

ESTTA Tracking number: **ESTTA52001**

Filing date: **11/04/2005**

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>	CJB Industries, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Georgia
<b>Address</b>	2114 Cypress Street Valdosta, GA 31601 UNITED STATES		

<b>Attorney information</b>	Mitchell A. Tuchman Womble Carlyle Sandridge & Rice PLLC PO Box 13069 Research Triangle Park, NC 27709 UNITED STATES trademarksrtp@wcsr.com Phone:919-484-2333		
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#### Registration Subject to Cancellation

<b>Registration No</b>	821821	<b>Registration date</b>	01/10/1967
<b>Registrant</b>	UNIROYAL CHEMICAL COMPANY, INC. WORLD HEADQUARTERS MIDDLEBURY, CT 06749 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class U006 (International Class 001). First Use: 19650701, First Use In Commerce: 19650701 Goods/Services: SURFACTANT FOR USE WITH HERBICIDES, INSECTICIDES, AND FUNGICIDES		

<b>Grounds for Cancellation</b>	The registered mark has been abandoned.
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<b>Related Proceedings</b>	The Petitioner is simultaneously submitting to the Commissioner for Trademarks a Petition to Revive US Serial No. 78257090
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<b>Attachments</b>	CJB Petition.pdf ( 3 pages )
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<b>Signature</b>	/Mitchell A Tuchman/
<b>Name</b>	Mitchell A. Tuchman
<b>Date</b>	11/04/2005

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

In re Registration No. : 0821,821  
 For the Mark : ACTIVATE  
 Registered on : January 10, 1967

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 CJB Industries, Inc. )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 Pace International, LLC )  
 )  
 Registrant )  
 )  
 \_\_\_\_\_ )

Cancellation No. \_\_\_\_\_

BOX TTAB—FEE  
 Assistant Commissioner for Trademarks  
 P.O. Box 1451  
 Alexandria, VA 22313-1451

**PETITION FOR CANCELLATION**

Petitioner CJB Industries, Inc. (“Petitioner”), is a Georgia corporation with an address at 2114 Cypress Street, Valdosta, Georgia 31601.

Registrant Pace International, LLC (“Registrant”), is a Washington limited liability company with an identified address at 1011 Western Avenue, Suite 505, Seattle, Washington 98104.

Petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel same.

The grounds for cancellation are as follows:

1. Petitioner filed an intent-to-use application on or about June 2, 2003, to register the mark ACTIVATION TECHNOLOGY in connection with fungicides, herbicides and insecticides (“Petitioner’s Mark”).
2. The application to register Petitioner’s Mark was assigned U.S. Serial No. 78/257,090 (“Petitioner’s Application”).
3. Registrant is identified as the owner of U.S. Reg. No. 0821,821 for the mark ACTIVATE in connection with a surfactant for use with herbicides, insecticides, and fungicides (“Registrant’s Mark”).

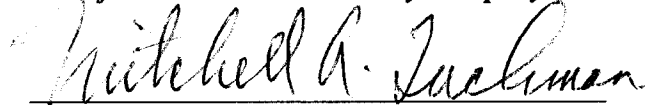
4. The registration for Registrant's Mark results from an application filed by Thomson-Hayward Chemical Company on or about February 10, 1966. The registration issued on January 10, 1967.
5. That registration was acquired by assignment by Registrant's predecessor-in-interest on November 1, 1993; it was acquired by merger by Registrant on January 1, 1999.
6. Petitioner's Mark has been refused on the basis of Registrant's Mark.
7. The Patent and Trademark Office issued a Notice of Abandonment with respect to Petitioner's Application on September 6, 2005.
8. Petitioner timely filed a Petition to Revive Petitioner's Application on November 2, 2005. (A copy of that petition is attached hereto.)
9. On information and belief, Registrant is no longer using Registrant's Mark and has abandoned same.
10. The Commissioner is authorized to charge the fee required in 37 C.F.R. § 2.6(1), as well as any deficiency in any fees required herein, to Deposit Account No. 500517.

Accordingly, pursuant to 15 U.S.C. § 1064(3), Lanham Act § 14(3), Petitioner respectfully requests that U.S. Reg. No. 0821,821 be cancelled.

Dated: November 4, 2005.

Respectfully submitted,

**WOMBLE CARLYLE SANDRIDGE & RICE**  
*A Professional Limited Liability Company*



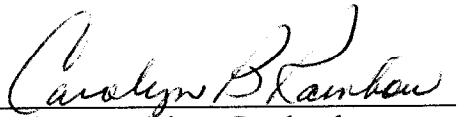
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Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I do hereby certify that on November 4, 2005, I filed via electronic means (ESTTA) this  
PETITION FOR CANCELLATION with the:

U.S. Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

  
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Carolyn B. Rainbow, Paralegal