

Re: Trademark Registration of :
 Kuwait Petroleum Corporation :
 Registration No. 1,584,179 :
 Issued: February 27, 1990 : On Petition
 For: Q8 and Design :
 Petition Filed: October 25, 1996 :

Quaker State Corporation has petitioned the Commissioner to rescind acceptance of an affidavit of continued use of the above identified registration, filed under Section 8 of the Trademark Act. Trademark Rules 2.146(a)(3) provides authority for the requested review.

FACTS

The above registration issued on February 27, 1990. Pursuant to Section 8 of the Trademark Act, 15 U.S.C. §1058, Registrant was required to file an affidavit or declaration of continued use or excusable nonuse between the fifth and sixth year after the registration date, i.e., between February 27, 1995, and February 27, 1996. On February 27, 1996, Registrant filed an affidavit of continued use. By letter dated July 31, 1996, the Affidavit Renewal Examiner notified Registrant that the affidavit had been accepted.

On October 25, 1996, the subject petition was filed, requesting that the Commissioner rescind acceptance of the affidavit. Petitioner contends that the specimens submitted with the affidavit were defective.

DECISION

In order to file a petition to the Commissioner, a party must have standing in a case before the Office in some capacity. *Ex parte Lasek*, 115 USPQ 145 (Comm'r Pats. 1957). The requirement of standing is satisfied if the party has a legally protectible and tangible interest at stake.

In this case, standing has not been established. There is no provision in the Trademark Act or the Trademark Rules of Practice for intercession by a third party who claims to be injured by the Office's action in an *ex parte* matter. The petition is denied.

Philip G. Hampton, II
 Assistant Commissioner
 for Trademarks

PGH:JCL

Date:

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