

TTAB

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

Mailed: September 20, 2007

Cancellation No. 92048140
Reg. No. 2684824

75/836,332

salesforce.com, inc.
101 Spear Street, Suite 203,
San Francisco, CA 94105 UNITED STATES

Sales Force Systems, LLC

V.

salesforce.com, inc.

Michael J. Gallagher
Gallagher & Dawsey Co., LPA
P.O. Box 785,
Columbus, OH 43216 UNITED STATES

Angela Campbell, Paralegal Specialist:

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available on the TTAB's web page at www.uspto.gov/web/offices/dcom/ttab/.

10-29-2007

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: 10/10/07

Discovery period to close: 4/7/08

30-day testimony period for party
in position of plaintiff to close: 7/6/08

30-day testimony period for party
in position of defendant to close: 9/4/08

15-day rebuttal testimony period
for plaintiff to close: 10/19/08

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

New Developments at the Trademark Trial and Appeal Board

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms for electronic filings are available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA163785**

Filing date: **09/19/2007**

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	Sales Force Systems, LLC		
Entity	Limited Liability Company	Citizenship	Ohio
Address	8260 Northcreek Drive Suite 240 Cincinnati, OH 45236 UNITED STATES		
Attorney information	Michael J. Gallagher Gallagher & Dawsey Co., LPA P.O. Box 785 Columbus, OH 43216 UNITED STATES mgallagher@invention-protection.com Phone:614.228.6280 ext.17		

Registration Subject to Cancellation

Registration No	2684824	Registration date	02/04/2003
Registrant	salesforce.com, inc. 101 Spear Street, Suite 203 San Francisco, CA 94105 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 042. First Use: 1999/09/27 First Use In Commerce: 1999/09/27 All goods and services in the class are cancelled, namely: Providing temporary use of on-line non-downloadable software for storing, managing, tracking and analyzing data in the field of marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable software to create statistical and management reports on marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable multimedia computer program for communicating with peer professionals; computer services, namely, designing, implementing, and maintaining computer software for others; providing internal company computer networks; providing search engines for obtaining a wide variety of data on a global computer network</p>

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	SALES FORCE SYSTEMS
Goods/Services	providing temporary use of on-line non-downloadable software for storing, managing, tracking and analyzing data in the field of marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable software to create statistical and management reports on marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable multimedia computer program for communicating with peer professionals; computer services, namely, designing, implementing, and maintaining computer software for others; providing internal company computer networks; providing search engines for obtaining a wide variety of data on a global computer network

Attachments	20070919 Petition SALESFORCE.COM Class 42.pdf (5 pages)(1250797 bytes)
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Signature	/Michael J. Gallagher/
Name	Michael J. Gallagher
Date	09/19/2007

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

In the Matter of Registration No.: 2684824
Trademark: SALESFORCE.COM
Issued: February 4, 2003

Sales Force Systems, LLC

Petitioner,

- against -

salesforce.com, Inc.

Registrant.

Cancellation No.:

**PETITION FOR
CANCELLATION**

September 19, 2007

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner Sales Force Systems, LLC, a statutory institution of the State of Ohio, located at 8260 Northcreek Drive, Suite 240; Cincinnati, OH 45236; believes that it is being damaged by Registration No. 2684824 and hereby petitions to cancel same on the following grounds:

1. Upon information and belief, Registrant, salesforce.com, Inc., a corporation organized and existing under the laws of Delaware, and doing business at: The Landmark @ One Market Street, Suite 300; San Francisco, CA 94105; is the owner of United States Trademark Registration No. 2684824 for SALESFORCE.COM in International Class

042.

2. Registrant claims a date of first use of the SALESFORCE.COM mark on September 27, 1999.

3. Petitioner is the owner of right and current user of the mark SALES FORCE SYSTEMS in connection with providing temporary use of on-line non-downloadable software for storing, managing, tracking and analyzing data in the field of marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable software to create statistical and management reports on marketing, promotion, sales, customer information management, customer support services and employee efficiency; providing temporary use of on-line non-downloadable multimedia computer program for communicating with peer professionals; computer services, namely, designing, implementing, and maintaining computer software for others; providing internal company computer networks; providing search engines for obtaining a wide variety of data on a global computer network; hereinafter referred to as "the Services". Petitioner has used the mark SALES FORCE SYSTEMS since at least as early as 1984

4. Petitioner's SALES FORCE SYSTEMS mark is inherently distinctive as used in connection with the Services.

5. In addition, Petitioner's SALES FORCE SYSTEMS mark has been used in

connection with the Services for more than twenty years – long before Registrant first used its SALESFORCE.COM mark. As a result of Petitioner's widespread and longstanding use of the trademarks in connection with the Services, Petitioner's SALES FORCE SYSTEMS mark has acquired greater distinctiveness and extensive goodwill, and are well known and recognized by consumers and the trade as identifying the services that are affiliated with or have been authorized by Petitioner.

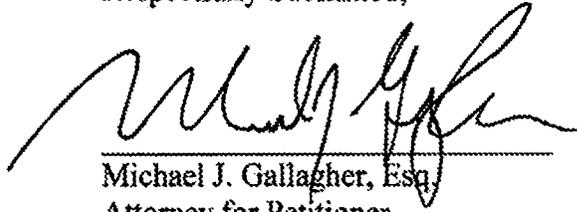
6. Registrant's services are closely related to Petitioner's services and, upon information and belief, have been promoted through the same channels of trade. Hence, Registrant's use of the mark SALESFORCE.COM in connection with in connection with the Services, is likely to cause confusion, mistake or deception as to the source of origin of Registrant's services in that the public, the trade and others are likely to believe that Registrant's services are provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Petitioner.

7. Moreover, the continued existence of Registrant's SALESFORCE.COM registration casts a cloud upon Petitioner's right to continue to use and to expand the use of its SALES FORCE SYSTEMS mark.

WHEREFORE, Petitioner believes that it will be damaged by Registration No. 2684824 and prays that this Petition for Cancellation be sustained in favor of Petitioner, that judgment be entered against Registrant and that U.S. Trademark Registration No. 2684824 be canceled.

Dated: September 19, 2007

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Gallagher', is written over a horizontal line.

Michael J. Gallagher, Esq.
Attorney for Petitioner
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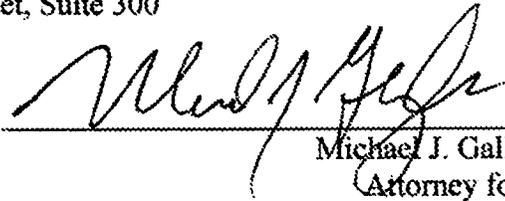
CERTIFICATE OF SERVICE

I hereby certify that an electronic Petition to Cancel in relation to the mark SALESFORCE.COM, Registration 2684824 was filed, along with required fees to

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

and that a copy of this PETITION FOR CANCELLATION has been served, today, September 19, 2007, first class postage pre-paid, upon:

Office of the General Counsel
salesforce.com, Inc.
The Landmark @ One Market Street, Suite 300
San Francisco, CA 94105



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ATTENTION
NOTICE

92048140
SALESFORCE.COM, INC.
101 SPEAR STREET
SUITE 203
SAN FRANCISCO, CA 94105