

ESTTA Tracking number: **ESTTA38031**

Filing date: **07/07/2005**

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	International E-Z Up, Inc.		
Entity	Corporation	Citizenship	California
Address	1601 Iowa Avenue Riverside, CA 92507 UNITED STATES		

Attorney information	Leonard D. Messinger James W. Paul Fulwider Patton Lee & Utecht, LLP 6060 Center Drive 10th Floor Los Angeles, CA 90045 UNITED STATES docketla@fulpat.com Phone:(310) 824 5555		
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Registration Subject to Cancellation

Registration No	2715837	Registration date	05/13/2003
Registrant	Regency Awnings, LLC 3480 South Clinton Ave. South Plainfield, NJ 07080 UNITED STATES		
Goods/Services Subject to Cancellation	Class 022. First Use: 20010701, First Use In Commerce: 20010701 Goods/Services: Awnings of fabric		

Attachments	EZUP 71498 Petition to Cancel.pdf (2 pages)
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Signature	/Leonard D. Messinger/
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Name	Leonard D. Messinger
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Date	07/07/2005
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Registration No.: 2715837
Registration Date: May 13, 2003

International E-Z Up, Inc.

Petitioner,

v.

Regency Awnings, LLC

Registrant.

Cancellation No.: _____

Atty Docket #:

PETITION FOR CANCELLATION

As grounds for cancellation, petitioner alleges:

1. Registrant has obtained U.S. Trademark registration number 2715837 for the mark REGENCY for awnings of fabric.
2. Upon information and belief, Registrant has abandoned use of the mark REGENCY in connection with the identified goods in the United States and/or commerce with the United States.
3. Petitioner has filed an application in the United States Patent and Trademark Office, serial number 78441000 ("Petitioner's Application") to register the mark THE REGENCY, based on Petitioner's bona fide intent to use that mark in commerce for collapsible canopies and tents.

4. In response to Petitioner's Application, the examining attorney contends that Registrant's goods are related to the goods identified in Petitioner's Application and contends Registrant's mark so resembles Petitioner's mark, as to be likely to cause confusion or to cause mistake or to deceive. The examining attorney has therefore refused registration of Petitioner's mark.

5. If the above identified registration is permitted to remain on the Principal Register, Petitioner is likely to be damaged and injured, because: (a) the continued existence of Registrant's above identified registration casts a cloud upon Petitioner's own right to use its above identified mark in the United States; (b) the prima facie effect of that registration will impair Petitioner's right to register and use the mark identified in Petitioner's Application, and (c) Registrant may cause annoyance and harass Petitioner in selling its identified goods under the mark identified in Petitioner's Application, although Registrant has abandoned use of the mark identified in its Registration.

6. Petitioner is informed and believes it is entitled to the exclusive right to use its mark in commerce, due, in part, to Registrant's abandonment of its use of its above identified registered mark.

WHEREFORE, Petitioner requests that this Petition for Cancellation be sustained in Petitioner's favor and Registration No. 2715837 be canceled.