

ESTTA Tracking number: **ESTTA307690**

Filing date: **09/23/2009**

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	Gap (Apparel) LLC		
Entity	Corporation	Citizenship	California
Address	2 Folsom Street San Francisco, CA 94105 UNITED STATES		

Correspondence information	Frank Goldberg Corporate Counsel, Attorney of Record Gap (Apparel) LLC 2 Folsom Street San Francisco, CA 94105 UNITED STATES ip@gap.com, Frank_Goldberg@gap.com Phone:415-427-3279
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Registration Subject to Cancellation

Registration No	3090868	Registration date	05/09/2006
Registrant	Grace Premier Fitness & Wellness Products, Inc. P.O. Box 61508 Vancouver, WA 986661508 UNITED STATES		

Goods/Services Subject to Cancellation

Class 028. First Use: 2005/12/22 First Use In Commerce: 2005/12/22 All goods and services in the class are cancelled, namely: Exercise machines
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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
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

Marks Cited by Petitioner as Basis for Cancellation


U.S. Registration No.	1129294	Application Date	05/13/1977
Registration Date	01/15/1980	Foreign Priority Date	NONE
Word Mark	GAP		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1974/06/25 First Use In Commerce: 1974/06/25 CLOTHING-NAMELY, PANTS, JEANS, [GAUCHOS,] SKIRTS, VESTS, JACKETS, OVERALLS, JUMPERS, DRESSES, [JUMPSUITS,] SWEATERS, T-SHIRTS, BELTS, HATS, VISORS, [SUSPENDERS,] SHORTS, PONCHOS AND HALTER TOPS

U.S. Registration No.	1406870	Application Date	01/31/1986
Registration Date	08/26/1986	Foreign Priority Date	NONE
Word Mark	GAP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1974/06/25 First Use In Commerce: 1974/06/25 CLOTHING NAMELY SHIRTS, BLOUSES, GLOVES, SCARVES, SOCKS, AND SHOES		

U.S. Registration No.	1576510	Application Date	05/22/1989
Registration Date	01/09/1990	Foreign Priority Date	NONE
Word Mark	GAP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/07/23 First Use In Commerce: 1988/07/23 CLOTHING, NAMELY SHIRTS, PANTS SHORTS, VESTS, JACKETS, DRESSES, SKIRTS, SWEATERS, SWIMSUITS, HEADBANDS, BELTS, HATS, SCARVES, SOCKS AND SHOES		

U.S. Registration No.	2638121	Application Date	05/01/2000
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	GAP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1988/12/00 First Use In Commerce: 1988/12/00 Anoraks, shortalls, jeans, khaki pants, trousers, fleece tops, coats, rainwear, shawls, lingerie, robes, sleepwear, pajamas and nightgowns, brassieres, underwear, shapers, undergarments, boxer shorts, sport bras, gym shorts, camisoles, slips, bodysuits, tank tops, sweatshirts, sweat pants, tankinis, bikinis, bathing suits, swim trunks, leggings, slippers, caps

U.S. Registration No.	3020444	Application Date	09/16/2004
Registration Date	11/29/2005	Foreign Priority Date	NONE
Word Mark	GAP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/07/07 First Use In Commerce: 2004/07/07 Sporting articles, namely soccer balls and footballs		

Attachments	73801791#TMSN.gif (1 page)(bytes) 76037688#TMSN.gif (1 page)(bytes) 78484636#TMSN.jpeg (1 page)(bytes) GRIP GAP.PetitiontoCancel.9.23.09.pdf (39 pages)(929781 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	/Frank Goldberg/
Name	Frank Goldberg
Date	09/23/2009

CERTIFICATE OF ELECTRONIC TRANSMISSION

DATE OF DEPOSIT: September 23, 2009

I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated above.


Frank B. Goldberg

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

In the Matter of Registration No. 3,090,868
Filed: May 20, 2002
Registered: May 9, 2006
Mark: GRIP GAP

GAP (APPAREL) LLC,

Petitioner,

-against-

GRACE PREMIER FITNESS & WELLNESS
PRODUCTS, INC.,

Respondent.

PETITION TO CANCEL

Petitioner Gap (Apparel), LLC, a California corporation with a place of business at 2 Folsom Street, 13th Floor, San Francisco, California 94105 (“Petitioner”), hereby petitions to cancel the federal registration for the trademark GRIP GAP (Registration No. 3,090,868) (the “Registration”), registered by Grace Premier Fitness & Wellness Products, Inc. (“Respondent”) on May 9, 2006 in connection with “exercise machines” in International Class 28.

As grounds for the petition to cancel, Petitioner alleges as follows:

I. FACTUAL BACKGROUND

1. Petitioner is a leading in-store and online retailer of, among other things, clothing, accessories, personal care products and household goods and furnishings.

