



Writer's Direct Number: (202) 344-8152 jlpatt@venable.com

September 18, 2006

By Hand

**TTAB**

Trademark Assistance Center  
Madison East, Concourse Level Room C 55  
600 Dulany Street  
Alexandria, VA 22314

*76/195599*

Re: Petition to Cancel Service Mark Registration No. 2,504,439  
Mark: **AFADVANTAGECARE Stylized**  
Registrant: American Fidelity Assurance Company  
Attorney Ref.: 73301-236539

Dear Sir:

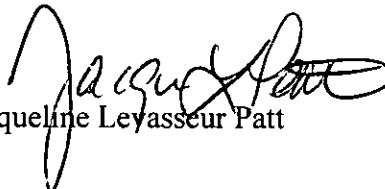
Submitted herewith are the following documents:

- Petition to Cancel (in duplicate).

Authorization is granted to deduct the \$300.00 filing fee, and any other fees, from Deposit Account No. 22-0261.

Please direct all communication regarding this application to the undersigned at the above address and phone number.

Respectfully submitted,

  
Jacqueline Leyasseur Patt

Enclosure

DC2/786207



09-18-2006



3. The Registered Mark sought to be canceled, registered on November 6, 2001 to Registrant for the trademark AFADVANTAGECARE (Stylized) for "insurance brokerage in the field of group long term care insurance " in International Class 36.

4. Upon information and belief, Registrant has abandoned use of the Registered Mark in connection with the services listed in the subject registration

5. Upon information and belief, Registrant has abandoned use of the Registered Mark in connection with any services.

6. Upon information and belief, Registrant has no intention to resume use of the Registered Mark.

7. Upon information and belief, Registrant has ceased offering the services listed in the subject registration.

8. Petitioner first began using its mark at least as early as September 1997.

9. On information and belief, Registrant did not use its Registered Mark in the United States for the services described in its registration prior to any first use date that can be relied upon by Petitioner. By reason of the foregoing, as between Petitioner and Registrant, Petitioner has prior use of its trademark ADVANTAGECARE PLUS in the U.S.

10. Assuming arguendo that that there is a likelihood of confusion between the Registered Mark and Applicant's Mark such that the use and registration of Applicant's Mark is likely to lead to deception as to the source of origin and/or the sponsorship of Applicant's services and/or Registrant's services, then the Registrant's Registration No. 2,504,439 should be canceled.

11. If the Registrant is permitted to retain Registration No. 2,504,439, a cloud will be placed on Petitioner's Application, on the mark that is the subject of Petitioner's Application, and on Petitioner's right to continue to use, register and expand the use of that mark. Continued registration of the Registered Mark would thus be a source of damage and injury to the Petitioner.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and that Registration No. 2,504,439, be canceled.

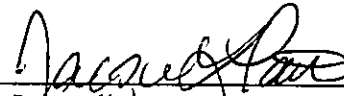
This Petition for Cancellation is submitted in duplicate. Authorization is granted to charge the statutory filing fee of \$300.00 to our Account No. 22-0261 and notify us accordingly.

Please recognize as attorneys for petitioner in this proceeding Mark Harrison, Janet Satterthwaite, Marcia Auberger, Andrew Price and Jacqueline Levasseur Patt, at VENABLE, P.O. Box 34385, Washington, D.C. 20005, Telephone (202) 344-4000, Telefax (202) 344-8300

Respectfully submitted,

Dated: September 18, 2006

By: \_\_\_\_\_

  
Jacqueline Patt  
VENABLE  
P.O. Box 34385  
Washington, D.C. 20005  
Telephone (202) 344-4000  
Telefax (202) 344-8300

Attorneys for Petitioner