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February 13, 2006

VIA FEDERAL EXPRESS MAIL

Commissioner for Trademarks
Trademark Assistance Center
James Madison Building-East Wing
Concourse Level, 600 Dulany Street
Alexandra, Virginia 22314

Owner: Ameriquest Mortgage Company
Mark: AMC WHOLESALE
Registration Number: 2,862,109 | 76477448

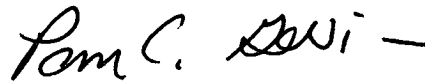
Dear Sirs:

Enclosed please find: (i) a Petition for Cancellation in connection with the referenced registration and (ii) our check in the amount of \$300.00 for the fee associated with filing this petition.

Please contact me if you have any questions.

Sincerely,

GAVIN LAW OFFICES, PLC



Pamela C. Gavin

eew
Enclosures

cc: John Councilman



02-14-2006

U.S. Patent & TMO/c/TM Mail RcptDt. #30

RICHMOND, VIRGINIA

gavinlawoffices.com

FILING PURSUANT TO CERTIFICATE OF MAILING
BY "FEDERAL EXPRESS MAIL" PROCEDURE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that on this 13th day of February 2006 the attached Petition for Cancellation, return receipt postcard and check are being deposited with Federal Express via Overnight Service in an envelope addressed to:

Commissioner for Trademarks
Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, Virginia 22314



Earlene Wortham

Dated: February 13, 2006

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

In the Matter of Registration No. 2,862,109
Registration Date: July 13, 2004

AMC MORTGAGE CORPORATION,)	
Petitioner)	
)	
)	Cancellation No. _____
)	
v.)	
)	
AMERIQUEST MORTGAGE COMPANY)	
Registrant)	02/17/2006 GTHOMAS2 00000049 2862109
		01 FC:6401 300.00 OP

PETITION FOR CANCELLATION

AMC Mortgage Corporation, a Maryland corporation, believes it is and will continue to be damaged by the maintenance of Reg. No. 2,862,109 on the Principal Register and hereby petitions to cancel the same.

As grounds for the cancellation, Petitioner alleges:

**COUNT ONE
LIKELIHOOD OF CONFUSION WITH PETITIONER'S MARK**

1. Petitioner is the owner of the marks AMC and AMC MORTGAGE, each of which it uses in connection with mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; mortgage services, namely, buyer pre-qualification of mortgages for mortgage brokers and banks; mortgage lending services, namely, loan processing, purchasing mortgage loans from real estate and mortgage brokers and correspondent lenders for others; brokering the sale and servicing of mortgage loans to secondary mortgage lenders, and maintenance of mortgage escrow accounts, (collectively, "Petitioner's Marks").

2. Registrant owns Reg. No. 2,862,109 for AMC WHOLESale for “mortgage banking services; mortgage brokerage services; mortgage lending services, namely, loan financing, credit recovery and collection; wholesale and retail mortgage services, namely mortgage procurement for others; maintaining mortgage escrow accounts; and mortgage banking, lending, and brokerage services over the global computer network, and excluding services for financial restructuring of business entities and financial management for businesses.”

3. Petitioner, for many years and since long prior to any date of first use upon which Registrant can rely, has adopted and continuously used Petitioner’s Marks as service marks for Petitioner’s services.

4. Registrant’s Mark so resembles Petitioner’s Marks as to be likely, when used in connection with the services set forth in Registrant’s registration, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

COUNT II

FRAUD IN THE APPLICATION

5. Petitioner realleges the allegations of Paragraphs 1 and 2.

6. On December 20, 2002, Registrant signed and filed an application to register AMC WHOLESale (Ser. No. 76/477,448) (“Application”). In that Application, Registrant affirmed that, as of the time of filing, no other person had the right to use the applied for mark in commerce, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of any other person, to cause confusion or mistake, or to deceive. That statement was subject to the verification in the

Application, which affirmed that statements made of the signatory's own knowledge are true.

7. On information and belief, when Registrant signed and filed the Application, Registrant knew or should have known that it did not have the exclusive right to use the mark in commerce in connection with the services set forth in the Application.

8. Registrant committed fraud on the United States Patent and Trademark Office by virtue of the knowing, false, material claims it made regarding its exclusive right to use AMC WHOLESALE in connection with the services set forth in the Application.

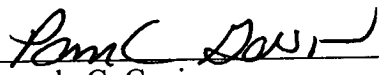
WHEREFORE, continued registration of the aforesaid mark for the aforesaid services is and continues to be damaging to Petitioner.

Please address all correspondence to Pamela C. Gavin, GAVIN LAW OFFICES, PLC, 1127 Gaskins Road, Suite 600, Richmond, Virginia 23238.

Date: 2/13/04

Respectfully submitted,

GAVIN LAW OFFICES, PLC

By: 
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