2. Petitioner is the owner of all right, title, and interest in and to the famous mark GAP in connection with retail clothing and various other goods and services based on first use as early as 1969. Additionally, Petitioner owns numerous U.S. trademark registrations for the GAP mark and various GAP-formative marks in connection with such goods and services, including but not limited to the following:

- GAP, U.S. Reg. No. 1,129,294, registered January 15, 1980 based on first use on June 25, 1974, for “clothing-namely, pants, jeans, skirts, vests, jackets, overalls, jumpers, dresses, sweaters, t-shirts, belts, hats, visors, shorts, ponchos and halter tops” in International Class 25;
- GAP, U.S. Reg. No. 1,406,870, registered August 26, 1986 based on first use on June 25, 1974, for “clothing namely shirts, blouses, gloves, scarves, socks, and shoes” in International Class 25;
- GAP (Stylized), U.S. Reg. No. 1,576,510, registered January 9, 1990 based on first use on July 23, 1988, for “clothing, namely shirts, pants shorts, vests, jackets, dresses, skirts, sweaters, swimsuits, headbands, belts, hats, scarves, socks and shoes” in International Class 25;
- GAP (Stylized), U.S. Reg. No. 2,638,121, registered October 22, 2002 based on first use in December 1998, for “anoraks, shortalls, jeans, khaki pants, trousers, fleece tops, coats, rainwear, shawls, lingerie, robes, sleepwear, pajamas and nightgowns, brassieres, underwear, shapers, undergarments, boxer shorts, sport bras, gym shorts, camisoles, slips,

bodysuits, tank tops, sweatshirts, sweat pants, tankinis, bikinis, bathing suits, swim trunks, leggings, slippers, caps” in International Class 25;

- GAP U.S. Registration No. 3,020,444, registered November 29, 2005 based on first use on July 7, 2004, for “sporting articles, namely soccer balls and footballs” in International Class 28.

3. These registrations, among others, are valid, subsisting and in full effect and serve as prima facie evidence of the validity of the mark and of Petitioner’s exclusive right to use the GAP mark in connection with the goods and services identified therein, pursuant to Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(a). Additionally, U.S. Reg. Nos. 1,129,294; 1,406,870; 1,576,510; and 2,638,121, among others, have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065. Attached hereto as Exhibit A are printouts from the TARR electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the registrations relied upon herein.

4. Upon information and belief, Respondent is a Washington corporation with a mailing address (as noted in USPTO records) of P.O. Box 61508, Vancouver, Washington 98666-1508.

5. On May 20, 2002, Respondent filed Application No. 78/129,931 to register the mark GRIP GAP for “exercise machines” in International Class 28 based on a bona fide intent to use under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

6. Respondent did not file a statement of use by the prescribed deadline, and the USPTO issued a Notice of Abandonment for Application No. 78/129,931 on October 26, 2005. Respondent thereafter filed a Petition to Revive Application No. 78/129,931 on December 22, 2005. This Petition to Revive was granted, Respondent’s statement of use for the GRIP GAP mark was accepted, and the mark registered on May 9, 2006.

II. RESPONDENT'S MARK SHOULD BE CANCELLED BECAUSE IT IS LIKELY TO CAUSE CONFUSION WITH PETITIONER'S GAP MARK. (Lanham Act § 2(d)).

7. Petitioner hereby incorporates by reference Paragraphs 1 through 6, above as though fully set forth herein.

8. Upon information and belief, prior to any date on which Respondent can rely, Respondent was on actual notice of Petitioner's prior rights in and to the GAP mark.

9. The filing date of Respondent's GRIP GAP application, May 20, 2002, which is the earliest date on which Respondent can rely, is decades after the use, registration, and acquisition of rights in the GAP mark by Petitioner or its related companies; and, notably, Petitioner's GAP mark also was famous prior to that date. As such, Petitioner's rights in its GAP mark are prior and superior to any rights Respondent may claim in the GRIP GAP mark. The registration of Respondent's mark is inconsistent with Petitioner's prior rights and statutory grant of exclusivity of use.

10. Petitioner is not affiliated or connected with Respondent or its goods, and Petitioner has neither endorsed nor sponsored Respondent's goods.

11. Respondent's GRIP GAP mark is nearly identical and confusingly similar to, and also wholly incorporates, Petitioner's prior used and registered GAP mark. The marks of the parties present nearly identical general commercial impressions and are highly similar in appearance and sound. Moreover, Respondent has registered the GRIP GAP mark in connection with goods in International Class 28 that are closely related to those goods on which Petitioner has long used its GAP mark, as well as additional services and goods Petitioner offers under the GAP mark.

12. Respondent's use and registration of the GRIP GAP mark in connection with the goods identified in its application is likely to cause confusion, cause mistake or deceive

consumers into the false belief that Respondent's goods offered under the GRIP GAP mark come from or are otherwise authorized, sponsored by, or affiliated with Petitioner, in violation of Section 2(d), 14, and 43(a) of the Lanham Act, 15 U.S.C. §§ 1052(d), 1063 and 1125(a).

III. RESPONDENT'S MARK SHOULD BE CANCELLED BECAUSE IT IS LIKELY TO DILUTE PETITIONER'S GAP MARK (Lanham Act § 43(c)).

13. Petitioner hereby incorporates by reference Paragraphs 1 through 12, above as though fully set forth herein.

14. Respondent's use and registration of the GRIP GAP mark in connection with the goods identified in its application also is likely to cause dilution to the distinctive quality of the famous GAP mark, in violation of Section 2(a)(d), 3, 14, and 43(c) of the Lanham Act, as amended, 15 U.S.C. §§ 1052(a)(d), 1053, 1063, and 1125(c).

