

ESTTA Tracking number: **ESTTA54602**

Filing date: **11/22/2005**

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>	Stealth Systems, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Texas
<b>Address</b>	1070 Oak Hollow Lane Combine, TX 75159 UNITED STATES		

<b>Attorney information</b>	Michael A. O'Neil Michael A. O'Neil, P.C. 5949 Sherry Lane Suite 820 Dallas, TX 75225 UNITED STATES mike@oneilplaw.com Phone:214-739-0088
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#### Registration Subject to Cancellation

<b>Registration No</b>	2449396	<b>Registration date</b>	05/08/2001
<b>Registrant</b>	Stealth Audio Alarm & Pet Containment System, Inc. Ford Road P.O. Box 758 Kimberton, PA 19442 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 009. First Use: 20000701, First Use In Commerce: 20000701 Goods/Services: alarm, containment, and tracking system for animals and/or humans		

	Class 037. First Use: 20000701, First Use In Commerce: 20000701 Goods/Services: installation and servicing of alarm, containment, monitoring, and tracking systems
	Class 041. First Use: 20000701, First Use In Commerce: 20000701 Goods/Services: training for the use, installation, and servicing of alarm, containment, monitoring, and tracking systems

<b>Attachments</b>	100210 cancellation.pdf ( 3 pages )
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<b>Signature</b>	/s/Michael A. O'Neil
<b>Name</b>	Michael A. O'Neil
<b>Date</b>	11/22/2005

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

In the Matter of Registration No. 2,449,396  
Date of Issue: May 8, 2001

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STEALTH SYSTEMS, INC., )  
    Petitioner, )  
    v. )  
STEALTH AUDIO ALARM & PET )  
CONTAINMENT SYSTEM, INC., )  
    Registrant. )  
\_\_\_\_\_ )

Cancellation No.:

BOX TTAB FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

PETITION FOR CANCELLATION

Petitioner, Stealth Systems, Inc., a Texas corporation having its principal place of business at 1070 Oak Hollow Lane, Combine, TX 75159, believes that it is or will be damaged by Registration No. 2,449,396 and hereby petitions to cancel same.

As grounds of this Petition, it is alleged that:

1. The Registrant has obtained a registration for STEALTH for use in connection with: 1) training for the use, installation, and servicing of alarm, containment, monitoring, and tracking systems; 2) installation and servicing of alarm, containment, monitoring, and tracking systems; and 3) alarm, containment, and tracking system for animals and/or humans,” claiming a first date of use of July 1, 2000.

2. Petitioner is the owner of the mark STEALTH (hereinafter “the Mark”) for use in conjunction with designing and installing security systems for commercial properties. Petitioner’s first use of the Mark in commerce was at least as early as August 19, 2003. Further, Petitioner has filed an application to register the Mark with the United States Patent and Trademark Office under the serial number 76/633,311.

3. Petitioner has expended considerable sums of money in developing its STEALTH services, and in advertising and promoting its services as identified by the Mark.

4. Petitioner has devoted substantial effort to advertising and promoting its services, and has developed substantial recognition for its services offered under the Mark in the security system industry.

5. Upon information and belief, Registrant is no longer in business and thus no longer using the STEALTH mark in commerce. Thus, on information and belief, Registrant has discontinued its use of the STEALTH mark with the intent not to resume such use, and has therefore abandoned the STEALTH mark under 15 U.S.C. § 1127.

6. Registrant’s abandonment of the STEALTH mark is grounds for cancellation of its registration under 15 U.S.C. § 1064(3).

7. If Registrant is permitted to continue to maintain its invalid registration, a cloud will be cast upon Petitioner's own right to continue to use, develop, and expand the use of the Mark in the United States. Such registration would thus be a source of damage and injury to the Petitioner.

8. A duplicate copy of this Petition and the fee required in § 2.6(a)(16) is enclosed herewith. The Assistant Commissioner is hereby authorized to charge and credit Deposit

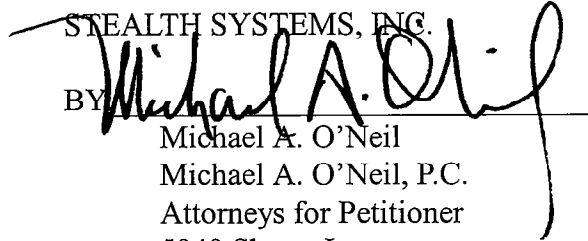
Account Number 50-0856 for any additional fee or overpayment required.

WHEREFORE, Petitioner prays that Registration No. 2,449,396 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully submitted,

STEALTH SYSTEMS, INC.

BY

A handwritten signature in black ink, appearing to read "Michael A. O'Neil", is written over a horizontal line. The signature is stylized and cursive.

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