

ESTTA Tracking number: **ESTTA56368**

Filing date: **12/06/2005**

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>	Shenandoah Valley National Bank		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Virginia
<b>Address</b>	100 W. Jubal Early Drive Winchester, VA 22601 UNITED STATES		

<b>Attorney information</b>	Adam D. Resnick Arent Fox PLLC 1050 Connecticut Avenue, N.W. Washington, DC 20036-5339 UNITED STATES tmdocket@arentfox.com,klein.sheldon@arentfox.com,resnick.adam@arentfox.com,mccann.k Phone:202/857-6000
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#### Registrations Subject to Cancellation

<b>Registration No</b>	1523796	<b>Registration date</b>	02/07/1989
<b>Registrant</b>	ONE VALLEY BANCORP OF WEST VIRGINIA, INC. P.O. BOX 1793 CHARLESTON, WV 25326 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 036. First Use: 19870901, First Use In Commerce: 19870901 Goods/Services: BANKING SERVICES		

<b>Grounds for Cancellation</b>	The registered mark has been abandoned.		
<b>Registration No</b>	1481049	<b>Registration date</b>	03/15/1988
<b>Registrant</b>	ONE VALLEY BANCORP OF WEST VIRGINIA, INC. P.O. BOX 1793 CHARLESTON, WV 25326 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 036. First Use: 19810121, First Use In Commerce: 19810904 Goods/Services: BANKING SERVICES		
<b>Grounds for Cancellation</b>	The registered mark has been abandoned.		
<b>Registration No</b>	1498919	<b>Registration date</b>	08/02/1988
<b>Registrant</b>	ONE VALLEY BANCORP OF WEST VIRGINIA, INC. P.O. BOX 1793 CHARLESTON, WV 25326 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 036. First Use: 19810121, First Use In Commerce: 19810904 Goods/Services: BANKING SERVICES		
<b>Grounds for Cancellation</b>	The registered mark has been abandoned.		

<b>Attachments</b>	one_vall.pdf ( 8 pages )
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<b>Signature</b>	/Adam D. Resnick/
<b>Name</b>	Adam D. Resnick
<b>Date</b>	12/06/2005

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

In re Registration Nos. 1,523,796, 1,481,049 and 1,498,919

SHENANDOAH VALLEY NATIONAL BANK,	:	
	:	
Petitioner,	:	
	:	
v.	:	Canc. No. _____
	:	
ONE VALLEY BANCORP, INC.,	:	
	:	
Registrant.	:	

**PETITION FOR CANCELLATION**

Petitioner Shenandoah Valley National Bank (hereinafter “Petitioner”), a corporation of Virginia, having a principal business address of 100 W. Jubal Early Drive, Winchester, Virginia, 22601, believes that it will be damaged by the above referenced trademark registrations and hereby petitions to cancel said registrations under the provisions of Section 14 of the Trademark Act of 1946, 15 U.S.C. § 1064.

As grounds for cancellation, it is alleged as follows:

1. Petitioner is seeking to use and register the mark ONE VALLEY BANK, N.A., in connection with banking services; mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; security brokerage; investment management of and distribution of variable annuities; mutual fund brokerage, distribution and investment; insurance brokerage, and is the owner of U.S. Application Ser. No. 78/748,769 for said mark.

2. Registrant is the owner of the following trademark registrations for the following marks: Reg. No. 1,523,796 – ONE VALLEY BANK; 1,481,049 – ONE VALLEY BANCORP; and 1,498,919 – ONE VALLEY BANCORP OF WEST VIRGINIA (hereinafter the “ONE VALLEY Registrations” and the “ONE VALLEY Marks,” respectively), in connection with “banking services.” See Exhibit A.

3. Upon information and belief, Registrant has abandoned any rights it may have ever had in the ONE VALLEY Marks and Registrations, because Registrant has discontinued use of said marks with an intent not to resume such use.

4. Upon information and belief, Registrant has not used the ONE VALLEY Marks for more than three consecutive years.

5. By reason of the foregoing, Petitioner will be damaged by the continued existence of the ONE VALLEY Registrations, and Petitioner therefore requests that said registrations be cancelled.

WHEREFORE, Petitioner requests that its petition be granted and that Registration Nos. 1,523,796, 1,481,049 and 1,498,919 be cancelled.

SHENANDOAH VALLEY NATIONAL BANK

By:  \_\_\_\_\_

Sheldon H. Klein  
Adam D. Resnick  
ARENT FOX PLLC  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 857-6000

Date: 12/6/05

Attorneys for Petitioner

# EXHIBIT A


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### Typed Drawing

<b>Word Mark</b>	ONE VALLEY BANK
<b>Goods and Services</b>	IC 036. US 102. G & S: BANKING SERVICES. FIRST USE: 19870901. USED IN ANOTHER FORM FIRST USED IN ANOTHER FORM ON 1867. FIRST USE IN COMMERCE: 19870901
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	73731093
<b>Filing Date</b>	May 27, 1988
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 15, 1988
<b>Registration Number</b>	<b>1523796</b>
<b>Registration Date</b>	February 7, 1989
<b>Owner</b>	(REGISTRANT) ONE VALLEY BANCORP OF WEST VIRGINIA, INC. CORPORATION WEST VIRGINIA P.O. BOX 1793 CHARLESTON WEST VIRGINIA 25326
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOSEPH R. MARCUS
<b>Prior Registrations</b>	1481049;1498919
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANK" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).

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<b>Word Mark</b>	ONE VALLEY BANCORP
<b>Goods and Services</b>	IC 036. US 102. G & S; BANKING SERVICES. FIRST USE: 19810121. FIRST USE IN COMMERCE: 19810904
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	73670080
<b>Filing Date</b>	July 6, 1987
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	December 22, 1987
<b>Change In Registration</b>	CHANGE IN REGISTRATION HAS OCCURRED
<b>Registration Number</b>	<b>1481049</b>
<b>Registration Date</b>	March 15, 1988
<b>Owner</b>	(REGISTRANT) ONE VALLEY BANCORP OF WEST VIRGINIA, INC. CORPORATION WEST VIRGINIA P.O. BOX 1793 CHARLESTON WEST VIRGINIA 25326
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOSEPH R. MARCUS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANCORP" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead</b>	



Indicator LIVE

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### Typed Drawing

<b>Word Mark</b>	ONE VALLEY BANCORP OF WEST VIRGINIA
<b>Goods and Services</b>	IC 036. US 102. G & S: BANKING SERVICES. FIRST USE: 19810121. FIRST USE IN COMMERCE: 19810904
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	73670312
<b>Filing Date</b>	July 6, 1987
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 10, 1988
<b>Registration Number</b>	<b>1498919</b>
<b>Registration Date</b>	August 2, 1988
<b>Owner</b>	(REGISTRANT) ONE VALLEY BANCORP OF WEST VIRGINIA, INC. CORPORATION WEST VIRGINIA P.O. BOX 1793 CHARLESTON WEST VIRGINIA 25326
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	JOSEPH R. MARCUS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BANCORP OF WEST VIRGINIA" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE