

ESTTA Tracking number: **ESTTA400528**

Filing date: **03/30/2011**

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

Proceeding	92053788
Party	Plaintiff Gregg Davis
Correspondence Address	KAREN K HAMMOND PORTER WRIGHT MORRIS AND ARTHUR LLP 41 SOUTH HIGH STREET COLUMBUS, OH 43215 UNITED STATES ipdocket@porterwright.com, khammond@porterwright.com
Submission	Other Motions/Papers
Filer's Name	Karen Hammond
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Signature	/Karen Hammond/
Date	03/30/2011
Attachments	codex2petcancel.pdf (2 pages)(49584 bytes)

PETITION FOR CANCELLATION

Gregg Davis ("Petitioner"), with a business address at 6464 Presidential Parkway, Columbus, Ohio 43231, believes he will be damaged by the continued registration of the mark shown in Federal Registration No. 3264986 (the "Registration") for the mark "CODEX" (the "Registered Mark"), and hereby petitions to cancel said registration.

As grounds for the petition for cancellation, it is alleged that:

1. On information and belief, Petitioner does not believe Registrant is using the mark for the services listed in the Registration and/or has abandoned use of the Registered Mark.
2. Petitioner believes he will be damaged by the continued registration of the Registered Mark shown in the Registration because he has a reasonable belief that the Registered Mark may interfere with Petitioner's plans to use his mark and believes the Registered Mark will be a basis for refusal in Petitioner's efforts to obtain registration of his mark.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained, that Registration No. 3264986 hereby petitioned be cancelled, and for such other and further relief as may be deemed appropriate.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the Petition for Cancellation was served by first class United States mail, postage prepaid, on March 22, 2011 upon Registrant, Codex Holdings, LLC, 318 N. Carson St., Suite 208, Carson City, CA 89701.

By: /Karen Hammond/
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Re: Petition for Cancellation of
CODEX, Reg. No. 3264986

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