

ESTTA Tracking number: **ESTTA207962**

Filing date: **04/29/2008**

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	iTeam IT, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	531 King Street Suite 3 Littleton, MA 01460 UNITED STATES		

Attorney information	Nishan Kottahachchi Cooley Godward Kronish LLP 777 6th Street, NW Washington, DC 20001 UNITED STATES trademarks@cooley.com Phone:202-842-7800
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Registration Subject to Cancellation

Registration No	2752919	Registration date	08/19/2003
Registrant	iTeamSolutions, llc 3914 Tampa Rd Oldsmar, FL 34677 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2001/01/11 First Use In Commerce: 2001/01/11 All goods and services in the class are cancelled, namely: Computer programming for others; computer software design for others; consultation services in the field of systems analysis; computer consultation; computer code conversion for others, computer software development
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel.pdf (3 pages)(13453 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Nishan Kottahachchi/
Name	Nishan Kottahachchi

Date	04/29/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration of

iTeamSolutions, LLC

Reg. No. 2,752,919

Registered: August 19, 2003

Mark: ITEAMSOLUTIONS
and Design

Cancellation No. _____

PETITION TO CANCEL PURSUANT TO 37 C.F.R. §2.111

iTeam IT, Inc. (“iTeam”), a Delaware corporation, having its principal place of business at 531 King Street, Suite 3, Littleton, Massachusetts 01460, is being and will continue to be damaged by the existence of U.S. Registration No. 2,752,919 for the mark ITEAMSOLUTIONS and Design, issued on August 19, 2003 to iTeamSolutions LLC, a Florida corporation, with a mailing address at 3914 Tampa Road, Oldsmar, Florida 34677, and as such, iTeam hereby petitions to cancel the same.

As grounds for its petition, iTeam alleges that:

1. iTeam is a leading provider of integrated service selling and fulfillment solutions for technology resellers, retailers, and original equipment manufacturers (OEMs) across North America.

2. On April 5, 2005, iTeam filed three applications to register the marks ITEAM, I-TEAM, and I-TEAM and Design with the United States Patent and Trademark Office (“PTO”). The applications were assigned Serial Nos. 78/602,318 (ITEAM); 78/602,347 (I-TEAM); and 78/602,142 (I-TEAM and Design) (collectively, the “iTeam Applications”), and all three currently cover “information technology services, namely providing information technology

components and systems, namely, computers, network devices, peripherals and wireless communications devices; designing, maintaining, implementing and hosting web sites for others” in International Class 42. The iTeam Applications were filed on the basis of use in commerce since at least as early as December 15, 2004.

3. On November 1, 2007, the PTO issued office actions against the iTeam Applications. A true and correct copy of the three office actions is attached as Exhibit 1.

4. In relevant part, the PTO refused registration of the marks in the iTeam Applications pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), based on a likelihood of confusion with the mark “ITEAMSOLUTIONS and Design” in U.S. Registration No. 2,752,919 (the “Cited Registration”).

5. The Cited Registration issued on August 19, 2003 and identifies “computer programming for others; computer software design for others; consultation services in the field of systems analysis; computer consultation; computer code conversion for others, computer software development” in International Class 42.

6. iTeam is informed and believes that iTeamSolutions LLC (“Respondent”) owns the Cited Registration.

7. As the result of an investigation, iTeam is informed and believes that Respondent is not presently using the mark displayed in the Cited Registration in commerce in connection with any services.

8. Based on the foregoing, iTeam is informed and believes that Respondent has abandoned the mark ITEAMSOLUTIONS and Design.

9. If the Cited Registration is not cancelled, Respondent will own the *prima facie* exclusive right to use the mark ITEAMSOLUTIONS and Design in connection with services that

the PTO believes are related to the services identified in the iTeam Applications. The continued existence of the Cited Registration will damage iTeam because it could prevent iTeam from obtaining registration of its ITEAM, I-TEAM, and I-TEAM and Design marks.

10. Accordingly, iTeam requests that this Petition to Cancel be sustained, and that U.S. Registration No. 2,752,919 for the mark ITEAMSOLUTIONS and Design be cancelled.

11. The required fee is enclosed herewith.

Respectfully submitted,

COOLEY GODWARD KRONISH LLP

Date: April 29, 2008

By: /s/ Nishan Kottahachchi
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