



**INTELLECTUAL LAW**  
**LAW OFFICES OF P.B. TUFARIELLO, P.C.**  
**ATTORNEYS AT LAW**

**P. BETTY TUFARIELLO**  
Shareholder  
24yellow@optonline.net  
info@intellectulaw.com

25 LITTLE HARBOR ROAD • MT. SINAI, NEW YORK 11766  
TELEPHONE 631-476-8734 • FAX 631-476-8737

SPECIALIZING IN PATENTS,  
TRADEMARKS,  
COPYRIGHTS, AND ALL  
MATTERS RELATED  
THERE TO

December 2, 2008

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

73490278

Re: CANCELLATION  
FIDO'S FENCES v. INVISIBLE FENCE  
In re: U.S. Registration No: 1,371,021  
Our File No.: 7212-3

Dear TTAB:

Enclosed are the following items in connection with the above referenced trademark:

1. Cover Letter;
2. An original and one copy of Petition for Cancellation;
3. USPTO Credit Card Payment Form authorizing payment in the amount of \$300.00 payable to the Commissioner of Trademarks *i.e.*, Cancellation fee; and
4. Self-addressed acknowledgment postcard.

Respectfully submitted,

PANAGIOTA BETTY TUFARIELLO

PBT:ic  
Enclosures

**CERTIFICATE OF MAILING**

Express Mail No. EH 404821118 US

Date of Deposit: December 2, 2008

I hereby certify that this correspondence is being deposited on the date with the U.S. Postal Service with sufficient postage as EXPRESS MAIL in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on Tuesday, December 2, 2008.

Dated: 12/02/08

  
Panagiota Betty Tufariello

12-02-2008

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

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 FIDO'S FENCES :  
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 Petitioner :  
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 v. :  
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 INVISIBLE FENCE, INC. :  
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 Respondent :  
 \_\_\_\_\_ X

**PETITION FOR  
CANCELLATION**

In re: U.S. Registration No: 1,371,021  
Date of Registration: November 19, 1985

**Trademark: INVISIBLE FENCING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EH404821118 US in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board on Tuesday, December 2, 2008.

DATED: 12/02/08 *Panagiot Betty Tufariello*  
Name: Panagiot Betty Tufariello

BOX TTAB FEE  
Hon. Commissioner for Patents and Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Commissioner:

**Fido's Fences**, a New York corporation, with a business address at **6278 Northern Blvd., E. Norwich, NY 11732** (hereinafter "Petitioner"), believes that it will continue to be damaged by the registration of the mark shown in the registration identified herein above.

Accordingly, Petitioner hereby requests and petitions for cancellation of same, pursuant to 37



12-02-2008

C.F.R. § 2.11 (a) and 15 U.S.C. § 1064.

The grounds for the present Petition for Cancellation are as follows:

1. On July 11, 2008, Registrant/Respondent Invisible Fence, Inc. (hereinafter “Respondent”) and Respondent’s Distributor The Canine Fence Company (hereinafter “Respondent’s Distributor”) filed a Motion for Preliminary Injunction against Petitioner in Fido’s Fences v. The Canine Fence Company, Case No. 08-CV-754 in the United States District Court, Eastern District of New York. The basis for such motion is Petitioner’s alleged trademark infringement of Respondent’s U.S. Trademark Registration No. 1,371,021, the trademark registration referenced herein above and the subject matter of the present petition.
2. Following a September 5, 2008, hearing on said Motion for a Preliminary Injunction before E.D.N.Y. Judge Leonard D. Wexler, the Court granted the Respondent and Respondent’s Distributor’s Motion for Injunction.
3. Petitioner has been greatly injured by the grant of such Injunction to Respondent and Respondent’s Distributor particularly since, upon information and belief, the Mark in U.S. Registration 1,371,021 is generic (15 U.S.C. § 1064 (3)).
4. The use and continued registration of Respondent’s Generic Mark has caused and will continue to cause significant damage to Petitioner.
5. A duplicate copy of this Petition is enclosed, together with USPTO Credit Card Payment Form for the required fee of \$300.00 for the cancellation of U.S. Registration No. 1,371,021.

WHEREFORE, Petitioner prays that Registration No. 1,371,021 be cancelled, and that this Petition for Cancellation be sustained in favor of Petitioner.

Respectfully Submitted,  
INTELLECTULAW  
THE LAW OFFICES OF P.B. TUFARIELLO, P.C.

Dated: 12/02/08

By: *Panagiotta Betty Tufariello*  
Panagiotta Betty Tufariello  
25 Little Harbor Road  
Mt. Sinai, New York 11766  
Tel.: (631) 476-8734  
Fax: (631) 476-8737  
Email: [24yellow@optonline.net](mailto:24yellow@optonline.net)

POWER OF ATTORNEY

The Petitioner appoints Intellectulaw, The Law Offices of P.B. Tufariello, P.C. and Panagiota Betty Tufariello, Esq., Registration No. 40,851, as its attorney to prosecute this Petition for Cancellation with full power of substitution and revocation to transact all business in the United States Patent and Trademark Office in connection therewith. Please address all correspondence to:

PANAGIOTA BETTY TUFARIELLO, ESQ.  
INTELLECTULAW  
The Law Offices of P.B. Tufariello, P.C.  
25 Little Harbor Road  
Mt Sinai, NY 11766  
631-476-8734 (Tel)  
631-476-8737 (Fax)  
[24yellow@optonline.net](mailto:24yellow@optonline.net) (e-mail)  
[Info@intellectulaw.com](mailto:Info@intellectulaw.com) (e-mail)  
[Betty@intellectulaw.com](mailto:Betty@intellectulaw.com) (e-mail)

DECLARATION

I, PANAGIOTA BETTY TUFARIELLO hereby declare:

that I am the Attorney for the Applicant that I have read and signed the foregoing Petition for Cancellation and know the contents thereof; and that the allegations are true.

I further declare that I am authorized to make this declaration;

that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this Cancellation.

Dated: 12/02/08

  
Panagiota Betty Tufariello  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EH404821118US in an envelope addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, VA 22313-1451, on Tuesday, December 2, 2008. I also certify that on this date a copy of the foregoing PETITION FOR CANCELLATION dated Tuesday, December 2, 2008, has been forwarded to Respondent and Respondent's counsel via Express Mail at the following addresses:

Invisible Fence, Inc.  
Innotek, Inc.  
1000 Fuller Drive  
Garret, IN 46738

Innotek, Inc.  
One Innoway  
Garrett, IN 46738

Christopher Parent  
Brownstein, Hyatt & Farber, P.C.  
Twenty-Second Floor  
410 Seventeenth Street  
Denver, CO 80202

R. Bradford Brittan  
Pitts and Brittan, P.C.  
1319 Old Weisgarber Road  
Knoxville, TN 37909

on Tuesday, December 2, 2008

  
\_\_\_\_\_  
Panagota Betty Tufanello, Esq.