

TTAB

Attorney File No. 40130-000201US

CERTIFICATE OF DEPOSIT

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on April 28, 2004.

TOWNSEND AND TOWNSEND AND CREW LLP

By: *Aurora Lowell*
Name: Aurora Lowell

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

In the Matter of Registration No. 2,296,230
For the Mark GETTA GRIP
Registered 11-30-1999

WESTERN BRANDS, LLC,
Petitioner,

v.

R. GRIGGS & COMPANY LIMITED,
Registrant (by assignment).

PETITION FOR CANCELLATION

Cancellation No. _____

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

PETITION FOR CANCELLATION

Western Brands, LLC ("Petitioner"), a limited liability company duly organized and existing under the laws of the State of Colorado, having its principal place of business at 6273 Monarch Park Place, Niwot, Colorado 80503, seeks relief from damage by the continued registration of the mark shown in U.S. Registration No. 2,296,230 and hereby petitions for cancellation of same.



05-03-2004

registration of the mark shown in U.S. Registration No. 2,296,230 and hereby petitions for cancellation of same.

On information and belief and as grounds for cancellation Petitioner alleges the following:

1. Petitioner is the owner of the valid and subsisting U.S. Trademark Application No. 78/255,148 for GET A GRIP in connection with "shoes" in International Class 25. A printout from the USPTO TARR database evidencing the status of the application is attached hereto as Exhibit A.

2. Registrant by assignment, R. Griggs & Company Limited, with its last known address of Nene Park, Station Road, Irthlingborough, Northhamptonshire, United Kingdom NN9 5QG, is the owner of U.S. Registration No. 2,296,230 for GETTA GRIP in connection with "men's and children's boots and shoes" in International Class 25. Printouts from the USPTO TARR database evidencing the status of the registration and related assignment information are attached hereto as Exhibit B.

3. Petitioner believes that Registrant has abandoned said registered mark by discontinuing use of said mark with no intent to resume use. An investigation conducted in March 2004 revealed that Registrant's manufacture of the product on which the mark was used has been discontinued. Therefore, upon information and belief, and as grounds for cancellation, it is believed that Registrant has abandoned the mark under 15 U.S.C. §1064(3), as it is no longer using the registered mark in commerce.

4. Petitioner is likely to be damaged by the continuance of said registration in that Petitioner's Application No. 78/255,148 to register GET A GRIP has been refused registration based upon said registration.

Wherefore, Petitioner prays that this Petition for Cancellation be granted and that U.S. Trademark Registration No. 2,296,230 be cancelled in full. A duplicate copy of this Petition for Cancellation is enclosed and the filing fee of \$300 should be charged to this firm's Deposit Account No. 20-1430 as required by 37 CFR §§ 2.111 and 2.6(a)(16). The Board is also authorized to charge any additional fees which may be required, or credit any overpayment, to that Deposit Account.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Dated: 4-28-04

By: Gretchen L. Prochaska
Lesley S. Craig
Gretchen L. Prochaska
1200 17th Street, Suite 2700
Denver, CO 80202
Phone: (303) 571-4000
Fax: (415) 576-0300
Attorneys for Petitioner

60200563 v1

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-04-22 17:57:39 ET

Serial Number: 78255148

Registration Number: (NOT AVAILABLE)

Mark (words only): GET A GRIP

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2003-11-03

Filing Date: 2003-05-28

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
BUTLER MIDGE FAE Employee Location

Current Location: L8D -TMEG Law Office 108 - Docket Clerk

Date In Location: 2003-11-05

LAST APPLICANT(S)/OWNER(S) OF RECORD

I. Western Brands LLC

Address:
Western Brands LLC
Suite 800 1919 14th Street
Boulder, CO 80302
United States

Legal Entity Type: Ltd Liab Co
State or Country Where Organized: Colorado

GOODS AND/OR SERVICES

Shoes

International Class: 025

First Use Date: 2002-10-31

First Use in Commerce Date: 2002-10-31

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-11-03 - Non-final action e-mailed

2003-11-03 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

Lesley S. Craig (Attorney of record)

Lesley S. Craig
Townsend and Townsend and Crew LLP
8th Floor
Two Embarcadero Center
San Francisco, CA 94111
Phone Number: 303.571.4000
Fax Number: 415.576.0300

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-04-22 17:41:40 ET

Serial Number: 74240724 Assignment Information

Registration Number: 2296230 Assignment Information

Mark (words only): GETTA GRIP

Standard Character claim: No

Current Status: Registered.

