

ESTTA Tracking number: **ESTTA63175**

Filing date: **01/23/2006**

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	Toto USA, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1155 Southern Road Morrow, GA 30260 UNITED STATES		

Attorney information	Christopher J. Chaudoir Pillsbury Winthrop Shaw Pittman LLP 725 S. Figueroa St. Suite 2800 Los Angeles, CA 90017 UNITED STATES LA-TMDocketing@pillsburylaw.com Phone:213-488-7100
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Registration Subject to Cancellation

Registration No	2896116	Registration date	10/19/2004
Registrant	GLOBE UNION INDUSTRIAL CORP. No.22, Chien-Kuo Road Taichung Export Processing Zone Taichung, TAIWAN		
Goods/Services Subject to Cancellation	Class 011. First Use: 2002/03/17 , First Use In Commerce: 2002/03/17 Goods/Services: Showerheads and faucets for showers, baths, sinks, and basins		

Attachments

Signature

Name

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TOTO USA, INC.,)	
)	
Petitioner,)	
)	Cancellation No. _____
v.)	
)	Reg. No. 2,896,116
GLOBE UNION INDUSTRIAL CORP.)	
)	
Registrant.)	
)	
Our Ref. No. 083847-0313910)	

PETITION TO CANCEL

Commissioner for Trademarks
2900 Crystal Drive
Trademark Trial and Appeal Board
Arlington, Virginia 22202-3513

Sir or Madame:

Toto USA, Inc. (hereinafter Petitioner) is or will be damaged by the continued registration of the mark PACIFICA, which is set forth in Reg. No. 2,896,116 and owned by Globe Union Industrial Corp. (hereinafter Registrant), and hereby requests the cancellation of the same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

1. On October 19, 2004, the United States Patent and Trademark Office issued Reg. No. 2,896,116. Information about this registration is submitted herewith.
2. On January 11, 2005, Petitioner submitted application Ser. No. 76/625,190 to the United States Patent and Trademark Office. Information about this application is submitted herewith.

3. On information and belief, the mark set forth in application Ser. No. 76/625,190 was first used in commerce prior to any actual use or constructive use of the mark set forth in Reg. No.2,896,116.

4. The mark set forth in application Ser. No. 76/625,190 is currently in use in commerce.

5. Petitioner is or will be damaged by the existence of this registration. Specifically, an Examining Attorney is or will be of the opinion that the mark set forth in application Ser. No. 76/625,190 consists of or comprises a mark which so resembles the mark set forth in Reg. No. 2,896,116 as to be likely to cause confusion, or to cause mistake, or to deceive, under Trademark Act Section 2(d), 15 U.S.C. 1052(d).

WHEREFORE, Petitioner respectfully requests that Reg. No. 2,896,116 be cancelled. The required filing fee is submitted herewith. In the event the fee is either inadvertently omitted or otherwise insufficient, please charge the cost to Deposit Account No. 03-3975, Order No. 083847-0313910.

Respectfully submitted,

Toto USA, Inc.

By:



Christopher J. Chaudoir

Attorneys for Petitioner
Pillsbury Winthrop Shaw Pittman LLP
725 S. Figueroa St.
Suite 2800
Los Angeles, California 90017
(213) 488-7284

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This page was generated by the TARR system on 2006-01-23 16:34:04 ET

Serial Number: 76348931

Registration Number: 2896116

Mark (words only): PLYMOUTH

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-10-19

Filing Date: 2001-12-17

Transformed into a National Application: No

Registration Date: 2004-10-19

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2004-09-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GLOBE UNION INDUSTRIAL CORP.

Address:

GLOBE UNION INDUSTRIAL CORP.

No.22, Chien-Kuo Road Taichung Export Processing Zone

Taichung

Taiwan

Legal Entity Type: Corporation

State or Country of Incorporation: Taiwan

GOODS AND/OR SERVICES

International Class: 011

Showerheads and faucets for showers, baths, sinks, and basins

First Use Date: 2002-03-17

First Use in Commerce Date: 2002-03-17

Basis: 1(a)

International Class: 021

Bath accessories, namely, towel rings, soap dishes, toothbrush holders, and glass holders

First Use Date: 2002-03-17

First Use in Commerce Date: 2002-03-17

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-10-19 - Registered - Principal Register

2004-08-23 - Law Office Registration Review Completed

2004-08-20 - Assigned To LIE

2004-08-14 - Allowed for Registration - Principal Register (SOU accepted)

2004-07-28 - Case file assigned to examining attorney

2004-07-27 - Statement of use processing complete

2004-07-12 - Amendment to Use filed

2004-07-12 - PAPER RECEIVED
2004-06-23 - Case File in TICRS
2004-04-26 - Case file assigned to examining attorney
2004-04-06 - Notice of allowance - mailed
2003-01-13 - Extension Of Time To Oppose Received
2002-12-10 - Published for opposition
2002-11-20 - Notice of publication
2002-10-05 - Approved for Pub - Principal Register (Initial exam)
2002-10-03 - Case file assigned to examining attorney
2002-09-19 - Communication received from applicant
2002-09-19 - PAPER RECEIVED
2002-04-01 - Non-final action mailed
2002-02-27 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Bruce H. Troxell (Attorney of record)

BRUCE H. TROXELL
TROXELL LAW OFFICE PLLC
5205 LEESBURG PIKE, SUITE 1404
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Domestic Representative

Bruce H. Troxell

Phone Number: (703) 575-2711

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2006-01-23 16:34:44 ET

Serial Number: 76625190

Registration Number: (NOT AVAILABLE)

Mark

PLYMOUTH

(words only): PLYMOUTH

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2005-07-26

Filing Date: 2004-12-20

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 114

Attorney Assigned:
VERHOSEK WILLIAM T Employee Location

Current Location: M5X -TMO Law Office 114 - Examining Attorney Assigned

Date In Location: 2005-07-26

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Toto U.S.A., Inc.

Address:

Toto U.S.A., Inc.
1155 Southern Road
Morrow, GA 30260
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 011

Plumbing fixtures, namely, toilets, bidets, bathtubs, showers, sinks, faucets

First Use Date: 1998-01-15

First Use in Commerce Date: 1998-01-15

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-01-20 - TEAS Response to Office Action Received

2005-07-26 - Non-final action mailed

2005-07-26 - Non-Final Action Written

2005-07-25 - Case file assigned to examining attorney

2005-01-11 - New Application Entered In Tram

CORRESPONDENCE INFORMATION

Correspondent

Christopher Chaudoir (Attorney of record)

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