in Class 25	1,163,810	08/04/81
ESPRIT	Jewelry, in Class 14	1,244,392	07/05/83
ESPRIT (Stylized)	Sunglasses, in Class 9	1,287,788	07/31/84
ESPRIT	Jewelry, in Class 14	1,340,608	06/11/85
ESPRIT	Sunglasses, in Class 9	1,342,393	06/18/85
ESPRIT (Stylized)	Women's wearing apparel-namely, blouses, knit tops, halters, t-shirts, smock tops, sweaters, jackets, pants and skirts; and men's wearing apparel-namely, t-shirts and pants, in Class 25	1,401,275	07/15/86
ESPRIT DE CORP. (Stylized)	Shoes, in Class 25	1,419,245	12/02/86

ESPRIT/KIDS	Pants, overalls, skirts, shorts, jackets, sweaters, blouses, vests, sweat pants, shirts, leotards, hats, dresses, in Class 25	1,440,613	05/26/87
ESPRIT/KIDS (Stylized)	Pants, overalls, skirts, shorts, jackets, sweaters, blouses, vests, sweat pants, shirts, leotards, hats, dresses, in Class 25	1,445,156	06/30/87
CAFFE ESPRIT (Stylized)	Restaurant services, in Class 42	1,453,688	08/18/87
ESPRIT	Belts, scarves, hats, socks, tights, leggings, sweatshirts, sweatpants, vests and coats, in Class 25	1,480,858	03/15/88
ESPRIT (Stylized)	Belts, scarves, hats, neckties, socks, tights, leggings, sweatshirts, sweatpants, vests and coats, in Class 25	1,481,649	03/22/88
ESPRIT (Stylized)	Shoes, slippers, boots, sneakers, athletic shoes, hosiery, socks, tights, leggings, leotards, gloves, hats, scarves, belts, vests, dresses, coats, mufflers, stockings, pajamas, panties, underwear, headbands, shorts, jogging suits, sweatshirts, sweat pants, ski jackets, ski pants, raincoats, robes, nightgowns and swimwear, in Class 25	1,485,327	04/19/88
CAFFE ESPRIT	Restaurant services, in Class 42	1,526,188	02/21/89

ESPRIT	Purses and handbags, in Class 18	1,559,014	10/03/89
ESPRIT BASIX and Design	Women's and children's clothing; namely, sweaters, sweater vests, cardigans, shirts, T-shirts, tank tops, sweatshirts, polo shirts, pants, shorts, dresses and skirts, in Class 25	1,670,308	12/31/91
ESPRIT (Stylized)	Purses, handbags, tote bags, backpacks, wallets, messenger bags, key cases, hip packs, bookbags, cosmetic cases sold empty, and carry-on bags, in Class 18	1,673,462	01/28/92
ESPRIT	Retail store services for clothing, clothing accessories, bedding, eyewear, jewelry, watches, books, stationery items, bags, shoes and socks, in Class 42	1,709,010	08/18/92
ESPRIT	Beverageware; namely, plastic travel tumblers with screw-on covers and insulation for keeping liquids hot distributed through Registrant's stores and Registrant's promotional campaigns, in Class 21	1,791,665	9/7/93
ESPRIT (Stylized)	Watches, in Class 14	1,898,850	06/13/95
WWW.ESPRIT.COM	Online retail store services and online ordering services featuring clothing and clothing accessories, in Class 35	2,470,108	07/17/01

The foregoing registrations are valid, subsisting, and in full force and effect. Moreover, Petitioner's Registration Nos. 765,974; 775,408; 817,950; 1,163,810; 1,246,426; 1,287,788; 1,351,743; 1,401,275; 1,419,245; 1,440,613; 1,445,156; 1,453,688; 1,480,804; 1,480,858; 1,481,649; 1,485,327; 1,524,372; 1,526,188; 1,532,974; 1,559,014; 1,670,308; 1,673,462; 1,709,010; 1,791,665; and 1,898,850, among others, have become incontestable. As such, these registrations serve as conclusive evidence of Petitioner's exclusive rights to use the mark.

4. In addition, by virtue of the extensive use of the **ESPRIT** marks by Petitioner and its predecessors, Petitioner owns common law rights in the **ESPRIT** marks.

5. The **ESPRIT** marks have become famous and distinctive through, *inter alia*, Petitioner's extensive U.S. use, advertising and promotion of the **ESPRIT** marks for a variety of goods and services over a substantial period of time.

6. Indeed, Petitioner uses the **ESPRIT** marks as a "lifestyle brand" for various categories of goods and services in both the U.S. and abroad. Petitioner also intends to substantially broaden its use of the **ESPRIT** marks for a variety of additional goods and services in the U.S. in the near future, including telephones and related accessories.

7. On November 16, 1998, Registrant filed an application to register the mark **TELESPRIT** for "telephone headsets and amplifiers" in International Class 9. It obtained Registration No. 2,396,412 for that mark on October 17, 2000. Upon information and belief, Registrant has not used the **TELESPRIT** mark for more than three years, and has abandoned said mark.

8. Because the continued registration of Registrant's **TELESPRIT** mark may interfere with Petitioner's efforts to use and license its **ESPRIT** marks for *inter alia*, telephones and related accessories, Registrant is harmed by the continued registration of Reg. No. 2,396,412.

WHEREFORE, it is respectfully requested that this cancellation proceeding be sustained and that Registration No. 2,396,412 be cancelled.

The Cancellation fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Petitioner's attorneys' Deposit Account No. 23-0825-0576900 be charged with any deficiency. This paper is filed in duplicate.

Dated: New York, New York
March 3, 2004

Certificate of Express Mailing

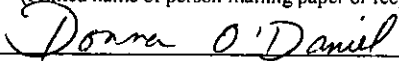
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"Express Mail" mailing label: EV 210196130 US

Date of Deposit: March 3, 2004

Donna O'Daniel

(Printed name of person mailing paper or fee)



(Signature)

Respectfully submitted,

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