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Filing date: **09/28/2006**

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	Staffpro, Inc.		
Entity	Corporation	Citizenship	New York
Address	431 Beach 20th Street Far Rockaway, NY 11691 UNITED STATES		
Attorney information	Edward P. Mangano Rivkin Radler LLP 926 Reckson Plaza 10th Floor West Uniondale, NY 11556-0926 UNITED STATES edward.mangano@rivkin.com Phone:516-357-3193		

### Registration Subject to Cancellation

Registration No	2932132	Registration date	03/08/2005
Registrant	SPSGNVL Inc 2290 East Andrew Johnson Highway Greeneville,, TN 37745 UNITED STATES		
Goods/Services Subject to Cancellation	Class 035. First Use: 2003/05/19 , First Use In Commerce: 2003/05/19 Goods/Services: Employment hiring, recruiting and staffing services		
Related Proceedings	Service Mark Prosecution Before the USPTO USPTO Serial #78/345057 Mark: Staffpro & Design Filing Date: December 23, 2003		
Attachments	Staffpro v. SPSSGNVL.pdf ( 6 pages )(48096 bytes )		
Signature	/epm/		
Name	Edward P. Mangano		
Date	09/28/2006		

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

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Staffpro, Inc.	)	Cancellation No. _____
	)	
Petitioner	)	In the Matter of Registration No.
	)	2, 932, 132
	)	STAFF PRO
	)	Registered July 27, 2004
SPSGNVL Inc.	)	
	)	Atty docket No. 6907-4
Registrant	)	

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**PETITION FOR CANCELLATION**

Staffpro, Inc. (“Petitioner”) a New York Corporation, having a principal place of business at 431 Beach 20<sup>th</sup> Street, Far Rockaway, NY 11691, believes that it is and will continue to be damaged by registration of the service mark STAFF PRO, Registration 2,932,132 by SPSGNVL Inc. (“Registrant”) and pursuant to 15 U.S.C. 1064 et seq. and 37 C.F.R. 2.111 et seq hereby petitions to cancel USPTO Registration 2,932,132 for the mark STAFF PRO upon the following grounds.

**FACTUAL ALLEGATIONS COMMON ON ALL COUNTS**

1. Upon information and belief, Registrant, in its Registration No. 2, 932,132 obtained registration on the Supplemental Register of the mark STAFF PRO in connection with “employment hiring, recruiting and staffing services”. Said Registration was issued by the United States Patent and Trademark Office on the Supplemental Register on March 8, 2005 and is presently registered and owned by SPSGNVL Inc.

2. Upon information and belief, Registrant's earliest date of constructive or actual use of the mark STAFF PRO upon which it can rely is no earlier than May 19, 2003, the date of first use specified in Registration 2, 932,132.

3. On December 23, 2003, Petitioner filed a service mark application on the Principal Register for STAFFPRO & Design, USPTO in class 35 and 36 for Comprehensive payroll services; namely, administration of business payroll for others, payroll preparation, wage payroll preparation; providing employee leasing in the fields of payroll, human resources and employee benefit administration and Payroll tax debiting services, respectively. This application was assigned serial #78/345057. Petitioner's application was refused by the Patent and Trademark Office ("PTO") on the basis that there is a likelihood of Confusion between Petitioner's mark and SPSGNVL (Registrant's) Reg No 2, 932,132.

3. Petitioner, Staffpro, Inc was incorporated in the State of New York on June 24, 1996

4. Since at least as early as July 24, 1996, Petitioner adopted and began using the mark STAFFPRO in connection with comprehensive payroll services; namely, administration of business payroll for others, payroll preparation, wage payroll preparation; providing employee leasing in the fields of payroll, human resources and employee benefit administration and payroll tax debiting services.

5. Since at least as early as January 1, 2001 Petitioner adopted and began using the mark STAFFPRO & DESIGN in connection with comprehensive payroll services; namely, administration of business payroll for others, payroll preparation, wage payroll preparation; providing employee leasing in the fields of payroll, human resources and employee benefit administration and payroll tax debiting services.

6. Staffpro Inc. has maintained a website located at [www.staffproonline.com](http://www.staffproonline.com) since at least as early as January 1, 2002.

7. Registrant's use of the Mark "STAFF PRO" is without consent or permission of Staffpro, Inc.

#### COUNT ONE: LIKELIHOOD OF CONFUSION

8. Petitioner hereby incorporates the allegations contained in paragraphs nos. 1 –7 by reference herein.

9. On information and belief, Registrant's employee hiring, recruiting and staffing services are substantially similar to the services in connection with which Petitioner uses its STAFFPRO mark.

