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UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

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Mailed: January 18, 2007

Cancellation No. 92046649

15, 142, 606

DeepSea Power & Light, Inc.

v.

Powerlinx, Inc.

02-02-2007

U.S. Patent & TMO/TM Ma[®] Rpt Ct #1¹

Cindy B. Greenbaum, Attorney:

Petitioner's amended petition to cancel, filed November 27, 2006, is accepted as a matter of course.¹ See Fed. R. Civ. P. 15(a); and Trademark Rule 2.107(a). Respondent has until FORTY DAYS from the mailing date of this order to file a response to the amended petition to cancel.

Discovery and trial dates remain as set in the Board's November 21, 2006 institution order.

¹ The filing fails to indicate proof of service on respondent as required by Trademark Rule 2.119. In order to expedite this matter, a copy of the amended petition is forwarded herewith to respondent. Strict compliance with Trademark Rule 2.119 is required by petitioner in all future papers filed with the Board.

ESTTA Tracking number: **ESTTA111606**

Filing date: **11/27/2006**

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

Proceeding	92046649
Party	Plaintiff DeepSea Power & Light, Inc. DeepSea Power & Light, Inc.
Correspondence Address	Michael H. Jester 505 D. Grand Caribe Causeway Coronado, CA 92118 UNITED STATES mjester@jesterlaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Michael H. Jester
Filer's e-mail	mjester@jesterlaw.com
Signature	/Michael H. Jester/
Date	11/27/2006
Attachments	AMDPET.pdf (2 pages)(71648 bytes)

FIRST AMENDED PETITION
FOR CANCELLATION

1. DeepSea Power & Light, Inc., hereinafter referred to as "Petitioner," is a California corporation having a place of business at 3855 Ruffin Road, San Diego, California 92123.
2. Petitioner is the owner, by assignment, of U.S. Trademark Registration No. 2,822,627 on the Principal Register for the trademark SEALITE, together with all of the good will associated with that trademark.
3. Said assignment referred to in paragraph 2 was recorded in the USPTO on May 19, 2006 at Reel 003346, Frame 0541.
4. On information and belief, Petitioner's predecessor in interest first used the SEALITE trademark in commerce on or about December 31, 1985 in connection with oceanographic equipment and parts thereof, namely, underwater lights.
5. On information and belief, Petitioner's predecessor in interest and Petitioner have continuously used said SEALITE trademark in commerce in connection with said goods recited in paragraph 4 since December 31, 1985.
6. On information and belief, Sea View Underwater Research, Inc., a Florida corporation having a place of business at 200 Madonna Blvd., Tierra Verde, Florida, 33715, obtained U.S. Trademark Registration No. 2,520,801 on the Principal Register for the trademark SEALITE listing illuminated fish attractants as the goods, reciting a first use date in commerce in July, 1999, said first use date being long after the first use in commerce by Petitioner's predecessor in interest of SEALITE as recited in paragraph 4.
7. On information and belief, Sea View Underwater Research, Inc. was renamed Sea View Video Technology, Inc.

8. On information and belief, Sea View Video Technology, Inc. assigned U.S. Trademark Registration No. 2,520,801 to PowerLinx, Inc., a Nevada corporation, hereinafter referred to as "Respondent."

9. On information and belief, Respondent is the current owner of U.S. Trademark Registration No. 2,520,801.

10. On information and belief, Respondent currently has offices located at 1700 66th Street N, Suite 300, St. Petersburg, Florida 33710.

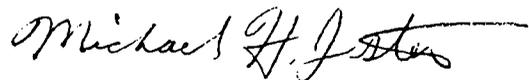
11. Respondent's registered trademark so resembles Petitioner's registered trademark as to be likely, when used on or in connection with the goods of Respondent, to cause confusion, or to cause mistake or to deceive.

12. On information and belief, at the time Sea View Underwater Research, Inc. filed U.S. Trademark Application Serial No. 75/742,606 on June 30, 1999 that resulted in U.S. Trademark Registration No. 2,520,801, that entity was not the rightful owner of the SEALITE trademark.

WHEREFORE, Petitioner prays for relief in the form of an order from the Director of the USPTO that U.S. Trademark Registration No. 2,520,801 be canceled from the Principal Register.

Dated: October 27, 2006

Respectfully submitted,



Michael H. Jester
Reg. No. 28,022
Attorney for Petitioner
DeepSea Power & Light, Inc.

United States Patent and Trademark Office

Commissioner for Trademarks

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Alexandria, VA, 22313-1451

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