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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 has filed a petition to cancel the registration indicated below.

### Petitioner Information

Name	Future Pipe Industries Limited		
Entity	Corporation	Citizenship	United Arab Emirates
Address	Ramool Industrial Zone, Rashidiya P.O. Box 115093 Dubai, 0 UNITED ARAB EMIRATES		

Attorney information	Carol M. Wilhelm Gray Reed & McGraw LLP 1300 Post Oak Blvd., Suite 2000 Houston, TX 77056 UNITED STATES Email: cwilhelm@grayreed.com, IP@grayreed.com Phone: 713-986-7000
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### Registration Subject to Cancellation

Registration No.	5223362	Registration date	06/13/2017
Registrant	ANDERSON, KENT G 925 N GRIFFIN BISMARCK, ND 58501 UNITED STATES		

### Goods/Services Subject to Cancellation


Class 006. First Use: 1997/12/01 First Use In Commerce: 1997/12/01 Goods and services in the class that are subject to cancellation: pipes and tubes of metal
Class 017. First Use: 1997/12/01 First Use In Commerce: 1997/12/01 All goods and services in the class are subject to cancellation, namely: Reflective tapes for use in lettering, decals, clothing and equipment for safety, namely, motorcycles, truck and bicycle, life vest; cushioning of rubber or plastic in the nature of stuffing; gasket material in sheets for use in seals, packing and heat insulator
Class 019. First Use: 1997/12/01 First Use In Commerce: 1997/12/01 All goods and services in the class are subject to cancellation, namely: Nonmetallic building materials, namely, board; nonmetallic transportable buildings; non-metal rigid pipes for building; asphalt, pitch and bitumen; monuments of stone, concrete and marble; sculptures and statues made of stone, concrete or marble; desktop statuary made of concrete, marble and other stones; concrete, marble and other stones for building and construction; structural and architectural members formed of pressed wood fibers; tiles of clay, glass, gypsum, ceramic or earthen ware for wall, floor, or ceiling; rubber floor tiles, plastic tiles; tar based sealant for driveway; tombstones of stone, concrete and marble; veneer for floors, vinyl siding; vinyl windows, window glass, window panes, non-metal window casement, stained glass windows, non-metal window seals, non-metal windows, window shutters, non metal sash fasteners for windows, non-metal window screens, wall boards, wall panels, wood beams, wood door frames, wood for windows, window screens, wall board, non-metal wall panels,

wood beams, wood door frames, wood joists, wood moldings, wood paneling, wood post, wood flooring, plywood, wood decking, wood siding, wood window frames, prefabricated non metal buildings; prefabricated non-metal green houses, prefabricated non-metal homes and modular homes; building materials, namely, lumber, hardwood boards particle board, quartz, non-metal refractory blocks bricks, mortar mix, stone slates, sand, limestone, marble, glass blocks, granite, grout, gravel; roofing materials, namely, cement, tarred roofing paper, felts, membranes, non-metal under laymen and roofing tiles, non-metal roofing hips, non-metal shingles, roof trusses, non-metal wire fencing; patching compound made of tar base, pavement tiles, paving blocks, paving stones; plastic extrusions, namely, decking, plastic support; playground tiles, non-metal roll shutters, non-metal skylights, non-metal rails, non-metal rocket launching platforms, non-metal roll shutter, non-metal skylights, non-metal runners for sliding door, non-metal storage sheds, non-metal swimming pools, non-metal chain link fences, non-metal chimneys, non-metal curtain walls, non-metal doorknockers, non-metal door frames, non-metal building door panels, non-metal doorjamb, non-metal door units, non-metal building shelters, non-metal building flashing, non-metal exterior blinds, non-metal exterior roll shutters, non-metal fence panels, non-metal floating docks, non-metal floors, non-metal garage doors, non-metal gates and fences, non-metal bird baths, non-metal guard rail, non-metal down spouts, non-luminous and non-mechanical signs not of metal, non metal storm shelters, non-metal building materials, namely, fascia and soffits; non-metal construction elements not made of metal, namely, shore, supports, and braces; insulated glass, prefabricated and modular log homes, log homes sold in kit form, mantels for fireplaces made of wood, plaster or stone; manufactured housing, namely, mobile homes; modular homes; pre-fabricated poultry houses, modular burial vaults not of metal, erosion control fabric for construction; fair stands; figures made of stone, concrete or marble, fitted swimming pool covers; gazebo not primarily of metal, glass panels for building construction purposes; ceramic blocks and shapes for use in refractory furnaces; concrete building materials, namely, blocks, posts, poles, slabs, panels, walls for building vaults, retaining walls, drainage structures, bird baths, beams, and bollards; asphalt, non-metal bicycle storage racks; bitumen asphalt

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

## Marks Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78211867	Application Date	02/06/2003
Registration Date	NONE	Foreign Priority Date	08/07/2002
Word Mark	FUTURE PIPE INDUSTRIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 PIPES, NOT OF METAL; NON-METAL PIPE COLLARS; NON-METAL PIPE COUPLINGS AND JOINTS; NON-METAL SEALS FOR JOINING AND TERMINATING PIPES; NON-METAL TUBING AND TUBING COUPLINGS FOR JOINING AND TERMINATING PIPES; PIPE GASKETS; PIPE JACKETS, NOT OF METAL FOR NON-METAL PIPES; EXTRUDED PLASTIC IN THE FORM OF TUBES FOR USE IN MANUFACTURING; PLASTIC TUBES FOR INDUSTRIAL APPLICATIONS; PLUMBING PIPES OF PLASTIC; FLEXIBLE PIPES, PIPE COUPLINGS, PIPE PARTS, NAMELY GASKETS AND COLLARS; PIPE SYSTEMS COMPRISED OF NON-METAL PIPES FOR CONVEYING FLUIDS AND		

	<p>ELECTRONICS; AND SPOOLS FOR NON-METAL PIPES; TUBES; TUBE-FITTINGS; TUBE SYSTEMS COMPRISED OF NON-METAL TUBES FOR CONVEYING FLUIDS AND ELECTRONICS, NON-METALLIC MANUFACTURING GOODS, NAMELY, NON-METAL PIPES; TUBES; PIPE COUPLINGS; PIPE PARTS, NAMELY, GASKETS AND COLLARS; PIPE SYSTEMS COMPRISED OF NON-METAL PIPES FOR CONVEYING FLUIDS AND ELECTRONICS; AND SPOOLS FOR NON-METAL PIPES FOR INDUSTRIAL APPLICATIONS; ALL OF THE AFOREMENTIONED MADE OF FIBERGLASS, PLASTIC, POLYVINYLCHLORIDE (PVC), AND POLYETHYLENE, USED FOR INDUSTRIAL APPLICATIONS</p> <p>Class 019. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 RIGID PIPES NOT OF METAL; NON-METALLIC RIGID PIPES MADE OF CONCRETE</p> <p>Class 040. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 CUSTOM MANUFACTURE OF PIPES, PIPE-FITTINGS, PIPE COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, POLYVINYLCHLORIDE (PVC), POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF TANKS, TANK-FITTINGS, AND TANK SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF TUBES, TUBE-FITTINGS, AND TUBE SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF NON-METALLIC GOODS, NAMELY, PIPES, TANKS, TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF NON-METALLIC-REINFORCED GOODS, NAMELY, PIPES, TANKS, TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS USED FOR INDUSTRIAL APPLICATIONS</p> <p>Class 042. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 Design of pipes, pipe-fittings, pipe couplings, pipe parts, pipe systems, and spools for pipes made of fiberglass, plastic, polyvinylchloride (PVC), polyethylene, and concrete; Design of tanks, tank-fittings, and tank systems made of fiberglass, plastic, PVC, polyethylene, and concrete; Design of tubes, tube-fittings, and tube systems made of fiberglass, plastic, PVC, polyethylene, and concrete; Design of non-metallic goods, namely, pipes, tanks, tubes, fittings, couplings, pipe parts, pipe systems, and spools for pipes made of fiberglass, plastic, PVC, polyethylene, and concrete; Design of non-metallic-reinforced goods, namely, pipes, tanks, tubes, fittings, couplings, pipe parts, pipe systems, and spools for pipes made of fiberglass, plastic, PVC, polyethylene, and concrete used for industrial applications</p>
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U.S. Application No.	78211847	Application Date	02/06/2003
Registration Date	NONE	Foreign Priority Date	08/07/2002
Word Mark	FUTURE PIPE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 017. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 PIPES, NOT OF METAL; NON-METAL PIPE COLLARS; NON-METAL PIPE		