IV. RESPONDENT'S MARK SHOULD BE CANCELLED BECAUSE IT IS DESCRIPTIVE (Lanham Act § 2(e)).

15. Petitioner hereby incorporates by reference Paragraphs 1 through 14, above as though fully set forth herein.

16. Respondent's mark GRIP GAP, when applied to the goods of Respondent, is merely descriptive in that the mark describes the qualities and characteristics of Respondent's goods.

17. In its marketing materials, Respondent notes that the term GRIP GAP is a term that identifies a condition that its products address. Specifically, Respondent states that "[t]hick bars provide training benefits such as a safer, more natural grip for athletes with large hands, thus eliminating what we've coined the Grip Gap™ in using bars with smaller diameters."

Respondent further notes that its product "Eliminates Grip Gap™ for comfort and safety" (A copy of the content of Respondent's Web page located at <http://www.blackironstrength.com/index.php?crn=218> is attached hereto as Exhibit B). In other words, Respondent's product

specifically eliminates the gap in one's grip that can occur, it claims, with weights using bars of a smaller diameter than those of its products.

18. Respondent's use of the term GRIP GAP, thus, is descriptive. In fact, it is descriptive of the very feature of traditional weights that Respondent seeks to eliminate through its own design. Respondent's use of the trademark notice "TM" does not change the descriptive nature of this use.

19. Respondent is not entitled to exclusive use of "Grip Gap" in commerce on the goods specified in the Registration.

20. Respondent's alleged mark neither functions to identify Respondent's goods nor distinguishes Respondent's goods from those offered by others.

21. The Registration should, therefore, be cancelled under Sections 2(e) and 14 of the Lanham Act, 15 U.S.C. §§ 1052(e) and 1064.

**V. RESPONDENT'S MARK SHOULD BE CANCELLED BECAUSE
RESPONDENT HAS ABANDONED THE MARK (15 U.S.C. § 1064(3)).**

22. Petitioner hereby incorporates by reference Paragraphs 1 through 21, above as though fully set forth herein.

23. Upon information and belief, Respondent is not currently using the mark GRIP GAP in connection with exercise machines in International Class 28 in the United States, and Petitioner is unaware of any evidence of an intent by Respondent to resume any use in commerce of the GRIP GAP mark for "exercise machines."

24. The Registration should be cancelled pursuant to 15 U.S.C. § 1064(3).

VI. RESPONDENT'S MARK SHOULD BE CANCELLED BECAUSE IT WAS OBTAINED BY FRAUDULENT MEANS (15 U.S.C. § 1064(3)).

25. Petitioner hereby incorporates by reference Paragraphs 1 through 24, above as though fully set forth herein.

26. In filing its statement of use, Respondent averred that it was “using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance.”

27. Upon information and belief, Respondent did not have use of the GRIP GAP mark in connection with the goods identified in Application No. 78/129,931, namely “exercise machines.”

28. Rather, Respondent described the specimen submitted in support of its statement of use as “[e]xercise equipment with mark prominently displayed.” The “exercise equipment” alluded to was a dumbbell storage rack and a single dumbbell. Such equipment, however, is not an example of “exercise machines.” In fact, a “machine” is defined in the online version of Webster’s Dictionary as, among other things, “an apparatus consisting of interrelated parts with separate functions, used in the performance of some kind of work.” (<http://dictionary.reference.com/browse/machine>, a copy of the content of which is attached hereto as Exhibit C).

29. As such, Respondent’s averment that the mark was used in connection with “exercise machines” was false, and, upon information and belief, Respondent was aware of the falsity of its claim of use in connection with the goods identified in the Notice of Allowance.

30. Registration No. 3,090,868 for the GRIP GAP mark should be cancelled under 15 U.S.C. § 1064(3).

WHEREFORE, Petitioner believes it is likely to be damaged by said Registration and prays that Registration No. 3,090,868 for the GRIP GAP mark be cancelled in its entirety. The cancellation fee in the sum of \$300.00, pursuant to 37 C.F.R. § 2.6(a)(16), has been electronically tendered from the GAP (Apparel) LLC deposit account, No. 500237.

Respectfully submitted,

GAP (APPAREL) LLC

Date: September 23, 2009

By:

A handwritten signature in black ink, appearing to read 'F. Goldberg', is written over a horizontal line.

