

ESTTA Tracking number: **ESTTA34318**

Filing date: **05/31/2005**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	200 Kelsey Associates, LLC		
Entity	Limited Liability	Citizenship	New Jersey
Address	488 Main Avenue Suite 100 New Rochelle, NY 10801 UNITED STATES		

Attorney information	Edmund J. Ferdinand, III Grimes & Battersby, LLP 488 Main Avenue Third Floor Norwalk, CT 06851 UNITED STATES ferdinand@gandb.com Phone: 2038498300		
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Registrations Subject to Cancellation

Registration No	2089186	Registration date	08/19/1997
Registrant	Royal Crown Company, Inc. 1000 Corporate Drive Ft. Lauderdale, FL 33334 UNITED STATES		
Goods/Services Subject to Cancellation	Class 032. First Use: 19241016, First Use In Commerce: 19241016 Goods/Services: soft drinks; syrups, concentrates, and extracts for making soft drinks		
Grounds for	The registered mark has been abandoned.		

Cancellation			
Registration No	207317	Registration date	12/29/1925
Registrant	ROYAL CROWN COMPANIES, INC. P. O. DRAWER K MIAMI BEACH, FL 33141 UNITED STATES		
Goods/Services Subject to Cancellation	Class U045 (International Class 032). First Use: 19241016, First Use In Commerce: 19241016 Goods/Services: NON-INTOXICATING, MALTLESS BEVERAGES AND SIRUPS AND CONCENTRATES FOR MAKING THE SAME		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	5.27 Scan for Jed 8.pdf (2 pages)
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Signature	/ejf/
Name	Edmund J. Ferdinand, III
Date	05/31/2005

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

*In the Matter of Registration Nos. 207,317 and 2,089,196
Registered on December 29, 1925 and August 19, 1997*

200 Kelsey Associates, LLC,

Petitioner,

v.

Royal Crown Company, Inc.,

Registrant.

Cancellation No.:

PETITION FOR CANCELLATION

In the matter of Registration Nos. 207,317 and 2,089,186 for the trademark NEHI for use in connection with non-alcoholic beverages in Class 32 owned by Royal Crown Company, Inc., 1000 Corporate Drive, Ft. Lauderdale, FL 33334 ("Registrant"), 200 Kelsey Associates, LLC (hereinafter "Petitioner"), believes that it will be damaged by the maintenance of said registrations on the Principal Register and hereby petitions for cancellation of same.

The grounds for cancellation are as follows:

1. Petitioner has filed U.S. Trademark Application Serial No. 78/462,422 with the U.S. Patent and Trademark Office seeking to register the trademark NEHI for use in connection with non-alcoholic beverages in Class 32 on the Principal Register. Registration of Petitioner's mark has been refused by reason of Registrant's aforesaid prior registrations for the same mark. Petitioner will be unable to register said trademark for NEHI so long as Registrant's trademark remains on the Register.

2. Upon information and belief, Registrant has abandoned the trademark NEHI and has no intent to re-establish such use. Petitioner has conducted an investigation of Registrant and has determined that Registrant appears to have ceased using the mark in connection with beverages in Class 32 several years ago, and furthermore that Registrant has no intention of using the mark in the future.

3. In view of the evidence, Petitioner believes that Registrant has abandoned the trademark NEHI without intent to re-establish such use. Petitioner believes it will be free to use its trademark NEHI and to register same on the Principal Register only if Registration Nos. 207,317 and 2,089,186 are canceled.

WHEREFORE, Petitioner believes that it is and will be damaged by said registration and hereby prays that said registration be canceled and that this Petition for Cancellation be sustained in favor of Petitioner.

The filing fee for this Petition of Cancellation in the amount of \$600.00 is enclosed herewith.

Dated: May 27, 2005

Respectfully submitted,

200 KELSEY ASSOCIATES, LLC

By:



Edmund J. Ferdinand, III, Esq.
Attorneys for Petitioner
GRIMES & BATTERSBY, LLP
488 Main Avenue, Third Floor
Norwalk, Connecticut 06851
(203) 849-8300
Attorney Docket No. KAL068USL