10. On information and belief, the services for which the Registrant's STAFF PRO mark are offered are to the same class of customers Petitioner offers its services in connection with the STAFFPRO mark.

11. On information and belief, the services of Registrant's STAFF PRO mark are offered through the same channels of trade that Petitioner offers its services in connection with the STAFFPRO mark.

12. Registrant's STAFF PRO mark is substantially similar to the STAFFPRO mark which is used by Petitioner.

13. Registrant's STAFF PRO mark is confusingly similar to Petitioner's STAFFPRO mark and use thereof by the Registrant on services specified in Registration No. 2, 932,132 is likely to cause confusion, mistake or deception that Registrant's services are those of Petitioner or are otherwise endorsed, sponsored, or approved by Petitioner, whereby Petitioner will be

damaged by the continued registration of STAFF PRO on the Supplemental Register of the United States Patent and Trademark Office.

14. Registrant's STAFF PRO mark is confusingly similar to Petitioner's STAFFPRO mark and use thereof by the Registrant on services specified in Registration No. 2, 932,132 is likely to cause confusion, mistake or deception that Registrant's services are those of Petitioner or are otherwise endorsed, sponsored, or approved by Petitioner, whereby Petitioner will be damaged by the continued registration of STAFF PRO on the Supplemental Register of the United States Patent and Trademark Office. Therefore, Staffpro, Inc. petitions to cancel registration of Registrant's STAFF PRO mark Registration No. 2, 932,132 pursuant to Section 2(d) of the Lanham Act, 15 U.S.C §1052 and §1064 et seq.

COUNT TWO: PRIOR USE

15. Petitioner hereby incorporates the allegations contained in paragraphs nos. 1 –14 by reference herein.

16. Petitioner adopted and began using the mark STAFF PRO at least as early as July 24, 1996.

17. Petitioner has used the mark STAFF PRO in commerce continuously from at least as early as July 24, 1996 to present.

18. Registrant's STAFF PRO mark is substantially similar to the STAFFPRO mark which is used by Petitioner.

19. Upon information and belief, Registrant's earliest date of constructive or actual use of the mark STAFF PRO upon which it can rely is no earlier than May 19, 2003, the date of first use specified in Registration 2, 932,132.

20. Petitioner acquired trademark rights in the mark STAFFPRO long before Registrant's first use of the mark STAFF PRO. Therefore, Staffpro, Inc. petitions to cancel registration of Registrant's STAFF PRO mark Registration No. 2, 932,132 pursuant to Section 2(d) of the Lanham Act, 15 U.S.C §1052(d) and §1064 et seq.

COUNT THREE: FALSELY SUGGESTS A CONNECTION

21. Petitioner hereby incorporates the allegations contained in paragraphs nos. 1 – 20 by reference herein.

22. Registrant's mark falsely suggests a connection with Petitioner whose trademarks and commercial identity are owned and administered by Petitioner. Therefore, Staffpro, Inc. petitions to cancel registration of Registrant's STAFF PRO mark Registration No. 2, 932,132 pursuant to Section 2(a) of the Lanham Act, 15 U.S.C §1052(a) and §1064 et seq.

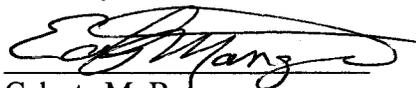
PRAAYER FOR RELIEF

Wherefore, Petitioner, Staffpro, Inc. prays that Registration No. 2, 932, 132 for the mark STAFF PRO be canceled.

The filing fee of this Petition is in the amount of \$300.00. Please charge the filing fee and any additional fees to Rivkin Radler LLP U.S.P.T.O deposit account No. 502242.

Dated this 28<sup>th</sup> day of September 2006

Respectfully submitted,  
Rivkin Radler LLP.  
Attorney for Petitioner:



Celeste M. Butera  
Edward P. Mangano  
Pia E. Riveroso

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Dated: Uniondale, New York  
September 28, 2006

**CERTIFICATE OF SERVICE:**

The undersigned certifies that on this 28<sup>th</sup> day of September, 2006, the foregoing Petition for Cancellation was served upon the attorneys of record for all parties by first-class mail, postage prepaid and electronically, as follows:

Julie A. Birdwell  
Luedeka, Neely & Graham, P.C.  
P.O. Box 1871  
Knoxville, Tn. 37901  
jbirdwell@lng-patent.com

By: \_\_\_\_\_



**CERTIFICATE OF MAILING:**

The undersigned certifies that this correspondence is being filed electronically and/or is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 2213-1451, on September 28, 2006.

By: \_\_\_\_\_

Edward P. Mangano