Frank B. Goldberg
Corporate Counsel
Gap Inc.
2 Folsom Street
San Francisco, CA 94105
(415) 427-3279

Attorney for Petitioner

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-09-22 17:44:51 ET

Serial Number: 73126525 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1129294

Mark (words only): GAP

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2000-07-31

Filing Date: 1977-05-13

Transformed into a National Application: No

Registration Date: 1980-01-15

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-02-06

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GAP(APPAREL), LLC

Address:

GAP(APPAREL), LLC
2 FOLSOM STREET
SAN FRANCISCO, CA 94105
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

CLOTHING-NAMELY, PANTS, JEANS, SKIRTS, VESTS, JACKETS, OVERALLS, JUMPERS, DRESSES, SWEATERS, T-SHIRTS, BELTS, HATS, VISORS, SHORTS, PONCHOS AND HALTER TOPS

Basis: 1(a)

First Use Date: 1974-06-25

First Use in Commerce Date: 1974-06-25

ADDITIONAL INFORMATION

Prior Registration Number(s):

944941

944942

1055151

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0011632

International Registration Number: 0964988

International Registration Date: 2008-03-06

Original Filing Date with USPTO: 2008-03-06

International Registration Status: Application For IR Registered By IB

Date of International Registration Status: 2008-06-26

International Registration Renewal Date: 2018-03-06

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

06-26-2008 - 13:08:29 - Application For IR Registered By IB

04-23-2008 - 21:08:21 - Irregularity Response Sent To IB

04-23-2008 - 15:46:44 - Response To Irregularity Reviewed And Accepted

04-23-2008 - 15:03:01 - Irregularity Response Received From Applicant

04-04-2008 - 08:53:14 - Irregularity Notice Received From IB

03-07-2008 - 21:00:43 - IR Certified And Sent To IB

03-07-2008 - 10:15:18 - Manually Certified

03-06-2008 - 16:05:11 - New Application For IR Received

USPTO Reference Number: A0009976

International Registration Number: (NOT AVAILABLE)

International Registration Date: (DATE NOT AVAILABLE)

Original Filing Date with USPTO: 2007-10-18

International Registration Status: Certification Rejected By MPU

Date of International Registration Status: 2007-10-23

International Registration Renewal Date: (DATE NOT AVAILABLE)

Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

10-23-2007 - 09:57:10 - Application For IR Rejected By MPU

10-18-2007 - 13:13:40 - New Application For IR Received

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-06 - Case File In TICRS

2007-12-19 - Assignment Of Ownership Not Updated Automatically

2000-07-31 - First renewal 10 year

2000-07-31 - Section 8 (10-year) accepted/ Section 9 granted

2000-01-14 - Combined Section 8 (10-year)/Section 9 filed

2000-01-14 - Combined Section 8 (10-year)/Section 9 filed

1986-06-24 - Section 8 (6-year) accepted & Section 15 acknowledged

1986-06-02 - Response received for Post Registration action

1986-03-31 - Post Registration action mailed Section 8 & 15

1986-01-06 - Section 8 (6-year) and Section 15 Filed

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

JULIE G. GRUBER, ESQ., SENIOR ATTORNEY
THE GAP, INC.
GAP (APPAREL) INC.
ONE HARRISON STREET
SAN FRANCISCO, CA 94105



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 6Serial #: 73126525

Filing Dt: 05/13/1977

Reg #: 1129294

Reg. Dt: 01/15/1980

Registrant: GAP STORES, INC., THE

Mark: GAP

Assignment: 1Reel/Frame: 0516/0003

Received:

Recorded: 01/31/1986

Pages: 2

Conveyance: CERTIFIED COPY OF CHANGE OF NAME FILED IN THE OFFICE OF THE SECRETARY OF STATE OF CALIFORNIA ON MAY 31, 1985

Assignor: GAP STORES, INC., THE

Exec Dt: 12/02/1985

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: GAP, INC. THE

Entity Type: UNKNOWN

Citizenship: NONE

Correspondent: THE GAP, INC.
P.O. BOX 60
900 CHERRY AVE.
SAN BRUNO, CA 94066**Assignment: 2**Reel/Frame: 0823/0317

Received:

Recorded: 10/24/1991

Pages: 23

Conveyance: MERGER AND CHANGE OF NAME

Assignors: THE GAP, INC.

Exec Dt: 05/24/1988

Entity Type: CORPORATION

Citizenship: CALIFORNIA

GAP ACQUISITION CORPORATION

Exec Dt: 05/24/1988

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignees: GAP ACQUISITION CORPORATION

Entity Type: CORPORATION

Citizenship: DELAWARE

GAP, INC.

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: THE GAP, INC.
900 CHERRY AVENUE
SAN BRUNO, CA 94066**Assignment: 3**Reel/Frame: 0893/0893

Received:

Recorded: 09/04/1992

Pages: 12

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL. EFFECTIVE AUGUST 4, 1990.

Assignor: GAP INC., THE

Exec Dt: 09/03/1992

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: GPS (DELAWARE), INC.

Entity Type: CORPORATION

Citizenship: DELAWARE

900 CHERRY AVENUE, SAN BRUNO, CA 94066

Correspondent: SHOHREH WORTHINGTON
THE GAP, INC.
900 CHERRY AVENUE

SAN BRUNO, CA 94066

Assignment: 4**Reel/Frame:** 1575/0884 **Received:** 04/17/1997**Recorded:** 03/31/1997**Pages:** 11**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** GPS (DELAWARE), INC.**Exec Dt:** 01/31/1997**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** GAP (APPAREL) INC.

ONE HARRISON STREET

SAN FRANCISCO, CALIFORNIA 94105

Correspondent: THE GAP, INC.

