

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

In the Matter of Trademark Registration
No. 2,852,222 dated June 8, 2004 by
Robert Scarla in Class 8 for
**THE WORLD'S ONLY FOLDING
UTILITY KNIFE**

PETITION FOR CANCELLATION
UNDER 15 U.S.C. 1064

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



08-09-204

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

Sir:

The undersigned, GREAT NECK SAW MANUFACTURERS, INC., a corporation duly organized and existing under the laws of the State of New York, having a place of business at 165 East Second Street, Mineola, NY 11501 (hereinafter Petitioner), believes that it will be damaged by Registration No. 2,852,222 registered on June 8, 2004 to Robert Scarla, 7498 E. Monte Carlo Avenue, Scarsdale, AZ 85260 (hereinafter Respondent), and hereby petitions for cancellation of said registration as provided by 15 U.S.C. 1064.

08/11/2004 KGBBBS 00000093 2852222

As grounds for cancellation, it is alleged that: 01 FC:6401 300.00 DP

1. Petitioner for some time has continuously sold in interstate commerce and intrastate commerce a folding utility knife (either alone or in combination with other words or symbols). Petitioner's folding utility knives have been widely advertised and used throughout the United States and elsewhere so that they have acquired and now have great value and are widely known in the trade.
2. Photocopies of some of Petitioner's said folding utility knives are attached hereto as Exhibits A, B, C, D and E.

3. The mark which Respondent has registered is "THE WORLDS ONLY FOLDING UTILITY KNIFE". This is not true and is deceptive since Petitioner (and possibly others) has been selling folding utility knives for some time and continues to sell folding utility knives. Hence, the mark is not true and deceptive so that registration of its mark is precluded by 15 U.S.C. 1052(a) as it consists of deceptive matter.
4. Respondent was not entitled at the time of filing its application for said registration, and is not now entitled, to maintain on the register its mark for Knives namely Utility Knives and Folding Utility Knife; Blades for Utility Knives; Parts and Fittings for the Aforesaid Tools since the mark is deceptive and contrary to 15 U.S.C. 1052(a).

WHEREFORE, petitioner believes that it will be damaged by the registration of this deceptive trademark and prays that said Registration No. 2,852,222 be cancelled.

Dated: August 6, 2004

GREAT NECK SAW MANUFACTURERS, INC.

By: _____

Joseph J. Previto
Collard & Roe, P.C.
Attorney for Opposer
1077 Northern Boulevard
Roslyn, NY 11576
(516) 869-5950

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: TTAB, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on August 6, 2004.

Joseph J. Previto
Attorney for Opposer

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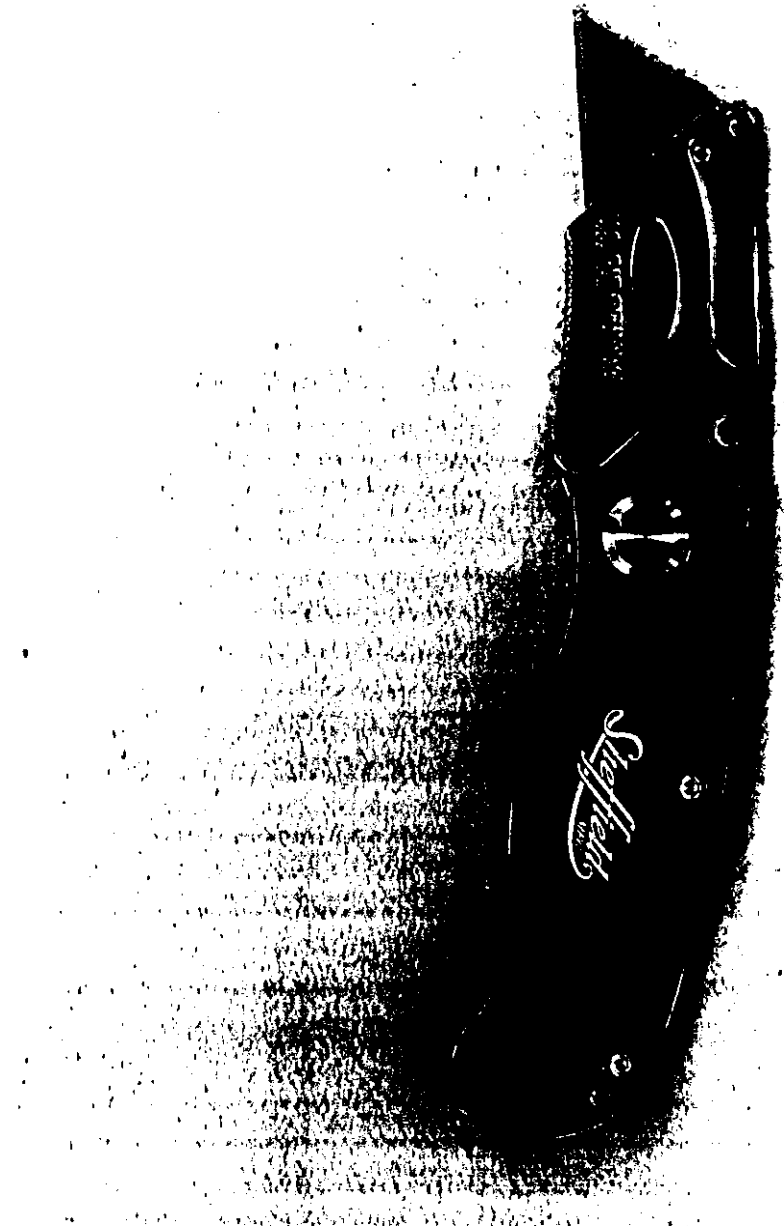


