

ESTTA Tracking number: **ESTTA45476**

Filing date: **09/19/2005**

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	The Track Group, Inc.		
Entity	Corporation	Citizenship	Maryland
Address	85 S. Bragg Street Suite 301 Alexandria, VA 22312 UNITED STATES		

Attorney information	Jeffrey Sonnabend SonnabendLaw 600 Prospect Avenue Brooklyn, NY 11215 UNITED STATES jsonnabend@sonnabendlaw.com Phone:718-832-8810		
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Registration Subject to Cancellation

Registration No	2861211	Registration date	07/06/2004
Registrant	Sorrow, Lori, Sene 1130 State St., NW Atlanta, GA 30318 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 20010601, First Use In Commerce: 20010601 Goods/Services: Research and strategy development consulting services for business and communication initiatives focused on the online and wireless distribution channels		

Attachments	Petition to Cancel.pdf (3 pages)
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Signature	/JS/
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Name	Jeffrey Sonnabend
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Date	09/19/2005
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 2861211
For the mark "Track Company"
Date registered: July 6, 2004

The Track Group, Inc.,

Petitioner

v.

Lori Sene Sorrow,

Registrant.

Cancellation No.:

PETITION TO CANCEL

Petitioner The Track Group, Inc., a Maryland corporation, believes that it is and will continue to be damaged by the above-identified registration, and hereby petitions to cancel the same on the following grounds.

1. To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Lori Sene Sorrow, 1130 State St., N.W., Atlanta, Georgia 30318.

2. In or about February, 1999, Petitioner began use of the mark "Track Marketing Group" in commerce in connection with "business marketing consulting services; marketing and promoting the goods and services of others through the development, production and distribution of promotional materials to targeted group." Petitioner used this mark both alone and in composite form in conjunction with a logo, the latter use beginning in or about September, 2000.

3. On October 17, 2000, the PTO issued to Petitioner registration number 2,396,004 for its mark "Track Marketing Group." Subsequently, on December 4, 2001, the PTO issued

Petitioner registration number 2,515,787 for its composite mark.

4. Petitioner has not abandoned its use of the mark “Track Marketing Group,” and both of its aforementioned registrations for this mark continue in force.

5. Upon information and belief, Registrant filed an application for registration of the mark “Track Company” on June 27, 2001 for “research and strategy development consulting services for business and communication initiatives focused on the online and wireless distribution channels.” Upon information and belief, Registrant began use of its mark on or about June 1, 2001. Registrant’s registration issued on July 6, 2004. Upon information and belief, the PTO issued no rejection of Registrant’s application due to Petitioner’s prior issued registrations.

6. On November 7, 2004, Petitioner filed an application for registration for a variation of its previously registered mark, namely the mark “The Track Group,” for “marketing consulting and professional services.”

7. On June 20, 2005, the Examiner issued a rejection of Petitioner’s pending application for “The Track Group”, in part due to a purported likelihood of confusion between it and Registrant’s mark.

8. Petitioner has been and continues to be damaged by Registrant’s registration of the instant mark in that it forms a basis of the current rejection of Petitioner’s pending application. Petitioner further has been and continues to be damaged by Registrant’s registration and ongoing use of its mark to the extent that such registration and/or use is likely to cause or actually causes confusion in the marketplace.

WHEREFORE, for the foregoing reasons, Petitioner requests that the above-identified registration be cancelled.

Dated: September 19, 2005

Respectfully submitted,



Jeffrey Sonnabend
SonnabendLaw
600 Prospect Avenue
Brooklyn, NY 11215

Attorney for Petitioner