JULIE HENDERSON KANBERG

ONE HARRISON STREET

SAN FRANCISCO, CA 94105

Assignment: 5**Reel/Frame:** 2801/0200 **Received:** 02/27/2004**Recorded:** 02/27/2004**Pages:** 9**Conveyance:** CHANGE OF NAME**Assignor:** GAP (APPAREL) INC.**Exec Dt:** 01/31/2004**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** UNITED STATES**Assignee:** GAP (APPAREL), LLC

2 FOLSOM STREET

SAN FRANCISCO, CALIFORNIA 94105

Correspondent: JULIE GRUBER

2 FOLSOM STREET

SAN FRANCISCO, CA 94105

Assignment: 6**Reel/Frame:** 3679/0705 **Received:** 12/17/2007**Recorded:** 12/17/2007**Pages:** 16**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE CITIZENSHIP PREVIOUSLY RECORDED ON REEL 002801 FRAME 0200. ASSIGNOR(S) HEREBY CONFIRMS THE CITIZENSHIP SHOULD BE CALIFORNIA.**Assignor:** GAP (APPAREL) INC.**Exec Dt:** 01/31/2004**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** CALIFORNIA**Assignee:** GAP (APPAREL), LLC

2 FOLSOM STREET

SAN FRANCISCO, CALIFORNIA 94105

Correspondent: LINDSEY MOHLE

2 FOLSOM STREET

SAN FRANCISCO, CA 94105

Search Results as of: 09/22/2009 05:45 PM

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Web interface last modified: October 18, 2008 v.2.0.2[| .HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-09-22 17:45:53 ET

Serial Number: 73580465 Assignment Information Trademark Document Retrieval

Registration Number: 1406870

Mark (words only): GAP

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-07-08

Filing Date: 1986-01-31

Transformed into a National Application: No

Registration Date: 1986-08-26

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2006-09-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GAP (APPAREL), LLC

Address:

GAP (APPAREL), LLC
2 FOLSOM STREET
SAN FRANCISCO, CA 94105
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

CLOTHING NAMELY SHIRTS, BLOUSES, GLOVES, SCARVES, SOCKS, AND SHOES

Basis: 1(a)

First Use Date: 1974-06-25

First Use in Commerce Date: 1974-06-25

ADDITIONAL INFORMATION

Prior Registration Number(s):

944941

944942

1055151

1097038

1129294

1129295

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-19 - Assignment Of Ownership Not Updated Automatically

2006-09-29 - Case File In TICRS

2006-07-08 - First renewal 10 year

2006-07-08 - Section 8 (10-year) accepted/ Section 9 granted

2006-07-08 - Assigned To Paralegal

2006-02-09 - TEAS Section 8 & 9 Received

1993-03-16 - Section 8 (6-year) accepted & Section 15 acknowledged

1993-01-22 - Response received for Post Registration action

1992-10-20 - Post Registration action mailed Section 8 & 15

1992-06-30 - Section 8 (6-year) and Section 15 Filed

1986-08-26 - Registered - Principal Register

1986-06-03 - Published for opposition

1986-05-04 - Notice of publication

1986-04-02 - Approved for Pub - Principal Register (Initial exam)

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

DEXTER C. TIGHT

Correspondent

DEXTER C. TIGHT

THE GAP, INC.

P.O. BOX 60

SAN BRUNO, CALIFORNIA 94066



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 6Serial #: 73580465

Filing Dt: 01/31/1986

Reg #: 1406870

Reg. Dt: 08/26/1986

Registrant: GAP, INC., THE

Mark: GAP

Assignment: 1Reel/Frame: 0823/0317

Received:

Recorded: 10/24/1991

Pages: 23

Conveyance: MERGER AND CHANGE OF NAME

Assignors: THE GAP, INC.GAP ACQUISITION CORPORATIONAssignees: GAP ACQUISITION CORPORATIONGAP, INC.

Exec Dt: 05/24/1988

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Exec Dt: 05/24/1988

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: THE GAP, INC.

900 CHERRY AVENUE

SAN BRUNO, CA 94066

Assignment: 2Reel/Frame: 0893/0893

Received:

Recorded: 09/04/1992

Pages: 12

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL. EFFECTIVE AUGUST 4, 1990.

Assignor: GAP INC., THEAssignee: GPS (DELAWARE), INC.

900 CHERRY AVENUE, SAN BRUNO, CA 94066

Exec Dt: 09/03/1992

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: SHOHREH WORTHINGTON

THE GAP, INC.

900 CHERRY AVENUE

SAN BRUNO, CA 94066

Assignment: 3Reel/Frame: 0915/0006

Received:

Recorded: 12/04/1992

Pages: 22

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT REGISTRATION NUMBER 1,586,583 ON REEL 0893 FRAME 0893. ASSIGNS THE ENTIRE INTERES AND THE GOODWILL. EFFECTIVE AUGUST 4, 1990.

Assignor: GAP INC; THEAssignee: GPS (DELAWARE), INC.

900 CHERRY AVENUE, SAN BRUNO, CA 94066

Exec Dt: 09/03/1992

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: SHOHREH WOTHINGTON/THE GAP, INC.

