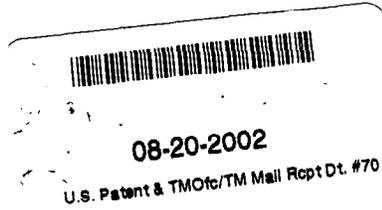


TTAB



Attorney's Docket No.: 02043-031PP1

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

In the matter of Registration No. 2,553,551  
For the Mark INSITE POWER RECORDER ("power recorder" disclaimed)  
Issued on March 26, 2002

Doble Engineering Company,  
  
Petitioner,  
  
v.  
  
Reliable Power Meters,  
  
Respondent.

Cancellation No. \_\_\_\_\_

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

02 AUG 28 PM 3:44  
TRADEMARK TRIAL AND APPEAL BOARD

**PETITION FOR CANCELLATION**

Commissioner:

Doble Engineering Company, 85 Walnut Street, Watertown, MA 02472-4037, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, U.S.A., believes that it is or will be damaged by the above-identified registration, and petitions to cancel the same.

08/20/02 10:58:11 AM 00000007 2553551  
300.00 UP

Respondent: Reliable Power Meters  
Reg. No. : 2,553,551  
Issued : March 26, 2002  
Mark : INSITE POWER RECORDER  
Page : 2

Attorney's Docket No.: 02043-031PP1

As grounds therefore, it is alleged that:

1. Petitioner uses and/or has used, since long prior to November 30, 1999, the trademark INSITE in connection with electrical power substation monitors for monitoring substations apparatus consisting of one or more of transformers, circuit breakers, circuit switchers and station batteries to determine their condition, sold directly to power distribution facilities.

Petitioner is the owner of the following U.S. Trademark Application:

Serial No. 76/166,472, filed November 16, 2000, claiming a date of first use in commerce at least as early as August 3, 1999, for the mark INSITE in connection with electrical power substation monitor for monitoring substation apparatus consisting of one or more of a transformer, circuit breaker, circuit switcher, and station battery to determine its condition, sold directly to power distribution facilities.

3. Petitioner accordingly owns valuable goodwill in its mark INSITE.

4. Respondent Reliable Power Meters filed Application Serial No. 75/862,388 on November 30, 1999 for INSITE POWER RECORDER for electronic monitoring and measuring devices for analyzing the quality of electrical power, in International Class 9, based on intent to use the mark in commerce.

5. Respondent Reliable Power Meters filed an amended statement of use on August 17, 2001 alleging use of the mark INSITE POWER RECORDER in commerce as of July 31, 2000, and said application for INSITE POWER RECORDER for electronic

Respondent: Reliable Power Meters  
Reg. No. : 2,553,551  
Issued : March 26, 2002  
Mark : INSITE POWER RECORDER  
Page : 3

Attorney's Docket No.: 02043-031PP1

monitoring and measuring devices for analyzing the quality of electrical power in International Class 9 issued on March 26, 2002 under Registration No. 2,553,551.

6. Upon information and belief, Respondent Reliable Power Meters has an office at 400 Blossom Hill Road, Los Gatos, California 95032.

7. Upon information and belief, Respondent Reliable Power Meters did not use the mark INSITE POWER METERS for electronic monitoring and measuring devices for analyzing the quality of electrical power in commerce prior to the filing date of its application, namely November 30, 1999.

8. The Trademark Examining Attorney has ruled that Respondent Reliable Power Meters's INSITE POWER RECORDER mark (with "power meters" disclaimed), as applied to electronic monitoring and measuring devices for analyzing the quality of electrical power, so resembles the previously used INSITE mark of Petitioner, as used in connection with Respondent's goods, as to be likely to cause confusion or cause mistake, or to deceive.

9. Based upon the foregoing, the registration of the mark depicted in Registration No. 2,553,551, registered March 26, 2002 on the Principal Register of the United States Patent and Trademark Office, will cause injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 2,553,551 for INSITE POWER METERS owned by Respondent be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Enclosed is a check for \$300.00 to cover the required fee. Please apply any

Respondent: Reliable Power Meters  
Reg. No. : 2,553,551  
Issued : March 26, 2002  
Mark : INSITE POWER RECORDER  
Page : 4

Attorney's Docket No.: 02043-031PP1

charges not covered, or any credits, to Deposit Account 06-1050, Order No. 02043-031PP1.

AUG 13 2002  
Date \_\_\_\_\_

By: Charles Hieken

Charles Hieken  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: 617/542-5070  
Facsimile: 617/542-8906

Attorney for Opposer  
DOBLE ENGINEERING COMPANY

Enclosure:  
Check (\$300)

20484899.doc