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Filing date: **06/15/2005**

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**

<b>Name</b>	Velcro Industries B.V.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Netherland Antilles
<b>Address</b>	Castorweg 22-24 Curacao, NETHERLANDS ANTILLES		

<b>Correspondence information</b>	John L. Welch Foley Hoag LLP 155 Seaport Boulevard Boston, MA 02210 UNITED STATES jwelch@foleyhoag.com Phone:617-832-1000		
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#### **Registration Subject to Cancellation**

<b>Registration No</b>	2803547	<b>Registration date</b>	01/06/2004
<b>Registrant</b>	ICARE INDUSTRIES, INC. 4399 35th Street North St. Petersburg, FL 33714 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 028. First Use: 20020515, First Use In Commerce: 20020515 Goods/Services: Diving masks		

<b>Attachments</b>	CHAMELEON cancellation.pdf ( 5 pages )
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<b>Signature</b>	/johnlwelch/
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<b>Name</b>	John L. Welch
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<b>Date</b>	06/15/2005
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VELCRO INDUSTRIES B.V.,	)	
	)	
Petitioner,	)	.
	)	
v.	)	Cancellation No
	)	
ICARE INDUSTRIES, INC.	)	
	)	
Respondent.	)	Registration No.
_____	)	2,803,547

PETITION FOR CANCELLATION

Velcro Industries B.V. ("VIBV"), a Netherlands limited liability company having its principal place of business at Castorweg 22-24, Curacao, Netherland Antilles), believes that it will be damaged by Registration No. 2,803,547 for the mark CHAMELEON, and hereby petitions to cancel said registration.

The grounds for this petition are as follows:

1. Respondent ICARE INDUSTRIES, INC., is the owner of U.S. Registration No. 2,803,547 for the word mark CHAMELEON for "diving masks." The registration contains the following description of the mark: "The container consists of a case for the diving masks with Velcro closure."

3. Petitioner VIBV is the owner of twenty (20) United States

Trademark Registrations for the mark VELCRO®, as follows:

<u>MARK</u>	<u>REG. NO.</u>	<u>ISSUED</u>	<u>GOODS</u>
VeLCRO	661,700	05-13-58	Notion-namely a synthetic material sold in ribbon, sheet, or piece goods form, said material having complemental parts which adhere to each other when pressed together and adapted for use as a closure, fastener, or button for closing garments, curtains, or the like.
VELCRO	1,027,417	12-16-75	Separable fasteners - namely, hook and loop-type fasteners and components thereof.
VELCRO	1,031,355	01-27-76	Medical splints and straps for use therewith incorporating hook and loop fasteners.
VELCRO	1,044,049	07-20-76	Safety straps incorporating hook and loop fasteners for medical uses on operating tables, wheelchairs, and the like.
VELCRO	1,091,889	05-23-78	Hook and loop type fasteners for use with recreational vehicles and the like.
VELCRO	1,154,773	05-19-81	straps incorporating hook and loop type fasteners for use in the medical field
VELCRO	1,163,756	08-04-81	Screen kits, including hook and loop tapes, insect screening and adhesive.
VELCRO	1,184,926	01-05-82	Self-gripping hair rollers.
VELCRO	1,598,591	05-29-90	Molded and extruded plastic material having a surface of

			hooks or loops, for use in manufacture as components of hook and loop fastening systems; hook and loop fastening systems for use in manufacture
VELCRO	1,705,079	08-04-92	Fabrics and textiles and substitutes therefor, namely, woven, molded, or extruded synthetic material having a surface of hooks and woven synthetic material having a surface of loops.
VELCRO	1,846,829	07-26-94	Separable fasteners; namely, hook and loop type fasteners and components thereof.
VELCRO	2,174,852	07-21-98	Toys and games incorporating hook and loop fasteners, namely, flying disc catch games, tag games featuring balls and vests, target games featuring balls and targets, stuffed toys and dolls with detachable limbs and features, puppets and detachable limbs and features therefor, puppet theaters and board games.
VELCRO	2,220,407	01-26-99	Adhesives for stationery and household use.
VELCRO	2,225,595	02-23-99	Non-electric hair curlers, namely hair rollers.
VELCRO	2,225,651	02-23-99	Snap fasteners and grommets in the nature of eyelets for securing tarpaulins.
VELCRO	2,227,960	03-02-99	Water-resistant pouches for general use.
VELCRO	2,227,961	03-02-99	Watch bands.
VELCRO	2,242,632	05-04-99	Adhesive cement for hobbyists.

VELCRO design	2,529,312	01-15-02	Fasteners, namely, buckles, & snap-hooks, adjuster bars, slides, cord locks, zipper pulls, and modular buckles having alternative components adaptable to different sizes and configurations.
VELCRO	2,570,823	05-21-02	Fasteners, namely, buckles, snap-hooks, adjuster bars, slides, cord locks, zipper pulls, and modular buckles having alternative components adaptable to different sizes and configurations.

4. By reason of the widespread promotion and use of the mark VELCRO for many years in connection with the above-identified products, the mark VELCRO has become a famous mark, from a date well prior to Respondent's date of registration and well prior to Respondent's first use dates.

5. The inclusion of Petitioner's registered trademark VELCRO in a generic manner in the "description of mark" section of Respondent's registration is likely to dilute the distinctive value of the VELCRO trademark, in violation of Section 43(c) of the Trademark Act.

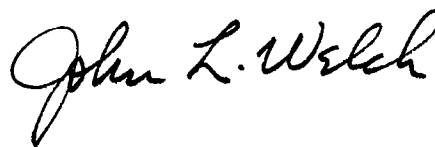
6. The inclusion of Petitioner's registered trademark VELCRO in a generic manner in the "description of mark" section of Respondent's registration violated the policy and regulations of the United States Patent and Trademark Office. See Section 1402.09 of the

Trademark Manual of Examining Procedures. Consequently, Registration No. 2,803,547 should not have issued, and is void ab initio.

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WHEREFORE, Petitioner prays that Registration No. 2,803,547 be cancelled and that this Petition for Cancellation be sustained.

Respectfully submitted,  
Velcro Industries B.V.



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