900 CHERRY AVENUE

SAN BRUNO, CA 94066

Assignment: 4**Reel/Frame:** 1575/0884 **Received:** 04/17/1997**Recorded:** 03/31/1997**Pages:** 11**Conveyance:** ASSIGNS THE ENTIRE INTEREST**Assignor:** GPS (DELAWARE), INC.**Exec Dt:** 01/31/1997**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** GAP (APPAREL) INC.ONE HARRISON STREET
SAN FRANCISCO, CALIFORNIA 94105**Correspondent:** THE GAP, INC.JULIE HENDERSON KANBERG
ONE HARRISON STREET
SAN FRANCISCO, CA 94105**Assignment: 5****Reel/Frame:** 2801/0200 **Received:** 02/27/2004**Recorded:** 02/27/2004**Pages:** 9**Conveyance:** CHANGE OF NAME**Assignor:** GAP (APPAREL) INC.**Exec Dt:** 01/31/2004**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** UNITED STATES**Assignee:** GAP (APPAREL), LLC2 FOLSOM STREET
SAN FRANCISCO, CALIFORNIA 94105**Correspondent:** JULIE GRUBER2 FOLSOM STREET
SAN FRANCISCO, CA 94105**Assignment: 6****Reel/Frame:** 3679/0705 **Received:** 12/17/2007**Recorded:** 12/17/2007**Pages:** 16**Conveyance:** CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE CITIZENSHIP PREVIOUSLY RECORDED ON REEL 002801 FRAME 0200. ASSIGNOR(S) HEREBY CONFIRMS THE CITIZENSHIP SHOULD BE CALIFORNIA.**Assignor:** GAP (APPAREL) INC.**Exec Dt:** 01/31/2004**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** CALIFORNIA**Assignee:** GAP (APPAREL), LLC2 FOLSOM STREET
SAN FRANCISCO, CALIFORNIA 94105**Correspondent:** LINDSEY MOHLE2 FOLSOM STREET
SAN FRANCISCO, CA 94105

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Serial Number: 73801791 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1576510

Mark



(words only): GAP

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-02-24

Filing Date: 1989-05-22

Transformed into a National Application: No

Registration Date: 1990-01-09

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-02-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GAP (APPAREL), LLC

Address:

GAP (APPAREL), LLC
2 FOLSOM STREET

SAN FRANCISCO, CA 94105

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: California

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

CLOTHING, NAMELY SHIRTS, PANTS SHORTS, VESTS, JACKETS, DRESSES, SKIRTS, SWEATERS, SWIMSUITS, HEADBANDS, BELTS, HATS, SCARVES, SOCKS AND SHOES

Basis: 1(a)

First Use Date: 1988-07-23

First Use in Commerce Date: 1988-07-23

ADDITIONAL INFORMATION

Prior Registration Number(s):

1097038

1129295

1406870

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-02-24 - First renewal 10 year

2009-02-24 - Section 8 (10-year) accepted/ Section 9 granted

2009-02-24 - Assigned To Paralegal

2009-01-12 - TEAS Section 8 & 9 Received

2008-12-11 - Case File In TICRS

2007-12-19 - Assignment Of Ownership Not Updated Automatically

2000-07-29 - First renewal 10 year

2000-07-29 - Section 8 (10-year) accepted/ Section 9 granted

1999-12-29 - Combined Section 8 (10-year)/Section 9 filed

1996-07-03 - Section 8 (6-year) accepted & Section 15 acknowledged

1996-01-11 - Section 8 (6-year) and Section 15 Filed

1990-01-09 - Registered - Principal Register

1989-10-17 - Published for opposition

1989-09-16 - Notice of publication

1989-08-11 - Approved for Pub - Principal Register (Initial exam)

1989-08-09 - Examiner's amendment mailed

1989-07-31 - Non-final action mailed

1989-07-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Frank Goldberg

Correspondent

Frank Goldberg

GAP (APPAREL), LLC

2 Folsom Street

SAN FRANCISCO CA 94105

Phone Number: 415.427.5575

Fax Number: 415.427.2166



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 4Serial #: [73801791](#)

Filing Dt: 05/22/1989

Reg #: [1576510](#)

Reg. Dt: 01/09/1990

Registrant: GAP, INC., THE

Mark: GAP

Assignment: 1Reel/Frame: [0893/0893](#)

Received:

Recorded: 09/04/1992

Pages: 12

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL. EFFECTIVE AUGUST 4, 1990.

Assignor: [GAP INC., THE](#)

Exec Dt: 09/03/1992

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [GPS \(DELAWARE\), INC.](#)

900 CHERRY AVENUE, SAN BRUNO, CA 94066

Correspondent: SHOHREH WORTHINGTON

THE GAP, INC.

900 CHERRY AVENUE

SAN BRUNO, CA 94066

Assignment: 2Reel/Frame: [1575/0884](#)

Received: 04/17/1997

Recorded: 03/31/1997

Pages: 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [GPS \(DELAWARE\), INC.](#)

Exec Dt: 01/31/1997

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [GAP \(APPAREL\) INC.](#)

ONE HARRISON STREET

SAN FRANCISCO, CALIFORNIA 94105

Correspondent: THE GAP, INC.

