

ESTTA Tracking number: **ESTTA249000**

Filing date: **11/14/2008**

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	Cypress Semiconductor Corporation		
Entity	Corporation	Citizenship	Delaware
Address	198 Champion Court San Jose, CA 95134 UNITED STATES		

Attorney information	Mark H. Tidman Baker & Hostetler LLP 1050 Connecticut Avenue, N.W. Washington, DC 20036 UNITED STATES trademarks@bakerlaw.com Phone:202-861-1500		
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Registration Subject to Cancellation

Registration No	3142569	Registration date	09/12/2006
Registrant	Epstein, Barry M. 3 Milford Place Dallas, TX 75230 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2004/12/30 First Use In Commerce: 2004/12/30 All goods and services in the class are cancelled, namely: Mouse pads, telephones, telephone headsets, computer keyboards, computer mouses and calculators made of Contact material and related circuitry connected to the material to safely discharge electrostatic charge from a person or object
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	FIRSTTOUCH Petition for Cancellation.pdf (3 pages)(85196 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	/Mark H. Tidman/
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Name	Mark H. Tidman
Date	11/14/2008

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

Cypress Semiconductor Corporation)	
)	
Petitioner,)	
)	Registration No. 3,142,569
v.)	Mark: FIRST TOUCH
)	
Barry M. Epstein)	
)	
Registrant.)	

PETITION FOR CANCELLATION

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

Sirs:

Petitioner, Cypress Semiconductor Corporation, a company organized under the laws of the Delaware, having an address of 198 Champion Court, San Jose, California 95134, United States (hereinafter "Petitioner"), believing that it is damaged by Registration No. 3,142,569, for the mark FIRST TOUCH, hereby petitions to cancel same.

The grounds for the Petition for Cancellation are as follows:

1. Petitioner is the owner of the FIRSSTTOUCH trademark for "evaluation starter kit, comprised of USB interface dongle and a multifunction expansion card; semiconductors; integrated circuits" in Class 9, and Application Serial No. 77/249,420 therefor.
2. Upon information and belief, Barry M. Epstein (hereinafter "Registrant") is the registrant of Registration No. 3,142,569 for the mark FIRST TOUCH for "mouse pads, telephones, telephone headsets, computer keyboards, computer mouse and calculators made of

contact material and related circuitry connected to the material to safely discharge electrostatic charge from a person or object material and related circuitry connected to the material to safely discharge electrostatic charge from a person or object” in Class 9. Registrant claims to have first used this mark as of December 30, 2004 in connection with the goods identified in this registration.

3. In an Office Action issued on May 14, 2008, the Examining Attorney refused registration of Application Serial No. 77/249,420 under Section 2(d) of the Trademark Act based on Registration No. 3,142,569.

4. On information and belief, the Registrant is not currently using its mark under Registration No. 3,142,569, and therefore has abandoned such mark.

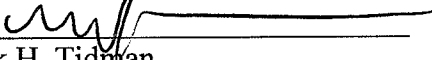
5. The Petitioner believes that it is, and will be, damaged by the continued registration of Registration No. 3, 142,569.

WHEREFORE, Petitioner requests that this petition be granted and Registration be cancelled.

Authorization is hereby granted to charge our Deposit Account No. 50-2036 in connection with this filing.

Respectfully submitted,
CYPRESS SEMICONDUCTOR CORPORATION

Date: November 14, 2008

By: 
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of November, 2008, a true copy of the Petition for Cancellation was served on Registrant via U.S. first-class mail, postage prepaid to:

Barry M. Epstein
3 Milford Place
Dallas, Texas 75230
United States

and

Terry M. Gernstein
1015 Salt Meadow Lane
McLean, Virginia 22101


Julie Visperas

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