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Filing date: **12/23/2005**

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	Griffen USA, Inc.		
Entity	Corporation	Citizenship	California
Address	1501 E. Chestnut Avenue Lompoc, CA 93436 UNITED STATES		

Attorney information	Michael J. Ram Koppel, Jacobs, Patrick & heybl 555 St. Charles Drive Thousand Oaks, CA 91360 UNITED STATES generalmail@koppelpatent.com Phone:(805) 373-0060
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Registration Subject to Cancellation

Registration No	2565666	Registration date	04/30/2002
Registrant	Feuling, James J. 2521 Palma Drive Ventura, CA 93003 UNITED STATES		
Goods/Services Subject to Cancellation	Class 012. First Use: 2001/11/21 , First Use In Commerce: 2001/11/21 Goods/Services: MOTORCYCLES		

Attachments	359-76U003cancellation.pdf (4 pages)
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Signature	/michael j ram/
Name	Michael J. Ram
Date	12/23/2005

CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited electronically via the United States Patent and Trademark web site at www.uspat.gov on

Date: December 23, 2005

By: *Esther Miller*
Esther Miller

Docket No: 359-76-003

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

Griffen USA, Inc.)	
)	
Petitioner,)	In the matter of Trademark
)	Registration No. 2,565,666
v.)	
)	Date of Registration: 04/30/2002
James J. Feuling,)	Mark: GRIFFIN
)	
Respondent.)	Cancellation No. _____
_____)	

PETITION TO CANCEL

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22203-3514

Dear Sir/Madam:

Petitioner, Griffen USA, Inc., is a California corporation duly organized and existing under the laws of the State of California, located and doing business at 1501 E. Chestnut Avenue, Lompoc, California 93436. To the best of Petitioner's knowledge, the name and address of the current owner of the above-identified registration is James J. Feuling, residing at 2521 Palma Drive, Ventura, California 93003. The Petitioner believes he is and will continue to be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner was the owner of Registration No. 1,970,654 for the mark GRIFFEN for bicycles in International Class 12. A true and correct copy of the registration is attached hereto as Exhibit A. Petitioner's registration issued on April 23,

1996 and was cancelled on January 25, 2003 for inadvertent failure to file a §8 Declaration,

2. On November 16, 2004 Petitioner filed an application to again register its trademark GIFFFEN for bicycles. Petitioner has continuously, and without interruption, used its trademark in commerce since at least as early as September 9, 1994.

3. On May 24, 1999 Respondent filed an application for the registration of GRIFFIN for motorcycles. The application received Serial No. 75/712,337. Registration No. 2,565,666 for the GRIFFIN mark was issued on April 30, 2002.

4. Respondent was, and is not entitled to registration of GRIFFIN on motorcycles because the mark is confusingly similar to GRIFFEN for bicycles. At all times during which the application to register GRIFFIN was pending, Petitioner's registration for GRIFFEN was active and enforceable and should have been cited by the Examiner during the examination thereof. Accordingly, Respondent's Registration No. 2,565,666 was issued in error.

5. Petitioner's application Serial No. 78/518,106 to register GRIFFEN has been denied based on Respondent's Registration 2,565,666. Accordingly, Petitioner is damaged by the registration of Respondent's mark.

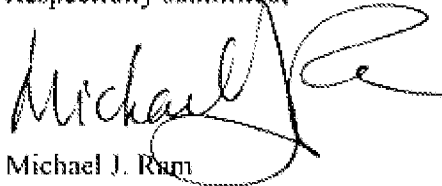
6. Respondent is not entitled to registration of Respondent's mark because Respondent's mark has been abandoned due to non-use.

7. Respondent's mark, as applied to its goods so resembles Petitioner's previously and currently used and prior registered mark and long existing trade name and business name as used on Petitioner's goods to cause, or be likely to cause confusion in the marketplace. Petitioner has used its mark in commerce since at least as early as September 9, 1994 which is more than seven (7) years prior to Registrant's first alleged use as set forth in Registration No. 2,565,666. The marks are substantially the same and appear on substantially similar or related goods offered through substantially the same channel of commerce and to substantially the same purchasers.

WHEREFORE, Petitioner Griffen USA, Inc. requests that this Petition for Cancellation be granted in its favor and Registration No. 2,565,666 be canceled.

Dated: December 23, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael J. Ram". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michael J. Ram
Attorneys for Petitioner
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List At: OR to record: **Record 5 out of 5**

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Typed Drawing

Word Mark GRIFFEN
 Goods and Services (CANCELLED) IC 012. US 019. G & S: bicycles. FIRST USE: 19940909. FIRST USE IN COMMERCE: 19940909
 Mark Drawing Code (1) TYPED DRAWING
 Design Search Code
 Serial Number 74574169
 Filing Date September 15, 1994
 Current Filing Basis 1A
 Original Filing Basis 1A
 Registration Number 1970654
 Registration Date April 23, 1996
 Owner (REGISTRANT) FREE, TONY INDIVIDUAL UNITED STATES 55 Monserrat Ave. Foothill Ranch CALIFORNIA 92610
 Attorney of Record ROGER C. TURNER
 Type of Mark TRADEMARK
 Register SUPPLEMENTAL
 Live/Dead Indicator DEAD
 Cancellation Date January 25, 2003 EXHIBIT A

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