JULIE HENDERSON KANBERG

ONE HARRISON STREET

SAN FRANCISCO, CA 94105

Assignment: 3Reel/Frame: [2801/0200](#)

Received: 02/27/2004

Recorded: 02/27/2004

Pages: 9

Conveyance: CHANGE OF NAME

Assignor: [GAP \(APPAREL\) INC.](#)

Exec Dt: 01/31/2004

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: UNITED STATES

Assignee: [GAP \(APPAREL\), LLC](#)

2 FOLSOM STREET

SAN FRANCISCO, CALIFORNIA 94105

Correspondent: JULIE GRUBER

2 FOLSOM STREET

SAN FRANCISCO, CA 94105

Assignment: 4Reel/Frame: [3679/0705](#)

Received: 12/17/2007

Recorded: 12/17/2007

Pages: 16

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE CITIZENSHIP PREVIOUSLY RECORDED ON REEL 002801 FRAME 0200. ASSIGNOR(S) HEREBY CONFIRMS THE CITIZENSHIP SHOULD BE CALIFORNIA.

Assignor: GAP (APPAREL) INC.

Exec Dt: 01/31/2004

Assignee: GAP (APPAREL), LLC
2 FOLSOM STREET
SAN FRANCISCO, CALIFORNIA 94105

Entity Type: CORPORATION
Citizenship: CALIFORNIA
Entity Type: LIMITED LIABILITY COMPANY
Citizenship: CALIFORNIA

Correspondent: LINDSEY MOHLE
2 FOLSOM STREET
SAN FRANCISCO, CA 94105

Search Results as of: 09/22/2009 05:45 PM

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Web interface last modified: October 18, 2008 v.2.0.2

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Serial Number: 76037688 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2638121

Mark



(words only): GAP

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-06-20

Filing Date: 2000-05-01

Transformed into a National Application: No

Registration Date: 2002-10-22

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-06-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. GAP (APPAREL), LLC

Address:

GAP (APPAREL), LLC
2 FOLSOM STREET

SAN FRANCISCO, CA 94105

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: United States

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Anoraks, shortalls, jeans, khaki pants, trousers, fleece tops, coats, rainwear, shawls, lingerie, robes, sleepwear, pajamas and nightgowns, brassieres, underwear, shapers, undergarments, boxer shorts, sport bras, gym shorts, camisoles, slips, bodysuits, tank tops, sweatshirts, sweat pants, tankinis, bikinis, bathing suits, swim trunks, leggings, slippers, caps

Basis: 1(a)

First Use Date: 1988-12-00

First Use in Commerce Date: 1988-12-00

ADDITIONAL INFORMATION

Design Search Code(s):

26.09.02 - Plain single line squares; Squares, plain single line

Prior Registration Number(s):

1097038

1406870

2006270

2293175

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-20 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-06-17 - Assigned To Paralegal

2008-06-05 - TEAS Section 8 & 15 Received

2007-12-27 - Case File In TICRS

2007-12-19 - Assignment Of Ownership Not Updated Automatically

2002-10-22 - Registered - Principal Register

2002-08-23 - Opposition terminated for Proceeding
2001-01-31 - Opposition instituted for Proceeding
2001-01-11 - Opposition papers filed
2000-12-12 - Published for opposition
2000-11-10 - Notice of publication
2000-09-11 - Approved for Pub - Principal Register (Initial exam)
2000-09-11 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lindsey Mohle

Correspondent

Lindsey Mohle
2 Folsom Street
THE GAP INC.
SAN FRANCISCO CA 94105
Phone Number: 415.427.5575
Fax Number: 415.427.2166



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Trademark Assignment Abstract of Title

Total Assignments: 2

Serial #: 76037688

Filing Dt: 05/01/2000

Reg #: 2638121

Reg. Dt: 10/22/2002

Registrant: GAP (APPAREL) INC.

Mark: GAP

Assignment: 1

Reel/Frame: 2801/0200

Received: 02/27/2004

Recorded: 02/27/2004

Pages: 9

Conveyance: CHANGE OF NAME

Assignor: GAP (APPAREL) INC.

Exec Dt: 01/31/2004

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: UNITED STATES

Assignee: GAP (APPAREL), LLC

2 FOLSOM STREET
SAN FRANCISCO, CALIFORNIA 94105

Correspondent: JULIE GRUBER

2 FOLSOM STREET
SAN FRANCISCO, CA 94105

Assignment: 2

Reel/Frame: 3679/0705

Received: 12/17/2007

Recorded: 12/17/2007

Pages: 16

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE ASSIGNEE CITIZENSHIP PREVIOUSLY RECORDED ON REEL 002801 FRAME 0200. ASSIGNOR(S) HEREBY CONFIRMS THE CITIZENSHIP SHOULD BE CALIFORNIA.

Assignor: GAP (APPAREL) INC.

