

**UNITED STATES PATENT AND TRADEMARK
OFFICE****Trademark Trial and Appeal Board**
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: May 1, 2004

SAMSUNG AMERICA, INC.
ONE EXECUTIVE DRIVE
FORT LEE, NJ 07024**Cancellation No. 92043239**
Reg. No. 1658686TAMAR NIV BESSINGER
FROSS ZELNICK LEHRMAN & ZISSU
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017TOWN & COUNTRY APPAREL COMPANY,
DBA OUTDOOR ADVENTURES
PRODUCTS

V.

SAMSUNG AMERICA, INC.

Michelle Greenfield, Legal Assistant:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12,



05-10-2004

2003). Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available at www.uspto.gov.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open:	May 21, 2004
Discovery period to close:	November 17, 2004
30-day testimony period for party in position of plaintiff to close:	February 15, 2005
30-day testimony period for party in position of defendant to close:	April 16, 2005
15-day rebuttal testimony period for plaintiff to close:	May 31, 2005

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the

Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

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.

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