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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	The Council of The Church of South India Congregations in North America		
Entity	Corporation	Citizenship	New York
Address	8448 N. Latrobe Ave. Skokie, IL 60077 UNITED STATES		

Attorney information	JoAnne Denison Denison & Associates 212 W. Washington 2004 Chicago, IL 60606 UNITED STATES jdenison@surfree.com Phone:312-553-1300
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Registration Subject to Cancellation

Registration No	2987165	Registration date	08/23/2005
Registrant	Church of South India of North America 9400 Plano Road Dallas, TX 75214 UNITED STATES		
Goods/Services Subject to Cancellation	Class 041. First Use: 1977/06/26 , First Use In Commerce: 1977/06/26 Goods/Services: Religious instructional services		

Attachments	csi_tmapp_pet2cancl-2NOW.pdf (10 pages)(274628 bytes)
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Signature	/JoAnne Denison/
Name	JoAnne Denison
Date	05/15/2006

TTAB

BEFORE THE UNITED STATES TRADEMARK TRIAL AND APPEALS BOARD

<p>The Council of The Church of South India Congregations in North America, Petitioner</p> <p>vs.</p> <p>Church of South India of North America, Registrant</p>	<p>Registration No. 2,987,165 Cancellation No. _____</p>
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PETITION FOR CANCELLATION

Petitioner, The Council of Church of South India Congregations in North America believes that it will be damaged if the Church of South India of North America CSI Malayalam Congregation of Greater New York¹ ("Registrant") continues to hold a trademark registration for the mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design, U.S. Tm. Regn. No. 2,987,165 ("Subject Mark"), continues in existence and in full force and effect on the U.S. Trademark Register. Accordingly, Petitioner herewith petitions that the Trademark Trial and Appeal Board cancel U.S. Reg. No. 2,987,165 for the mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design.

¹It should be noted that Registrant's business entity is denoted further in its application as being (a Joint venture comprised of CSI Malayalam Congregation of Greater New York, a New York corporation, CSI Jubilee Memorial Church, a New York corporation, CSI Christ Church in Pennsylvania, a Pennsylvania corporation, CSI Congregation of Dallas, a Texas co, CSI Congregation of Greater Lakes, Detroit, a Michigan corporation, and St. Mark CSI Church of Chicago, an Illinois corporation)

The grounds for the instant Petition are as follows:

1. Petitioner has for many years used the mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design on numerous churches throughout the world, including churches located in the United States. The mark is imprinted on signage, bulletins, invoices, stationery, banners, generally and liberally for documents used for religious services, educational, informative and charitable purposes, and a wide variety of other manners customary in the trade.
2. The use of the word mark CHURCH OF SOUTH INDIA commenced in both intrastate and interstate commerce since at least as early as 1947 in numerous countries throughout the world.
3. The use of the word mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA commenced at least as early as since 1972 in both U.S. interstate and intrastate commerce.
4. The use of mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design commenced at least as early as since 1977 in both U.S. interstate and intrastate commerce.
5. The long and extensive prior use of the Subject Mark by Petitioner is undisputed. Further, the Subject mark is well known for uniting churches of varying traditions into a single larger, unifying body.
6. Petitioner believes that Registrant's use of the mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design for the exact same services, namely religious, education and charitable services, including but not

limited to religious services and instruction will create, and is currently creating, a likelihood of confusion in the marketplace, thereby damaging Petitioner, the original, sole and rightful owner of all title and interest in the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design mark.

7. Petitioner believes that its THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA mark as used upon religious related services creates a false association, sponsorship or approval by Petitioner, thereby damaging Petitioner, the original, sole and rightful owner of all title and interest in and to the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA and Design mark.

8. Petitioner believes that the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA mark and Registrant's THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA mark as used in correlation upon religious related services creates deception in the relevant marketplace, thereby damaging Petitioner.

9. Petitioner further believes that in 2003 Registrant began to use the Subject Mark without the authorization or control of Petitioner. Registrant's statement within its trademark application that it was using the mark since as early as 1977 and was the *bona fide* owner of the mark was entirely false and without any basis in fact; Registrant was, prior to 2003, an authorized user of the mark. In 2003, Registrant ceased using the mark with the authorization and approval of Petitioner, and its continued claims to this mark are false, misleading, fraudulent and deceptive.. Such false statements and the like constitute fraud on the Trademark Office, and therefore U.S. Reg. No.2,987,165 for the mark must be cancelled.

