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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	Corestate Capital AG		
Entity	aktiengesellschaft	Citizenship	Switzerland
Address	Bahnhofstrasse 52 Z&uuml;rich, 8001 SWITZERLAND		

Attorney information	James R. Menker Holley & Menker, P.A. PO Box 331937 Atlantic Beach, FL 32233 UNITED STATES eastdocket@holleymenker.com Phone:904-247-2620
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### Registration Subject to Cancellation

Registration No	1288169	Registration date	07/31/1984
Registrant	WACHOVIA CORPORATION 3100 ONE WACHOVIA CENTER 301 S. COLLEGE STREET CHARLOTTE, NC 28202 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 036. First Use: 1983/03/11 First Use In Commerce: 1983/03/11 All goods and services in the class are cancelled, namely: Banking Services
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### Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	9-3-2008 CORESTATES 1288169 PETITION TO CANCEL.pdf ( 6 pages ) (324767 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jmenker/
Name	James R. Menker

Date	09/03/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

Corestate Capital AG,	)	
	)	
Petitioner,	)	
	)	
v.	)	Reg. No. 1288169
	)	
Wachovia Corporation,	)	
	)	
Registrant.	)	

**PETITION TO CANCEL**

Corestate Capital AG (“Petitioner”) is or will be damaged by the continued registration of the mark CORESTATES, which is set forth in registration number 1288169 and owned by Wachovia Corporation (“Registrant”), and hereby petitions for cancellation of the same.

As grounds for the Petition to Cancel, Petitioner, by its attorneys, avers as follows:

1. Petitioner is an aktiengesellschaft organized under the laws of Switzerland having an address at Bahnhofstrasse 52, 8001 Zürich, Switzerland.

2. On May 17, 2007, Petitioner filed application Ser. No. 77184020 to register the mark CORESTATE in connection with goods in International Class 16 and in connection with services in International Classes 35 and 36.

3. The United States Patent and Trademark Office (“US PTO”) has refused registration of application Ser. No. 77184020 under Section 2(d) of the Trademark Act based on

the subject registration, Reg. No. 1288169. Therefore, Petitioner is and will continue to be damaged by the continued existence of registration, Reg. No. 1288169.

4. On March 31, 1983, The Philadelphia National Bank filed application Ser. No. 73419573 for the mark CORESTATES for “banking services” with the US PTO.

5. On information and belief, The Philadelphia National Bank assigned its rights to the mark CORESTATES and its application Ser. No. 73419573 to CoreStates Financial Corporation on February 14, 1984.

6. On July 31, 1984, application Ser. No. 73419573 issued to CoreStates Financial Corporation as registration no. 1288169.

7. On information and belief, First Union Corporation acquired CoreStates Financial Corporation’s CORESTATES mark and its registration, Reg. No. 1288169 through a merger with CoreStates Financial Corporation that occurred on or about April 27, 1998. A copy of an April 27, 1998 press release on Registrant’s website announcing the completion of this merger is attached hereto as Exhibit A.

8. On information and belief, Registrant acquired registration, Reg. No. 1288169, in its merger with First Union Corporation that occurred on or about August 31, 2001.

9. On information and belief, Registrant and/or its predecessors-in-interest discontinued use of the mark CORESTATES in connection with banking services more than three years ago.

10. On information and belief, Registrant and/or its predecessors-in-interest

discontinued use of the mark CORESTATES in connection with banking services more than three years ago with the intent not to resume such use.

11. Registrant and/or its predecessors-in-interest have abandoned the mark CORESTATES in connection with banking services.

12. Despite its abandonment of the mark CORESTATES in connection with banking services, Registrant filed a Combined Declaration of Use and Application for Renewal under Sections 8 and 9 of the Trademark Act falsely claiming that is was using this mark in commerce on or in connection with the banking services. Registrant knowingly made this false representation to the US PTO, and this misrepresentation was material to the US PTO acceptance of the Combined Declaration of Use and Application for Renewal.