COUPLINGS AND JOINTS; NON-METAL SEALS FOR JOINING AND TERMINATING PIPES; NON-METAL TUBING AND TUBING COUPLINGS FOR JOINING AND TERMINATING PIPES; PIPE GASKETS; PIPE JACKETS, NOT OF METAL FOR NON-METAL PIPES; EXTRUDED PLASTIC IN THE FORM OF TUBES FOR USE IN MANUFACTURING; PLASTIC TUBES FOR INDUSTRIAL APPLICATIONS; PLUMBING PIPES OF PLASTIC; FLEXIBLE PIPES, PIPE COUPLINGS, PIPE PARTS, NAMELY GASKETS AND COLLARS; PIPE SYSTEMS COMPRISED OF NON-METAL PIPES FOR CONVEYING FLUIDS AND ELECTRONICS; AND SPOOLS FOR NON-METAL PIPES; TUBES; TUBE-FITTINGS; TUBE SYSTEMS COMPRISED OF NON-METAL TUBES FOR CONVEYING FLUIDS AND ELECTRONICS, NON-METALLIC MANUFACTURING GOODS, NAMELY, NON-METAL PIPES; TUBES; PIPE COUPLINGS; PIPE PARTS, NAMELY, GASKETS AND COLLARS; PIPE SYSTEMS COMPRISED OF NON-METAL PIPES FOR CONVEYING FLUIDS AND ELECTRONICS; AND SPOOLS FOR NON-METAL PIPES FOR INDUSTRIAL APPLICATIONS; ALL OF THE AFOREMENTIONED MADE OF FIBERGLASS, PLASTIC, POLYVINYLCHLORIDE (PVC), AND POLYETHYLENE, USED FOR INDUSTRIAL APPLICATIONS

Class 019. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 RIGID PIPES NOT OF METAL; NON-METALLIC RIGID PIPES MADE OF CONCRETE

Class 040. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 CUSTOM MANUFACTURE OF PIPES, PIPE-FITTINGS, PIPE COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, POLYVINYLCHLORIDE (PVC), POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF TANKS, TANK-FITTINGS, AND TANK SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF TUBES, TUBE-FITTINGS, AND TUBE SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF NON-METALLIC GOODS, NAMELY PIPES, TANKS, TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS; CUSTOM MANUFACTURE OF NON-METALLIC-REINFORCED GOODS, NAMELY PIPES, TANKS, TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE TO THE ORDER AND SPECIFICATION OF OTHERS USED FOR INDUSTRIAL APPLICATIONS

