

ESTTA Tracking number: **ESTTA300433**

Filing date: **08/12/2009**

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	Jeremy Summers		
Entity	Individual	Citizenship	UNITED STATES
Address	31537 Long Acres Dr. Sorrento, FL 32772 UNITED STATES		

Attorney information	Edward M. Livingston The Livingston Firm 963 Trail Terrace Dr. Naples, FL 34103 UNITED STATES emlpa@comcast.net, ell@thelivingstonfirm.com Phone:239-262-8502		
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Registration Subject to Cancellation

Registration No	3611100	Registration date	04/28/2009
Registrant	Bowers, Ned C. 7400 Lake Ola Circle Mount Dora, FL 32757 UNITED STATES		

Goods/Services Subject to Cancellation

Class 006. First Use: 1993/03/01 First Use In Commerce: 1993/03/01 All goods and services in the class are cancelled, namely: Metal fasteners, namely, one fourth turn panel fasteners used, namely, on aircrafts and racecars

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	Petition to Cancel ZLOC.doc.pdf (8 pages)(1334785 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	/Edward M. Livingston/
Name	Edward M. Livingston
Date	08/12/2009

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

In the Matter of: Registration No. 3,611,100

For the Mark: ZLOC

Registered: April 28, 2009

Jeremy Summers)
)
 Petitioner,)
)
v.)
)
Ned C. Bowers)
)
 Respondent.)
)

)

Proceeding No.: _____

PETITION FOR CANCELLATION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir:

Petitioner, JEREMY SUMMERS, believes that he is being damaged as a result of the Registration No. 3,611,100 for ZLOC, issued to Respondent on April 28, 2009 and hereby respectfully requests the cancellation of same.

As grounds for cancellation, Petitioner alleges:

1. On February 21, 2008, Respondent filed a trademark application based on Section 1(a) to register the mark ZLOC in International Class 6 for “metal fasteners, namely, one fourth turn panel fasteners.” Respondent’s registration for said application issued on April 28, 2009. (See Exhibit “A” – Copy of Registration Certificate for ZLOC).

2. The application filed by Respondent on February 21, 2008 was based on Respondent's alleged first use of the mark in commerce in conjunction with his goods at least as early as March 1, 1993.

3. Petitioner is the President of Milspec Products, Inc. ("Milspec"), a Florida corporation formed on July 29, 1993, a well known manufacturer of standard and custom fasteners for use primarily in aviation and motorsports industries. Petitioner has been selling such fasteners throughout the United States since at least July 29, 1993.

4. Respondent was partner in Petitioner's business until the year 2000 at which time Petitioner purchased all of Respondent's rights and interest in the business, which would have included all intellectual property rights owned by Milspec at the time.

5. As indicated by the www.archive.org website, Respondent did not actually begin using its ZLOC mark until May of 2000. (See Exhibit "B" – printout from www.archive.org dated May 11, 2000).

6. Upon information and belief, the Respondent committed fraud on the United States Patent and Trademark Office ("USPTO") by making knowingly false and material misrepresentations in the filing of the Application in that Respondent alleged false dates of first use.

7. Petitioner, through his licensee Milspec, has been using the Z-LOCK mark in conjunction with the sale of such fasteners for many years all with the full knowledge of Respondent.

8. Upon information and belief, at the time Respondent applied for trademark protection for its ZLOC mark, Respondent knew he did not have exclusive rights to the ZLOC mark as Petitioner was already using the Z-LOCK mark.

9. Upon information and belief, Respondent cannot provide evidence of its first use dating back to March 1, 1993.

10. Upon information and belief, at the time Respondent submitted the subject trademark application he knew that his first use date could not date back to March 1, 1993 because he did not begin using the ZLOC mark until at least 2000.

WHEREFORE, Petitioner respectfully requests that Registration No. 3,611,100 be cancelled.

