

ESTTA Tracking number: **ESTTA24111**

Filing date: **01/21/2005**

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 requests to cancel indicated registration.

Petitioner Information

Name	Beaufort Solutions, Inc.		
Entity	Corporation	Citizenship	Canada
Address	140 Water Street, 8th Floor TD Place St. John's, New Foundland, A1C 6H6 CANADA		

Attorney information	Marc A. Bergsman Dickinson Wright PLLC 1901 L Street, N.W., Suite 800 Washington, DC 20036 UNITED STATES MBergsman@dickinsonwright.com Phone:(202) 659 - 6944
-----------------------------	--

Registration Subject to Cancellation

Registration No	2470564	Registration date	07/17/2001
Registrant	IMAGE2WEB, INC. 505 Millennium Allen, TX 75013 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 19991101, First Use In Commerce: 19991101 Goods/Services: computer software for the manipulation of graphics		

Attachments	Petition to cancel IMAGE2WEB.pdf (3 pages)
--------------------	--

Signature	/Marc A. Bergsman/
------------------	--------------------

Name	Marc A. Bergsman
-------------	------------------

Date	01/21/2005
-------------	------------

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

BEAUFORT SOLUTIONS, INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No.
)	
IMAGE2WEB, INC.,)	
)	
Registrant.)	

PETITION FOR CANCELLATION

In the matter of U.S. Trademark Registration No. 2,470,564 registered in the name of Image2Web, Inc., a Delaware corporation, located at 505 Millennium, Allen, Texas 75013 for the mark IMAGE2WEB for computer software for the manipulation of graphics: the Petitioner, Beaufort Solutions, Inc., a Canadian corporation, having its principal place of business at 140 Water Street, 8th Floor TD Place, St. John's, New Foundland, Canada A1C 6H6, believes it is and will be damaged by U.S. Registration No. 2,470,564 and petitions to cancel that registration.

The grounds for cancellation are as follows:

1. Petitioner is a software developer.
2. Petitioner's predecessor-in-interest filed trademark application Serial No. 76/475,083 in the U.S. Patent and Trademark Office for the mark IMAGE2PRINT for the following goods and services:

Digital kiosk software placed in photographic kiosks for editing, manipulating, printing, storing, and transmitting photographs, in Class 9; and,

Customization, implementation, and maintenance of software for others in the field of photographic editing, manipulating, printing, storing, and transmitting, in Class 42.

3. Petitioner has been using the mark in commerce in connection with the goods and services listed in Paragraph No. 2 since February, 2002.

4. Petitioner's application Serial No. 76/475,083 has been refused registration under Section 2(d) of the Lanham Act on the ground that Petitioner's mark IMAGE2PRINT so closely resembles Registration No. 2,470,564 for the mark IMAGE2WEB for "computer software for manipulation of graphics" as to be likely to cause confusion.

5. Registrant is the owner of U.S. Trademark Registration No. 2,470,564 for the mark IMAGE2WEB for "computer software for manipulation of graphics".

6. Upon information and belief, Registrant is not making, *bona fide* commercial use of the mark IMAGE2WEB.

7. Upon information and belief, Registrant has discontinued use of the mark IMAGE2WEB with intent not to resume such use.

8. Registration No. 2,470,564 for the mark IMAGE2WEB should be cancelled because Registrant has abandoned the use of the mark.

WHEREFORE, Petitioner requests that this Petition be granted and that Registration No. 2,470,564 be cancelled.

This Petition For Cancellation is filed electronically together with the required fee government fee of \$300. Please charge any fee deficiency to Deposit Account No. 04-1061.

BEAUFORT SOLUTIONS, INC.

Date: January 21, 2005



Samuel D. Littlepage, Esq.
Marc A. Bergsman, Esq.
Nicole M. Meyer, Esq.
Dickinson Wright PLLC
1901 L Street, N.W., Suite 800
Washington, D.C. 20036
Tel: (202) 659-6944
Fax: (202) 659-1559
Email: MBergsman@dickinsonwright.com

Attorneys For Petitioner