10. The Petitioner's mark is well recognized as an upcoming and popular world Church organization, and is also well known in the religious marketplace throughout the world, and more particularly in the US. Petitioner for a long period of years has extensively advertised and distributed, and caused to be distributed the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA on its church signage, flyers, brochures, ads and in other methods commonly employed in the trade.
11. Accordingly, Petitioner views the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA as highly valuable, and the service mark is well and familiarly known, and the current registration of the THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA by Registrant working serious injury to the business of the Petitioner by misleading the public as to the origin and quality of the religious services of Petitioner, by diminishing and impairing the rights of the Petitioner.
12. If the Registrant continues the usage of the mark THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA for religious purposes, this will deceive the public and its potential religious customers into believing that THAT THEY ALL MAY BE ONE CHURCH OF SOUTH INDIA are sponsored and approved by Petitioner, which they are not, and such deception and confusion will dilute the value, scope and effect of Petitioner's religious goals and purpose.
13. Registrant claims they have been using the Subject Mark for 25 years, which is a false statement. In 2003, Registrant ceased to be an authorized user of the mark and their usage subsequent to 2003 was only as a renegade church

and in complete defiance of the lawful ownership rights of Petition. Such actions further constitute fraud on the Trademark Office and further reflect the lack of priority of Registrant's use of a same mark on the exact same goods, all of which requires that this Honorable Board issue an Order for Cancellation of the Subject Mark from the U.S. Trademark Register.

14. While Registrant claims, via a joint venture, that the following entities "own" the claimed mark, they do not in fact exist, according to the records of the Secretary of State for the Department of New York, Illinois, Pennsylvania and Texas after an online search:

- a) Registrant's corporate name, Church of South India of North America CSI Malayalam Congregation of Greater New York (Claimed New York Corp)
- b) CSI Malayalam Congregation of Greater New York (Claimed New York Corp)
- c) CSI Jubilee Memorial Church (Claimed New York Corp)
- d) CSI Congregation of Greater Lakes, Detroit (Claimed Michigan Corp)
- e) CSI Congregation of Dallas (CSI Church of Dallas, Inc. only is registered and active)
- f) St. Mark CST Church of Chicago (Claimed Illinois Corp)

None of the above business entities in fact exist as claimed on the records of the Secretary of State's offices for which they allege proper corporate registration.

Therefore, the claiming of such ownership is false and constitutes fraud on the U.S. Trademark Office and therefore U.S. Trademark Reg. No., 2,987,165 must be cancelled.

WHEREFORE, for each and any of the above grounds, Petitioner respectfully moves that this Honorable TTAB expeditiously issue a Cancellation Order for U.S. Trademark Registration No. 2,987,165.

Respectfully Submitted,

JoAnne Denison
Hazel Espinar
Counsel for Petitioner

Prepared By:

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Trademark

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR REGISTRATION
BASED UPON ACTUAL USE**

TO: Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202

**The Council of the Church of South India Congregations in
North America
8448 N. Latrobe Ave.
Skokie, IL 60077
(New York Corporation)**

The above identified applicant intends to adopt and use the mark shown in the accompanying drawing for the following goods and/or services:

Services for religious worship, educational, and charitable purposes
(Int. Cl. 40).

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (U.S.C. 1051(a), as amended).

The word mark CHURCH OF SOUTH INDIA was first used as early as 1947 intrastate commerce and was first used in interstate commerce at least as early as 1947 and is now in use in such commerce. The logo mark THAT THEY ALL MAY BE ONE, CHURCH OF SOUTH INDIA & Design disclosed herein was first used as early as 1972 in intrastate commerce and was first used in interstate commerce at least as early as 1977 and is now in use in such commerce.

The mark is used by applying the mark to stationary, letter head, business cards, bulletins, signage, and ads and in other manners customary in the trade, and three specimens per class showing the mark as actually used are presented herewith.

POWER OF ATTORNEY

Applicant hereby appoints JOANNE M. DENISON, and all attorneys of DENISON & ASSOCS., PC, 212 W. Washington St, Suite 2004, Chicago, IL 60606-3487 to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

PLEASE ADDRESS ALL COMMUNICATIONS TO:

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Hazel R. Espinar
DENISON & ASSOCS., PC
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Chicago, IL 60606-3487

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DECLARATION

Mr. Mathew M. Karottu, Treasurer of Applicant Corporation, being hereby warned that willful false statements and the like are made punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any registration resulting there from, declares that she or he is Treasurer of applicant corporation and is authorized to execute this instrument on behalf of said applicant, she or he believes said applicant to be entitled to use such mark in commerce, to the best of her or his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; the facts set forth in this application are true; and all statements made of her or his own knowledge are true and all statements made on information and belief are believed to be true.

North America

The Council of Church of South India Congregations in

By: _____
Mr. Mathew M. Karottu,
Treasurer

Date: _____

DRAWING SHEET

APPLICANT: The Council of Church of South India Congregations in North America, on behalf of Church of South India.

GOODS AND/OR SERVICES: Services for religious worship, educational, and charitable purpose (Int. Cl. 40).

WORD AND DESIGN MARK,
To be submitted via jpeg file