Dated: August 12, 2009

Respectfully submitted,

By: 

Edward M. Livingston, Esq.
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Attorneys for Petitioner

Exhibits: Exhibit "A" – Copy of Registration Certificate for ZLOC
Exhibit "B" – printout from www.archive.org dated May 11, 2000

Int. Cl.: 6

Prior U.S. Cls.: 2, 12, 13, 14, 23, 25 and 50

United States Patent and Trademark Office

Reg. No. 3,611,100

Registered Apr. 28, 2009

**TRADEMARK
PRINCIPAL REGISTER**

ZLOC

BOWERS, NED C. (UNITED STATES INDIVIDUAL)

7400 LAKE OLA CIRCLE

MOUNT DORA, FL 32757

FOR: METAL FASTENERS, NAMELY, ONE FOURTH TURN PANEL FASTENERS USED, NAMELY, ON AIRCRAFTS AND RACECARS, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 3-1-1993; IN COMMERCE 3-1-1993.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,765,784 AND 3,375,434.

SEC. 2(F).

SER. NO. 77-403,116, FILED 2-21-2008.

SHANNON TWOHIG, EXAMINING ATTORNEY

EXHIBIT "A"



Enter Web Address: All [Add Search](#) [Compare Archive Pages](#)

Searched for <http://www.skybolt.com>

178 Results

Note some duplicates are not shown. See all.
* denotes when site was updated.
Material typically becomes available here 6 months after collection. See FAQ.

Search Results for Jan 01, 1996 - Jan 25, 2009

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
0 pages	1 pages	2 pages	4 pages	5 pages	8 pages	12 pages	22 pages	22 pages	68 pages	14 pages	13 pages	0 pages
	Jun 28, 1997 *	Dec 07, 1998 *	Jan 25, 1999	Mar 02, 2000	Feb 02, 2001	May 26, 2002	Feb 04, 2003	Jan 02, 2004	Jan 22, 2005	Jan 11, 2006	Jan 05, 2007	
		Dec 12, 1998	Feb 03, 1999	May 11, 2000 *	Feb 04, 2001	Jun 02, 2002	Feb 09, 2003	Apr 01, 2004	Feb 04, 2005	Feb 05, 2006	Jan 09, 2007	
			Feb 08, 1999	May 20, 2000	Mar 02, 2001 *	Jul 27, 2002 *	Feb 10, 2003	Apr 05, 2004	Feb 07, 2005	Feb 08, 2006	Jan 14, 2007	
			Feb 24, 1999	Aug 15, 2000	Apr 01, 2001	Aug 06, 2002	Feb 19, 2003	May 10, 2004	Feb 08, 2005	May 28, 2006 *	Jan 19, 2007	
				Dec 05, 2000	Apr 05, 2001	Sep 29, 2002 *	Mar 23, 2003	May 18, 2004	Feb 09, 2005	Jun 13, 2006 *	Jan 25, 2007	
					May 16, 2001	Sep 25, 2002 *	Apr 03, 2003	Jun 04, 2004	Feb 10, 2005	Jun 18, 2006	Feb 21, 2007	
					May 28, 2001	Sep 28, 2002	Apr 05, 2003	Jun 05, 2004	Feb 11, 2005	Aug 13, 2006	Feb 22, 2007	
					Sep 25, 2001 *	Sep 30, 2002	Apr 26, 2003	Jun 07, 2004	Feb 12, 2005	Sep 07, 2006	Mar 12, 2007	
						Nov 24, 2002	May 23, 2003 *	Jun 09, 2004	Feb 13, 2005	Oct 30, 2006	Jun 02, 2007 *	
						Nov 28, 2002	Jun 02, 2003	Jun 12, 2004	Feb 14, 2005	Nov 08, 2006 *	Jul 15, 2007	
						Nov 28, 2002	Jun 19, 2003	Jun 15, 2004	Feb 15, 2005	Nov 16, 2006	Sep 11, 2007	
						Dec 01, 2002	Jun 23, 2003	Jul 10, 2004	Feb 17, 2005	Nov 18, 2006	Oct 11, 2007	
							Jul 18, 2003	Aug 27, 2004	Feb 18, 2005	Dec 01, 2006	Oct 28, 2007	
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							Sep 25, 2003	Aug 28, 2004	Mar 08, 2005			
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							Oct 09, 2003	Sep 03, 2004	Mar 10, 2005			
							Nov 18, 2003	Sep 15, 2004	Mar 11, 2005			
							Nov 24, 2003	Sep 24, 2004	Mar 12, 2005			
							Dec 04, 2003	Nov 03, 2004	Mar 18, 2005			
							Dec 12, 2003	Nov 26, 2004	Mar 19, 2005			
							Dec 15, 2003	Dec 04, 2004	Mar 20, 2005			
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									Dec 01, 2005			
									Dec 07, 2005			