WHEREFORE, Petitioner requests that registration Reg. No. 1288169 be cancelled.

Respectfully submitted,

Corestate Capital AG

By:   
James R. Menker

Petitioner's Attorneys

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PO Box 331937  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing "PETITION TO CANCEL" has been served on Registrant, Wachovia Corporation, at its address of record 3100 One Wachovia Center, 301 S. College Street, Charlotte, North Carolina 28202, via first class mail, today September 3, 2008.

By:   
\_\_\_\_\_  
Laura K. Greer



WACHOVIA



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(704) 374-2957

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### April 27, 1998 First Union Completes Merger with CoreStates, Creating Largest Bank on Eastern Seaboard

CHARLOTTE AND PHILADELPHIA - First Union Corporation (NYSE:FTU) and CoreStates Financial Corp (NYSE:CFL) have completed their previously announced merger, creating the largest banking network and the largest share of retail deposits on the Eastern Seaboard.

The combined company now has a network of nearly 3,400 ATMs from Connecticut to Florida and operates approximately 2,400 financial service centers, serving 16 million customers. New green and white First Union signs are scheduled to be installed at CoreStates branches in November, after computer operating systems are converted.

The sign changes will follow one of the quickest conversions of computer operating systems for a bank merger of this size. At that time, all First Union locations will share a common system that will enable customers to do their banking at any of its financial centers in 12 states and Washington, D.C.

As one of the first benefits of the merger to customers, First Union is opening up its ATM network, effective May 15, so that any First Union or previous CoreStates customer may use any of the 3,400 ATMs bearing signage from either company without paying a foreign ATM charge. CoreStates customers also will have access to an expanded array of retail banking products and services, and a full selection of capital markets offerings.

The combined company will also bring greater resources to the community. First Union is establishing a \$100 million "First Union Regional Foundation" and is launching a five-year \$14 billion plan for loans and services to low- and moderate-income neighborhoods in Pennsylvania, New Jersey and Delaware.

"Today marks not only the completion of the largest merger in our company's history, but the beginning of a partnership with our new employees, communities and 2 million new customers," said Edward E. Crutchfield, First Union chairman and chief executive officer. "We will deliver the kind of innovative financial solutions, leadership in technology and contributions in our communities that will set the standard for our industry."

CoreStates customers will have access to expanded financial services, including:

- First Union's CAP Account, acknowledged by Smart Money magazine as one of the "oldest and best" bank-affiliated asset management accounts in the country, combines checking, money market and brokerage activity into one account for individuals, small businesses and nonprofit groups;

- A much broader range of mutual funds, The Evergreen Funds family of 76 mutual funds, and other insurance and investment products;
- Expanded products for small businesses, such as business insurance and VISA Business CheckCard; First Union is committed to being the No. 1 SBA lender in the region;
- A greater variety of sophisticated investment banking products and services for middle market and large corporate customers through First Union's expanding Capital Markets Group.

Customers may continue to use their existing CoreStates ATM, credit and debit cards until they receive new First Union cards in the mail. New First Union checks will be sent to customers on an individual basis when they exhaust their existing supplies of CoreStates checks and order new ones.

For First Union customers, the merger means expanded expertise in the international arena, with 29 representative offices and five branches abroad, and more than 1,400 correspondent bank account relationships in more than 130 countries.

The merger of First Union and CoreStates creates a company with combined assets of \$220 billion and total stockholders' equity of \$16 billion, as of March 31, 1998. The company operates full-service banking offices in Connecticut, Delaware, Florida, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and Washington, D.C.

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[Back to List](#)

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[2006 Press Releases](#)

[2005 Press Releases](#)

[2004 Press Releases](#)

[2003 Press Releases](#)

[2002 Press Releases](#)


[2001 Press Releases](#)

[2000 Press Releases](#)

[1999 Press Releases](#)

[1998 Press Releases](#)

[1997 Press Releases](#)

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