

ESTTA Tracking number: **ESTTA129437**

Filing date: **03/12/2007**

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	Nomadic, Inc.		
Entity	Corporation	Citizenship	Japan
Address	Lofty Kunitachi, No. 14-1 Fujimidai 2 chome, Kunitachi-shi Tokyo, JAPAN		

Attorney information	James R. Cady Howrey LLP 1950 University Avenue, 4th Floor East Palo Alto, CA 94303 UNITED STATES CadyJ@howrey.com,GhajarB@howrey.com,IPDocketing@howrey.com Phone:(650) 798-3500
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**Registration Subject to Cancellation**

Registration No	1543541	Registration date	06/13/1989
International Registration No.	NONE	International Registration Date	NONE
Registrant	NOMAD COMPANY B.V., THE EDISONSTRAAT 82 6902 PK ZEVENAAR, NETHERLANDS		
Goods/Services Subject to Cancellation	Class 018 Goods/Services: RUCK SACKS		
	Class 020 Goods/Services: SLEEPING BAGS		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	Petition to Cancel NOMAD & Design.pdf ( 2 pages )(17586 bytes )
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Signature	/JRCady/
Name	James R. Cady
Date	03/12/2007

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

Nomadic, Inc.,	§	
	§	
Petitioner,	§	Cancellation No. _____
	§	
v.	§	Registration No.: 1543541
	§	
The Nomad Company, B.V.,	§	Date of Issue: June 13, 1989
	§	
Registrant.	§	Subject Mark: NOMAD & Design
	§	

PETITION FOR CANCELLATION

Petitioner, Nomadic, Inc., a Japanese corporation with principal address at Lofty Kunitachi, No. 14-1 Fujimidai 2-chome, Kunitachi-shi, Tokyo, Japan, believes that it is or will be damaged by the continued existence on the Register of Registration No. 1543541 registered to The Nomad Company, B.V., a Dutch corporation with principal address at Edisonstraat 82, 6902 Zevenaar, The Netherlands, and hereby petitions to cancel this registration.

As grounds for the Petition, it is alleged that:

1. Petitioner is the owner of common law rights to the mark NOMADIC'S for various goods, and has adopted and is using the mark "NOMADIC'S" in connection with "carrying cases; waist bags; shoulder bags; waist packs; backpacks; cosmetic cases sold empty; vanity cases sold empty; brief cases and wallets" and it is the owner of pending Trademark Application Serial No. 78/843840 to register the "NOMADIC'S" mark for these goods.

2. The Examining Attorney in Application No. 78/843840 has refused registration of Applicant's mark under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d) based upon the prior registration of Registrant's mark "NOMAD & Design" in International Classes 18 and 20, Reg. No. 1543541.

3. If Petitioner is unable to overcome the Examining Attorney's Section 2(d) objection in Application No. 78/843840, Petitioner will not be able to register its mark on the Principal Register established under the Trademark Act and will accordingly be deprived of the benefits of federal registration based upon the Registration.

4. On information and belief, Respondent has not marketed or sold products under the mark "NOMAD & Design" in the United States of America to date.

5. On information and belief, Respondent has abandoned its use of the mark “NOMAD & Design” in the ordinary course of trade in the United States of America on or in connection with the goods recited in Registration No. 1543541, namely “ruck sacks,” in International Class 18 and “sleeping bags,” in International Class 20.

6. On information and belief, at least three (3) years and as many as (12) consecutive years have passed since Respondent’s abandonment of the mark “NOMAD & Design” for use in the ordinary course of trade on or in connection with the goods recited in Registration No. 1543541.

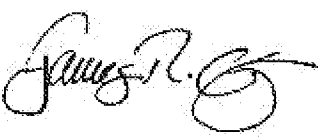
WHEREFORE, Petitioner respectfully requests that Registration No. 2138416 be cancelled.

Respectfully submitted,  
NOMADIC, INC.

Date: \_\_\_\_\_

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

Bobby A. Ghajar  
James Cady  
HOWREY LLP  
550 S. Hope Street, Suite 1100  
Los Angeles, CA 90071  
(213) 892-1800

CERTIFICATE OF ELECTRONIC TRANSMISSION
DATE OF DEPOSIT March 12, 2007
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated above.

James R. Cady