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EXHIBIT "B"



SKYBOLT 1/4 Turn (Z-Loc)

AIRCRAFT UNDERCUT RETAINABLE STUDS

The **SKAJ** series for oval head studs and the **SKFJ** series for flush head studs allow for the installation of either a crimp style retaining grommet (aircraft applications) or a thin, nylon retaining ring to secure the fastener in the panel or cowling when unlocked. Crimp grommets also prevent enlargement of the panel hole caused by vibration.



Standard line sizes: 3, 4, 5, 6 and 6.5 stud lengths vary by .050". Most common lengths are in stock in heat treated steel and stainless.

AUTOMOTIVE BUTTONS (Non Retainable)

These plain fasteners are available in two basic styles. The **SKFO** (flat head) series, and the **SKAO** (oval head) series. This style allows the stud to be completely removed from the panel when unlocked. Standard line sizes 5 and 6, stud lengths vary by .050". Most common lengths are in stock in hardened steel or 7075 high strength aluminum.



EJECTOR HEAD FASTENERS

Ejector head fasteners provide 1/4 turn action with studs that eject from the receptacle when unlocked. Ejected studs will not hang up when sliding or curved panels are removed and give a visual sign of an unlocked fastener. The stud assembly is mounted directly to the outside panel with 1/8" rivets or screws. Made from heat treated carbon steel. Standard line sizes 5 and 6. Stud lengths vary by .050", most common lengths are in stock in



hardened steel.

Z-LOC WELD TABS & SPRINGS

All plain #5 SkyBolt studs use weld tab part number SK945 (if required) and 5 series S spring receptacles. Both have 1" rivet spacing. All plain #6 series SkyBolt studs use weld tab part number SK946 (if required) and 6 series S spring receptacles.



NOTE: For the SKEHF5 series use weld tab part number SK945EHF and 5 series



S spring receptacles. For

the SKEHF6 series use either weld tab part number SK946 and 6 series S spring receptacles.

AIRLOC® FASTENERS

This type of 1/4 turn fastener is commonly used in Beech aircraft. They are available in countersunk or oval head styles. They use a crimp style grommet to prevent panel wear and are retained by a pressed in cross pin. Most simple replacements do not require removal of the grommet. standard line sizes 2 and 5. Stud lengths vary by .010", most common lengths are in stock in steel or stainless.



AIRLOC INSTALLATION TIP:

To Remove Pin: Clip or grind pin to remove old stud from panel.

To Insert Pin: Notch upper jaw of a standard vise grip plier for a handy, inexpensive tool to install AIRLOC® pin. With new stud in panel, press pin into stud shank.



Contact Information

Skybolt Aeromotive, Inc.
551 North Park Avenue
Apopka, Florida 32712

Designed By:

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Business Hours 8 - 6 Mon - Fri and 8 - 3 Sat.
Shipping Worldwide



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AIRLOC® is a registered trademark of MONADNOCK
DZUS® is a registered trademark of DZUS FASTENER CO.
SOUTHCO® is a registered trademark of SOUTHCO FASTENERS