

ESTTA Tracking number: **ESTTA244174**

Filing date: **10/22/2008**

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

Proceeding	92047013
Party	Plaintiff NeTrack, Inc.
Correspondence Address	Carl Oppedahl Oppedahl Patent Law Firm LLC P.O. Box 4850 Frisco, CO 80443-4850 UNITED STATES docket-oppedahl@oppedahl.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Terrence M. Wyles
Filer's e-mail	docket-oppedahl@oppedahl.com
Signature	/s/
Date	10/22/2008
Attachments	2008-10-22-DRAFT-NTER-i007-Notice-of-Reliance-on-Updated-Abstract-of-Title-ExhibitBB.pdf (3 pages)(23193 bytes) Exhibit-BB-20081016-CertifiedCopyAbstractOfTitle.pdf (4 pages)(301590 bytes)

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

In re Registration No. 3,064,820
Mark: NETTRAK
Registered March 7, 2006

)	
Netrack, Inc., Petitioner)	
)	
v.)	Cancellation No. 92047013
)	
Internet FX, Inc., Registrant)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF RELIANCE

Pursuant to TBMP § 704.02, the Petitioner hereby notifies the Board and the Registrant that, in support of the Petitioner’s Cancellation Action, the Petitioner is relying on the following document, and accordingly introduces said document and respectfully requests that said document be admitted into evidence:

- **EXHIBIT BB** - A copy of a certified copy of the updated version of the abstract of title for Registration No. 3,064,820, showing a new trademark assignment recorded on October 10, 2007 (reel/frame 3640/0542) designed to correct the assignee name from “NetTrack Lead Manager Solutions, Ltd.” to “NetTrak Lead Manager Solutions, Ltd.” However, the October 10, 2007 assignment failed to correct the mistaken assignee address, and still lists the Petitioner’s address as the address of the assignee. Also, notably, the new assignee name still appears to be in error as reflected in the database record of the United States Patent and trademark Office for the assignment history of Registration No. 3,064,820. This latter error may indicate that the marks are confusing to even those within the United States Patent and

EXHIBIT BB

7151990



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:
UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

October 16, 2008

THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE
ASSIGNMENT RECORDS OF ALL DOCUMENTS FOUND OF RECORD AS
OF THE DATE OF THIS CERTIFICATION FOR:

TRADEMARK APPLICATION: *76/608,800*

FILING DATE: *August 23, 2004*

REGISTRATION NUMBER: *3,064,820*

REGISTRATION DATE: *March 07, 2006*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

T. LAWRENCE
Certifying Officer



Trademark Assignment Abstract of Title

Total Assignments: 2

Serial #: 76608800 **Filing Dt:** 08/23/2004 **Reg #:** 3064820 **Reg. Dt:** 03/07/2006

Registrant: Internet FX, Inc.

Mark: NETTRAK

Assignment: 1

Reel/Frame:	<u>3569 / 0515</u>	Received:	06/27/2007	Recorded:	06/27/2007	Mailed:	06/27/2007	Pages:	3
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Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: INTERNET FX, INC.

Exec Dt: 03/23/2007

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: NETTRACK LEAD MANAGER SOLUTIONS, LTD.
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Entity Type: CORPORATION

Citizenship: COLORADO

Correspondent: SUSAN E. HOLLANDER, ESQ.
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CA 94304

Assignment: 2

Reel/Frame:	<u>3640 / 0542</u>	Received:	10/15/2007	Recorded:	10/10/2007	Mailed:	10/16/2007	Pages:	3
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Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE SPELLING OF ASSIGNEE'S NAME PREVIOUSLY RECORDED ON REEL 003569 FRAME 0515. ASSIGNOR(S) HEREBY CONFIRMS THE ASSIGNEE'S CORRECT SPELLING IS NETRAK LEAD MANAGER SOLUTIONS, LTD.

Assignor: INTERNET FX, INC.

Exec Dt: 03/23/2007

Entity Type: CORPORATION

Citizenship: TEXAS

Assignee: NETRAK LEAD MANAGER SOLUTIONS, LTD.
3080 VALMONT ROAD, SUITE 200
BOULDER, COLORADO 80301

Entity Type: CORPORATION

Citizenship: COLORADO

Correspondent: SUSAN E. HOLLANDER, ESQ.
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO, CALIFORNIA 94304

Search Results as of: 10/16/2008 10:44 AM

ORDER NUMBER 7151990

REFERENCE ORDER NUMBER 0



BIN NUMBER 0

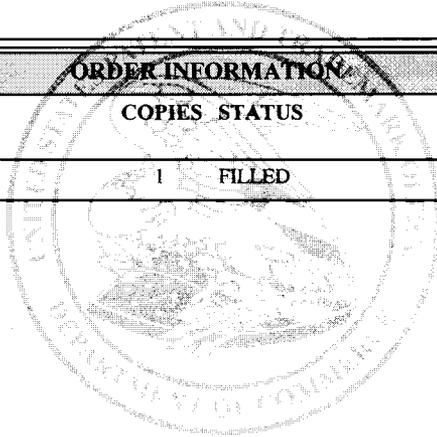
DELIVERY INSTRUCTIONS

ORDER DATE/TIME	PALM NUMBER	CUSTOMER NUMBER	CONTACT PHONE NUMBER	PAYMENT METHOD	TOTAL COST OF ORDER
2008/10/10 12:23:40		IDON796956	(970) 468-8600	CREDIT CARD	\$ 50.00

BROADCAST MESSAGE

ORDER INFORMATION

ORDER LINE	PRODUCT TYPE	DOCUMENT IDENTIFIER	COPIES	STATUS	CUSTOMER REFERENCE
1	GG1	03064820	1	FILLED	NETR.I-007



E-MAIL

carl2@oppedahl.com

FAX NUMBER

CARRIER

CARRIER TRACKING NUMBER

CARRIER ACCOUNT NUMBER