

TTAB

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

In re Registration No. 1,658,686
Trademark: OUTDOOR ADVENTURE
Registered September 24, 1991

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TOWN & COUNTRY APPAREL COMPANY, :
DBA OUTDOOR ADVENTURES PRODUCTS :

Petitioner, :

- against - :

SAMSUNG AMERICA, INC. :

Registrant. :

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04-23-2004

U.S. Patent & TMOfo/TM Mail Rcpt. Dt. #40

BOX TTAB
FEE

PETITION FOR CANCELLATION

Town & Country Apparel Company, dba Outdoor Adventures Products ("Petitioner"), a corporation organized and existing under the laws of the state of Minnesota, located at 14 Loring Road, Hopkins, Minnesota 55305, believes that it will be damaged by the continued registration of U.S. Reg. No. 1,658,686, issued on September 24, 1991, and now owned by Samsung America, Inc. ("Registrant"), and hereby petitions to cancel the same pursuant to Section 14(3) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1064(3).

Certificate of Express Mailing

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514.

"Express Mail" mailing label No. EV 260635355

Date of Deposit April 23, 2004

Tamar Niv Bessinger

(Signature)

(Printed name of person mailing paper or fee)

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300.00 DP

As grounds therefor, Petitioner alleges as follows:

1. Petitioner uses and authorizes third parties to use the mark OUTDOOR ADVENTURES for various goods.
2. Petitioner is the owner of Registration No. 2,284,139 for the mark OUTDOOR ADVENTURES for watches and cases for watches, in Class 14, issued in 1999; of Registration No. 2,732,419 for the mark OUTDOOR ADVENTURES for non-electric coffee pots, not of precious metal, and thermal insulated containers for food or beverage, namely cups and bottles, in Class 21, issued in 2003; and of Registration No. 2,033,670 for the mark OUTDOOR ADVENTURES and Design for all purpose luggage for hunting and fishing equipment, in Class 18, issued in 1997.
3. Upon information and belief, Registrant is a New York corporation located and having a principal place of business at One Executive Drive, Fort Lee, New Jersey 07024.
4. On June 24, 2003, Petitioner filed an intent-to-use application for the mark OUTDOOR ADVENTURES, for belts and suspenders, application Serial No. 78/266,335, which application is now pending.
5. On January 8, 2004, the United States Patent and Trademark Office issued an Office Action refusing registration to Petitioner based on the registration of the mark OUTDOOR ADVENTURE, Registration No. 1,658,686, owned by Registrant.
6. On information and belief, registrant has abandoned its use of and rights in the mark OUTDOOR ADVENTURE for the goods identified in Registration No. 1,658,686.


7. Petitioner will be damaged by the continuing registration of the mark at issue, because the registration is blocking registration of Petitioner's mark OUTDOOR ADVENTURES in its application Serial No. 78/266,335.

WHEREFORE, Petitioner requests that its Petition for Cancellation be granted and that Registration No. 1,658,686 be canceled.

The cancellation fee in the sum of \$300.00 is enclosed. Should that amount be insufficient, please charge our Deposit Account No. 23-0825.

Dated: New York, New York
April 23, 2004

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
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