

ESTTA Tracking number: **ESTTA61383**

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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	DanOaks		
Entity	Individual	Citizenship	UNITED STATES
Address	5677 Old Channel Trail Montague, MI 49437 UNITED STATES		

Attorney information	John A. Waters Varnum Riddering Schmidt Howlett LLP PO Box 352 333 Bridgewater Place Grand Rapids, MI 49503 UNITED STATES trademarks@varnumlaw.com, jawaters@varnumlaw.com Phone:616-336-6990		
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Registration Subject to Cancellation

Registration No	1494526	Registration date	06/28/1988
Registrant	ASHLAND LICENSING AND INTELLECTUAL PROPERTY LLC 5200 BLAZER PARKWAY DUBLIN, OH 43017 UNITED STATES		
Goods/Services Subject to Cancellation	Class 037. First Use: 1980/04/01 , First Use In Commerce: 1981/03/19 Goods/Services: VEHICLE LUBRICATION SERVICES		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	statement.pdf (2 pages)
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Signature	/John A. Waters/
Name	John A. Waters
Date	01/11/2006

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

DAN OAKS

Petitioner,

v.

Cancellation No. _____

ASHLAND, INC.

Respondent

STATEMENT

The grounds for cancellation are as follows:

1. Upon information and belief, Respondent Ashland Licensing and Intellectual Property, Inc. (“Respondent”) is a Delaware Corporation having a place of business at 5200 Blazer Parkway, Dublin, Ohio 43017.
2. Upon information and belief, Respondent is the current owner of United States Trademark Registration No. 1,494,526, dated June 28, 1988, for the mark THE DIP-STICK (the “Mark”) for vehicle lubrication services.
3. Upon information and belief, Respondent acquired ownership of the Mark in around 1986 in connection with the purchase of the original registrant's business. Shortly after purchase of the business, Respondent is believed to have changed the name of business to a different name and discontinued use of the Mark.
4. Upon information and belief, this non-use has continued for as many as nineteen years. Two consecutive years of non-use is prima facie evidence of non-use and is prima facie evidence of abandonment. Because of this non-use by Respondent, the mark has been abandoned by Respondent.
5. Petitioner has a bona fide intention to use the trademark THE DIPSTICK for vehicle lubrication services and has initiated steps to commence the operation of the business.

To this end, Petitioner has filed an application for federal registration of the mark THE DIPSTICK, Serial No. 78/328,118, filed November 14, 2003. Petitioner's application is presently pending but at this time stands rejected over Respondent's foregoing Trademark Registration No. 1,494,526 for THE DIP-STICK.

6. Since the marks and goods are substantially the same, petitioner is being injured by Registrant's registration, because that registration is preventing Petitioner from receiving the recognition and benefit of federal registration of petitioner's mark.

WHEREFORE, Petitioner prays that Registration No. 1,494,526 be canceled.

Respectfully submitted,

DAN OAKS

Dated: January 11, 2006

By: /John A. Waters/

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