Date of Status: 1999-11-30

Filing Date: 1992-01-27

Transformed into a National Application: No

Registration Date: 1999-11-30

Register: Principal

Law Office Assigned: TMEG Law Office 107

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -Warehouse (Newington)

Date In Location: 1999-12-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. G.W. & R SHELTON LTD.

Address:

G.W. & R SHELTON LTD.

Park St. Wollaston

Northants NN9 7RR

United Kingdom

Legal Entity Type: Corporation

State or Country of Incorporation: United Kingdom

GOODS AND/OR SERVICES

men's and children's boots and shoes

International Class: 025

First Use Date: 1987-00-00

First Use in Commerce Date: 1987-00-00

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1999-11-30 - Registered - Principal Register
1999-09-08 - Allowed for Registration - Principal Register (SOU accepted)
1999-09-07 - Case file assigned to examining attorney
1999-09-03 - Statement of use processing complete
1999-08-02 - Amendment to Use filed
1999-08-27 - Extension 1 granted
1999-08-02 - Extension 1 filed
1999-02-02 - Notice of allowance - mailed
1998-11-10 - Published for opposition
1998-10-09 - Notice of publication
1998-09-02 - Approved for Pub - Principal Register (Initial exam)
1998-01-21 - Letter of suspension mailed
1997-06-18 - Non-final action mailed
1995-01-06 - Letter of suspension mailed
1994-12-12 - Communication received from applicant
1992-04-08 - Letter of suspension mailed
1992-03-23 - Case file assigned to examining attorney

1992-03-13 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)

James D. Zalewa (Attorney of record)

JAMES D. ZALEWA
LEYDIG, VOIT & MAYER
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, IL 60601
United States

Domestic Representative

James D. Zalewa



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 74240724 **Filing Dt:** 01/27/1992 **Reg #:** 2296230 **Reg. Dt:** 11/30/1999

Registrant: G.W. & R SHELTON LTD.

Mark: GETTA GRIP

Assignment: 1

Reel/Frame: 2524/0738 **Received:** 08/12/2002 **Recorded:** 08/12/2002 **Pages:** 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: G.W. & R. SHELTON LIMITED

Exec Dt: 06/19/2002

Entity Type: CORPORATION

Citizenship: UNITED KINGDOM

Assignee: R. GRIGGS & COMPANY LIMITED

Entity Type: CORPORATION

Citizenship: UNITED KINGDOM

NENE PARK
STATION ROAD, IRTHLINGBOROUGH
NORTHAMPTONSHIRE, UNITED KINGDOM NN9 5QG

Correspondent: LEYDIG, VOIT & MAYER, LTD.
JAMES D. ZALEWA
TWO PRUDENTIAL PLAZA, SUITE 4900
CHICAGO, ILLINOIS 60601-6780

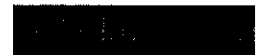
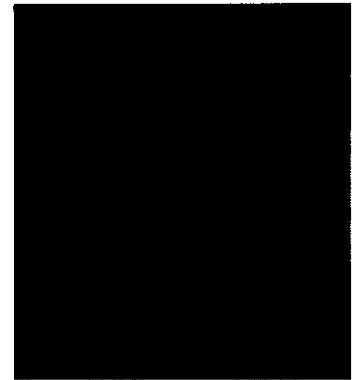
Search Results as of: 04/22/2004 06:10 PM

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723

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Western Brands
6273 Monarch Park Place
Niwot, CO 80503