

application to register JASCA based on an intent to use application on October 25, 1995, and said registration was issued on August 4, 1998.

2. Upon information and belief, Registrant did not use the JASCA mark prior to November 1, 1995.

3. Upon information and belief, Registrant is not currently using the JASCA mark and has abandoned any and all rights thereto.

4. On or about March 2, 1991, long prior to the date Registrant filed its application to register JASCA, Petitioner adopted and began to use the trademark JASC in connection with software solutions for digital image editing and image management.

Petitioner has continuously used its JASC mark in interstate commerce.

5. On June 26, 2000, Petitioner filed an application to register the mark JASC SOFTWARE & Design, Serial No. 76/077,208 ("Petitioner's Application") in connection with computer software programs, namely, programs for the creation, manipulation, and editing of graphic images; astronomy programs; programs for the management, creation, manipulation and editing of multi-media images, video images, animation, sound, music, text, and computer data.

6. Petitioner's Application has been rejected under Trademark Act 2(d), 15 U.S.C. § 1052(d) on the grounds that JASC SOFTWARE & Design so resembles the mark in Registration No. 2,178,880 as to be likely to cause confusion or mistake or to deceive.

7. Petitioner is likely to be damaged by continuance of Registration No. 2,178,880 in that the existence of said registration will prevent allowance of Petitioner's Application.

WHEREFORE, Petitioner believes that it is and will be damaged by Registration No. 2,178,880 and prays that it be cancelled and that this Petition to Cancel be sustained in light of Petitioner's prior use of the JASC mark, and Registrant's apparent abandonment of the JASCA mark.

A duplicate copy of this Petition to Cancel and the required filing fee of \$300 is enclosed herewith. If the amount submitted is incorrect in any way, the Commissioner is authorized to charge or credit our Deposit Account No. 06-0029 and notify us of the same.

Dated: February 13, 2002

Respectfully Submitted,

JASC SOFTWARE, INC.

By: 

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PRINCIPAL REGISTER

TRADEMARK

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

In the Matter of Registration No. 2,178,880
For the Mark: JASCA
Date of Registration: August 4, 1998



02-19-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

JASC SOFTWARE, INC.,)
)
Petitioner,)
)
vs.)
)
JASCA CORPORATION,)
)
Registrant)

Cancellation No. _____

Box TTAB
FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

I CERTIFY THAT, ON FEBRUARY 13, 2002, THIS PAPER IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR TRADEMARKS, 2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513.

Jean Beasley
Jean Beasley

TRANSMITTAL LETTER

Enclosed for filing are the following papers in connection with the above-identified trademark application:

- Original Petition to Cancel (in duplicate);
- Enclosed is our credit card payment form in the amount of \$ 300.00; and
- Postcard
A self-addressed return postcard in accordance with T.M.E.P. Section 703 itemizing all of the above-referenced documents filed with the United States Patent and Trademark Office.

Jm

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to our Deposit Account No. 06-0029 and notify us of the same.

Respectfully Submitted,

JASC SOFTWARE, INC.

By: Eunice P. de Carvalho

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Dated: February 13 2002

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