EXHIBIT A

12118

Sheffield

Lightweight
Aluminum Handle

Large Comfortable
Co. Your Handle
With Belt

Folding
Lock-Back
Carpet Knife



EXHIBIT B

12113



Folding
Lock-Back
Utility
Knife

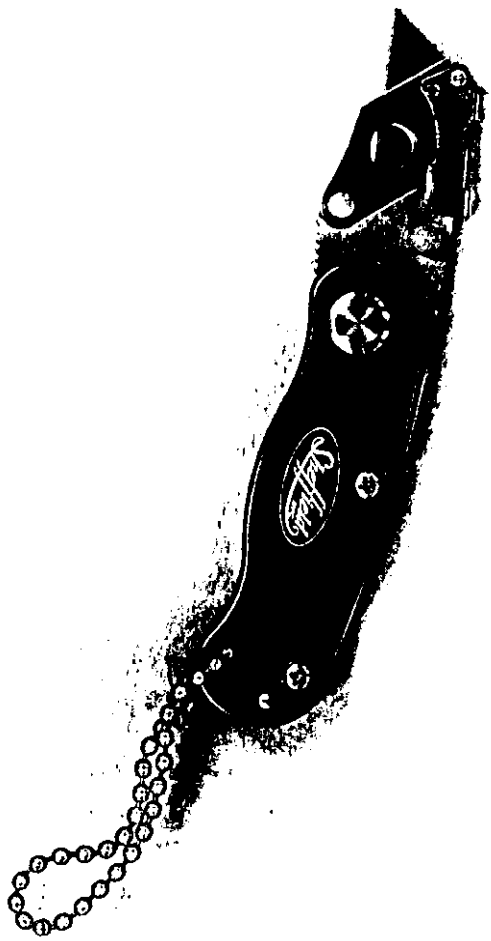
Light Weight
Aluminum Handle
With Belt Clip

Quick Change
Lock Blade

Accepts All
Standard
Utility Blades



EXHIBIT C



8.11.11 D



EXHIBIT E

Alfon C. Collard
Stewart J. Bellus
Edward R. Freedman
Frederick J. Dorchak
Elizabeth Collard Richter
William C. Collard
Mary S. Mathew
Edward J. Callaghan

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August 6, 2004

TTAB

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

Re: **Petition for Cancellation Under 15 U.S.C. 1064**
United States Trademark Registration No. 2,852,222
Petitioner: Great Neck Saw Manufacturers, Inc.

Sir:

Attached hereto in duplicate is a Petition for Cancellation Under 15 U.S.C. 1064 of United States Trademark Registration No. 2,852,222.

The cancellation fee of \$300.00 is attached hereto. If this is not sufficient, please charge any additional fees to our Deposit Account No. 03-2468.

Very truly yours,


Joseph J. Previto

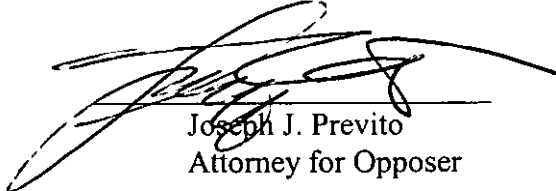


JJP:mk
Enclosure

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