

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

In the matter of the Trademark Registration No. 2944120
Registered on the 26th day of April 2005.
For the mark CHAMPION VINYL

Champion Window Manufacturing
and Supply Company, Inc
12121 Champion Way
Cincinnati, Ohio 45241

Petitioner

v.

HSI IP, Inc.
13591 Harbor Blvd.
Garden Grove, California 92843

Registrant

Cancellation No. _____

To The Commissioner for Trademarks
P.O. Box 1451
Alexandria VA 22313-1451

**PETITION TO CANCEL**

12-05-2006

U.S. Patent & TMO/TM Mail Rpt Dt. #32

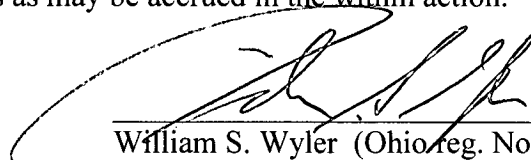
To the Commissioner:

1. The Petitioner in this matter is Champion Window Manufacturing and Supply Company, Inc., located at 12121 Champion Way, Cincinnati, Ohio 45241, an Ohio corporation.
2. The most recent Registrant for the above mark is believed to be HSI IP, Inc., located at 13591 Harbor Blvd., Garden Grove, California 92843, a Delaware corporation.
3. Petitioner is the owner of a federally registered mark for CHAMPION (Registration No. 2195331), for which the goods and services are described as, "non-metal new and replacement windows, patio and sliding doors and window screens," in international class 19 and, "installation of replacement windows, window screens, storm windows and

siding and construction of sun porches, enclosed patios, and room additions for others,” in international class 037.

4. Petitioner is also the owner of a federally registered mark for CHAMPION and design (Registration No. 2195330), for which the goods and services are similarly described as, “non-metal new and replacement windows, patio and sliding doors and window screens,” in international class 19 and, “installation of replacement windows, window screens, storm windows and siding and construction of sun porches, enclosed patios, and room additions for others,” in international class 037.
5. To the best of Petitioner’s knowledge and belief, HSI IP, Inc. is the current owner of registration No. 2944120, for the mark CHAMPION VINYL, in which the goods identified by the mark are described as, “Window blinds and venetian blinds,” in international class 020.
6. The Petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel such registration.
7. The specific grounds for Petitioner’s Petition to cancel are as follows:
 - a. The Registrant’s mark creates a substantial likelihood of confusion or mistake, in the minds of consumers, as to the source of the goods. (15 USC 1052(d)).
 - b. The Registrant’s mark creates a false suggestion of a connection with the Petitioner (15 USC 1052 (a)).

Wherefore, Petitioner asks that Registration No. 2944120, for the mark CHAMPION VINYL, be cancelled and that Registrant pay such costs as may be accrued in the within action.

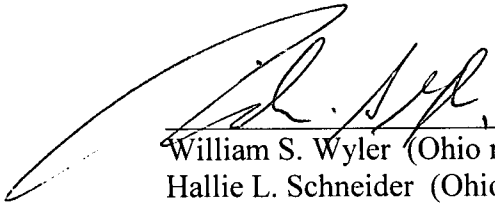


William S. Wyler (Ohio reg. No. 0006441)
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

This pleading was duly served upon Applicant or Applicant's counsel Lori T. Milvain, Esq., Gronek & Latham, LLP, 390 North Orange Avenue, Suite 600, Orlando, FL 32801 by regular U.S. Mail, on the 4th day of December, 2006.



William S. Wyler (Ohio reg. No. 0006441)
Hallie L. Schneider (Ohio reg. No. 0076510)