Exec Dt: 01/31/2004

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Assignee: GAP (APPAREL), LLC

2 FOLSOM STREET
SAN FRANCISCO, CALIFORNIA 94105

Correspondent: LINDSEY MOHLE

2 FOLSOM STREET
SAN FRANCISCO, CA 94105

Search Results as of: 09/22/2009 05:46 PM

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Serial Number: 78484636 Assignment Information Trademark Document Retrieval

Registration Number: 3020444

Mark

GAP

(words only): GAP

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-11-29

Filing Date: 2004-09-16

Transformed into a National Application: No

Registration Date: 2005-11-29

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2005-11-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Gap (Apparel), LLC

Address:

Gap (Apparel), LLC
2 Folsom Street

San Francisco, CA 94105
United States
Legal Entity Type: Limited Liability Company
State or Country Where Organized: California
Phone Number: 415-427-5575
Fax Number: 415-427-2166

GOODS AND/OR SERVICES

International Class: 028
Class Status: Active
Sporting articles, namely soccer balls and footballs
Basis: 1(a)
First Use Date: 2004-07-07
First Use in Commerce Date: 2004-07-07

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2005-11-29 - Registered - Principal Register
2005-09-06 - Published for opposition
2005-08-17 - Notice of publication
2005-05-17 - Law Office Publication Review Completed
2005-05-13 - Assigned To LIE
2005-04-29 - Approved for Pub - Principal Register (Initial exam)
2005-04-17 - Assigned To Examiner
2004-09-22 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Julie G. Gruber

Correspondent

JULIE G. GRUBER

GPS SERVICES, INC.

2 FOLSOM ST FL 13

SAN FRANCISCO CA 94105-1205

Phone Number: 415-427-5575

Fax Number: 415-427-2166



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No assignment has been recorded at the USPTO

For Serial Number: 78484636

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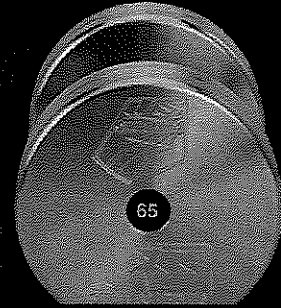
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Black Iron Strength™ is proud to offer the first Olympic rotating thick bar in the world! It took hundreds of hours in research and development, but we finally cracked the code. Our hard work paid off, though, with our reward being a US utility patent for the concept of an Olympic rotating thick bar (US patent # 6770016). Beware of imitations; no competitor can offer this tool as it is protected by law! The benefits of a rotating handle on Olympic bars have been recognized for a century, but it took until now to witness the birth of the Olympic thick bar with a rotating handle. Now athletes can enjoy the many benefits of thick bar training while reducing stress on the tendons of the wrist and hand that are a risk of a non-rotating design. Thick bars provide training benefits such as a safer, more natural grip for athletes with large hands, thus eliminating what we've coined the Gnp Gap™ in using bars with smaller diameters. They also provide for superior, individualized sport-specific grip strengthening.

Features include

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- Eliminates Gnp Gap™ for comfort and safety
- Bar diameter and weight permanently engraved on each bar end
- Utilizes standard Olympic-sized plates
- Rotating hard chrome Olympic sleeves
- Fits all freeweight benches and power racks
- Black oxide bar finish to prevent corrosion
- Maintenance free
- 5 year limited warranty
- Designed and manufactured in the USA for unsurpassed quality
- Weight of bars close to standard Olympic bar weight, making the bar weight appropriate for a wide range of users from high school to

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Design machine
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Machine clothing
Complex machine
Machine shop
Citation machine
Sewing machine

Synonyms

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appliance
automobile
computer
contraption
contrivance
engine

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ma \square chine $\text{ˈ}m\text{ɑː}\text{ˈ}ʃ\text{ɪ}\text{ː}\text{n}$ $\text{[}m\text{uh-sheen] ?}$ [Show IPA](#) *noun, verb, -chined, -chin \square ing.*

-noun

- an apparatus consisting of interrelated parts with separate functions, used in the performance of some kind of work: a *sewing machine*.
- a mechanical apparatus or contrivance; mechanism.
- Mechanics.*
 - a device that transmits or modifies force or motion.
 - Also called **simple machine**, any of six or more elementary mechanisms, as the lever, wheel and axle, pulley, screw, wedge, and inclined plane.
 - Also called **complex machine**, a combination of simple machines.
- Older Use.*
 - an automobile or airplane.
 - a typewriter.
- a bicycle or motorcycle.

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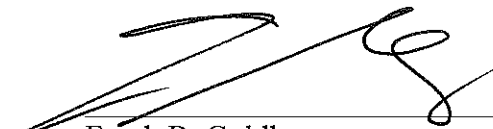
'1 Trick to WHITE Teeth'
Learn the trick, discovered by a mom to turn yellow teeth white for under \$5. [Learn more](#)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION TO CANCEL** was sent by first class mail postage pre-paid to Respondent's counsel of record, K.M. Rylander, Trial & Patent Attorney, 1014 Franklin Street, Suite 206, Vancouver, WA 98660, and a courtesy copy also was sent to Respondent's counsel of record by facsimile (360.397.0473), this 23rd day of September, 2009.



Frank B. Goldberg