Class 042. First use: First Use: 1991/00/00 First Use In Commerce: 1991/00/00 DESIGN FOR OTHERS PIPES, PIPE-FITTINGS, PIPE COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, POLYVINYLCHLORIDE (PVC), POLYETHYLENE, AND CONCRETE; DESIGN FOR OTHERS TANKS, TANK-FITTINGS, AND TANK SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE; DESIGN FOR OTHERS TUBES, TUBE-FITTINGS, AND TUBE SYSTEMS MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE; DESIGN FOR OTHERS NON-METALLIC GOODS, NAMELY PIPES, TANKS, TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE; DESIGN FOR OTHERS NON-METALLIC-REINFORCED GOODS, NAMELY PIPES, TANKS; TUBES, FITTINGS, COUPLINGS, PIPE PARTS, PIPE SYSTEMS, AND SPOOLS FOR PIPES MADE OF FIBERGLASS, PLASTIC, PVC, POLYETHYLENE, AND CONCRETE USED FOR INDUSTRIAL APPLICATIONS

Attachments	78211867#TMSN.png( bytes ) Petition to Cancel FUTURE 5223362.pdf(142430 bytes )
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Signature	/Carol M. Wilhelm/
Name	Carol M. Wilhelm
Date	03/26/2018

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

**Future Pipe Industries Limited,  
Petitioner,**

v.

**Kent G. Anderson,  
Registrant.**

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Canc. No. \_\_\_\_\_

**PETITION TO CANCEL**

Petitioner, Future Pipe Industries Limited, with an address of Ramool Industrial Zone, Rashidiya, P.O. Box 115093, Dubai, United Arab Emirates, believes that it will be damaged by the continued registration of the mark FUTURE, shown in Registration No. 5223362, owned by Registrant, Kent G. Anderson, whose address is identified as 925 N Griffin, Bismarck, ND 58501 (an email address at [dlb@dlbentleylawgp.com](mailto:dlb@dlbentleylawgp.com) is provided in the correspondent information), and petitions to cancel Registration No. 5223362 on the following grounds:

1. On February 6, 2003, Petitioner filed applications to register the marks FUTURE PIPE INDUSTRIES and FUTURE PIPE, for various goods and services pertaining to pipes in Classes 17, 19, 40 and 42, under Ser. Nos. 78211867 and 78211847, respectively (the “Applications”), based on Petitioner’s use of such marks since at least as early as 1991.
2. By office actions dated August 24, 2017, and December 10, 2017, the examiners of the Applications refused the Applications under 15 U.S.C. §1052(d), on grounds that Petitioner’s mark was likely to cause confusion with Registrant’s

- mark FUTURE, Reg. No. 5223362, which covers 16 classes of goods (the “Registration”).
3. The two examiners cited different goods as bases for the refusal. Applicant seeks only to cancel the Registration insofar as it provides the basis for refusal of the Applications, which appears to be all goods in Classes 17 and 19 (as identified by the examiner of Ser. No. 78211847), and “pipes and tubes of metal” in Class 6 (as identified by the examiner of Ser. No. 78211867).
  4. Upon information and belief, Registrant is not making bona fide use in the ordinary course of trade of the mark FUTURE for the above-identified goods, and, based on the circumstances, does not intend to resume such use. Therefore, Registrant has abandoned the mark.
  5. Furthermore, Registrant’s stated date of first use in Classes 6, 17 and 19 is December 1, 1997, which is subsequent to Petitioner’s date of first use.
  6. Based upon the finding of the examiners in the office actions of August 24, 2017, and December 10, 2017, there is likely confusion between Petitioner’s marks FUTURE PIPE INDUSTRIES and FUTURE PIPE, and Registrant’s mark FUTURE.
  7. For the foregoing reasons, Registrant has abandoned the mark FUTURE, and Petitioner has priority of use over Registrant. Therefore, Registrant is not entitled to maintain the Registration for the identified goods. The continued registration of Registrant’s mark under the Registration will damage Petitioner by preventing Petitioner’s registration of its marks.

WHEREFORE, Petitioner requests that this Petition be granted and Registration No. 5223362 be canceled as set forth above. The required cancellation fee is submitted herewith.

Respectfully Submitted,

GRAY REED & MCGRAW, P.C.

Dated: March 26, 2018

          /Carol M. Wilhelm /            
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