

ESTTA Tracking number: **ESTTA165582**

Filing date: **09/28/2007**

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	PIAGGIO & C. S.P.A.		
Entity	Corporation	Citizenship	Italy
Address	viale Rinaldo Piaggio 25 I-56025 Pontedera (Pisa), ITALY		

Attorney information	Jeffrey H. Kaufman Oblon Spivak McClelland Maier & Neustadt PC 1940 Duke Street Alexandria, VA 22314 UNITED STATES tmdocket@oblon.com,jkaufman@oblon.com,cdonahue@oblon.com Phone:703-413-3000
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### Registration Subject to Cancellation

Registration No	1522760	Registration date	01/31/1989
Registrant	GENMAR INDUSTRIES, INC. 2900 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 028. First Use: 1982/04/16 First Use In Commerce: 1982/04/16  
All goods and services in the class are cancelled, namely: BOAT MODELS AND BOAT MODEL KITS

### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	509-308134US-PetitionCancellation.pdf ( 4 pages )(362464 bytes )
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Signature	/jhk/
Name	Jeffrey H. Kaufman
Date	09/28/2007

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

_____	)	
PIAGGIO & C. S.P.A,	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.: _____
	)	Registration No. 1,522,760
GENMAR INDUSTRIES, INC.,	)	
	)	
Respondent.	)	
_____	)	

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

**PETITION FOR CANCELLATION**

PIAGGIO & C. S.P.A., a corporation organized under the laws of Italy, located at viale Rinaldo Piaggio, 25 I-56025 Pontedera (Pisa) Italy, believes that it is or will be damaged by the registration of the mark identified above and hereby petitions to cancel the registration.

As grounds for this petition, Petitioner alleges:

1. Petitioner is the owner of U.S. Application Serial No. 79/034,179 for the mark SCARABEO, in connection with the following goods: scooters, motorcycles, mopeds, motor bicycles, bicycles, three and four wheeled motor vehicles with flat or van bodies, automobiles, small trucks, vans; motor car bodies, truck bodies, frames and chassis for motor cars, trucks, motorcycles and bicycles, suspension systems for scooters, motorcycles, mopeds, motor bicycles, bicycles, three and four wheeled motor vehicles with flat or van bodies, automobiles,

small trucks, vans; vehicles parts, namely shock absorbers, brakes, steering mechanisms; seats for motor cars and trucks, directional signals for vehicles, saddles for bicycles and motorcycles, anti-theft alarms for vehicles (International Class 12); and toy scale model vehicles, toy vehicles, electronically operated toy motor vehicles, radio-controlled toy vehicles, cases for toy vehicles, toy scooters, card games, hand held unit for playing video games; arcade-type electronic video games (International Class 28).

2. U.S. Application Serial No. 79/034,179 is a request for extension of protection under the Madrid Protocol, Trademark Act Section 68(a), 15 U.S.C. §1141(h), with an effective filing date of November 23, 2006.

3. On March 28, 2007, the U.S. Patent and Trademark Office issued a Provisional Full Refusal of U.S. Application Serial No. 79/034,179 under Trademark Act Section 2(d), alleging that the mark in the pending application was confusingly similar to the mark shown in U.S. Registration 1,522,760.

4. U.S. Registration No. 1,522,760 registered on January 31, 1989 for the mark SCARAB in connection with boat models and boat model kits, in International Class 28.

5. The records of the U.S. Patent and Trademark Office indicate that the last listed owner of U.S. Registration No. 1,522,760 is GENMAR INDUSTRIES, INC., a corporation organized under the laws of Delaware, with an address of 2900 IDS Center, 80 South 8<sup>th</sup> Street, Minneapolis, Minnesota 55402.

6. Upon information and belief, more than three years prior to the date of filing this Petition for Cancellation, the owner of U.S. Registration No. 1,522,760 discontinued use of the mark SCARAB in commerce in connection with boat models and boat model kits, with intent not to resume such use.

7. The mark in U.S. Registration No. 1,522,760 has become abandoned, as defined under Trademark Act Section 45, 15 U.S.C. §1127.

8. The continued existence of U.S. Registration No. 1,522,760 will harm Petitioner by blocking the approval for publication of its Application Serial No. 79/034,179.

WHEREFORE, Petitioner prays that this Petition for Cancellation be granted and that Registration No. 1,522,760 be cancelled.

Petitioner has appointed JEFFREY H. KAUFMAN, a member of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C., a member of the Bar of the Commonwealth of Virginia, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

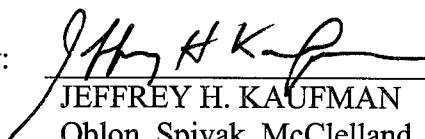
**JEFFREY H. KAUFMAN**  
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.  
1940 Duke Street  
Alexandria, Virginia 22314

The Commissioner is hereby authorized to charge any fees which may be required for this cancellation to Account No. 50-2014.

Respectfully submitted,

PIAGGIO & C. S.P.A.

By:



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Date: September 28, 2007

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