

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

THE MEYER RESOURCE GROUP, INC.,

Petitioner,

v.

HILTON HEAD ISLAND PERFORMANCE  
GROUP, INC.,

Registrant.



TTAB

Cancellation No.

Our Account No. 14-1140

Our Order No. 3392-128  
C# M#

7685329

In Re Registration No. 2,984,701  
dated August 16, 2005  
For the Mark THE TOTAL STUDENT SUCCESS  
PLANNER

Date: June 13, 2006

**Box TTAB Fee**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Sir:

The document indicated below is attached for filing and is incorporated by reference. Fees are attached as calculated below:

<input type="checkbox"/>	NOTICE OF OPPOSITION in 0 class(es) (\$ 300.00 per class) (6402)	\$ 0.00
<input checked="" type="checkbox"/>	PETITION FOR CANCELLATION in 1 class(es) (\$ 300.00 per class)(6401)	\$ 300.00
	<b>TOTAL FEE ENCLOSED</b>	<b>\$ 300.00</b>

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this form) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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**NIXON & VANDERHYE P.C.**

By Atty: Frank P. Presta

Signature:

06-13-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

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

In the Matter of Registration No. 2,984,701 dated August 16, 2005

THE MEYER RESOURCE GROUP, INC.	)	
	)	
Petitioner,	)	
	)	Cancellation No. _____
v.	)	
	)	Docket No. 3392-128
HILTON HEAD ISLAND PERFORMANCE	)	
GROUP, INC.	)	
	)	
Registrant.	)	

**Box TTAB FEE**  
Assistant Commissioner for Trademark  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

**PETITION FOR CANCELLATION**

The Meyer Resource Group, Inc., a Texas corporation, of 4565 Lake Shore Drive, Waco, Texas, 76710, believes that it is and will be damaged by the registration of the mark THE TOTAL STUDENT SUCCESS PLANNER in Registration No. 2,984,701, and hereby petitions to cancel the registration.

As grounds for cancellation, it is alleged that:

1. Registration No. 2,984,701 issued on August 16, 2005, and covers the mark THE TOTAL STUDENT SUCCESS PLANNER for appointment and calendar books, personal planners, and schedulers containing information regarding academics, lifestyle, and time management, in International Class 16.

2. The alleged date of first use in Registration No. 2,984,701 is March, 2004. On information and belief, Registrant has not used the mark THE TOTAL STUDENT SUCCESS PLANNER on the goods in Registration No. 2,984,701 or on any other goods or services prior to the date of first use alleged in the registration.

3. Petitioner and its predecessors in interest have used the marks SUCCESS PLANNER, PERSONAL SUCCESS PLANNER AND MY-TYME SUCCESS PLANNER (hereinafter collectively the "SUCCESS PLANNER" marks"), continuously from at least as early as 1964 (for "PERSONAL SUCCESS PLANNER") to the present on and in connection with various types of publications, such as personal planners, books and the like relating to personal and professional development, self motivation and improvement, goal setting, planning, scheduling, leadership and management.

4. Petitioner is the owner of the following registrations:

<b>REGISTRATION NO.</b>	<b>MARK</b>	<b>GOODS</b>
1,428,173	PERSONAL SUCCESS PLANNER	Educational and training material comprising books and booklets.
2,022,771	MY-TYME SUCCESS PLANNER	Printed educational and training materials, namely, books and booklets relating to personal motivation, planning and goal setting.

5. By virtue of the marketing and sale by Petitioner and its predecessors in interest of various types of publications under the SUCCESS PLANNER marks, such products have acquired a favorable reputation reflected in a substantial amount of goodwill which is and will be severely impaired by the registration of the mark THE TOTAL STUDENT SUCCESS PLANNER to Registrant for books, personal planners and schedulers.

6. Registrant's mark THE TOTAL STUDENT SUCCESS PLANNER is so similar to Petitioner's SUCCESS PLANNER marks when used on the same or closely related goods, namely, publications, planners and schedulers as to be very likely to cause confusion, mistake or lead to deception as to the source or origin of Registrant's goods when sold under its mark THE TOTAL STUDENT SUCCESS PLANNER.

7. The books, planners and schedulers on which Registrant's mark is used, and the books, booklets and planners on which Petitioner's SUCCESS PLANNER marks are used are the same or closely related products which are sold, distributed and advertised through the same channels of trade and to the same classes of purchasers. Accordingly, confusion, mistake or deception are most likely, and many persons familiar with Petitioner's SUCCESS PLANNER marks are likely to buy Registrant's products under the mark THE TOTAL STUDENT SUCCESS PLANNER in the belief that the latter are products sold or authorized by Petitioner.

8. By the grant of a registration for the mark THE TOTAL STUDENT SUCCESS PLANNER, Registrant has obtained at least *prima facie* the exclusive right to use this mark on publications such as books, planners and schedulers. Such registration is and will be a source of damage and injury to Petitioner and to its customers who have traded with Petitioner based on reliance on its SUCCESS PLANNER marks.

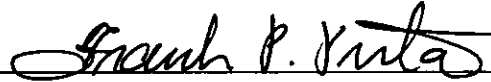
A duplicate copy of this petition for cancellation is filed herewith, along with a check for the cancellation fee of \$300.00.

WHEREFORE, Petitioner prays that this petition be granted and that Registration No. 2,984,701 for the mark THE TOTAL STUDENT SUCCESS PLANNER be cancelled.

Respectfully submitted,

**THE MEYER RESOURCE GROUP, INC.**

Date: June 13, 2006

By: 

Frank P. Presta

Attorney for Petitioner  
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