

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

MBA

Mailed: June 10, 2009

Cancellation No. 92049267

iTeamIT, Inc.

v.

iTeamSolutions, LLC

**Before Seeherman, Bucher and Cataldo, Administrative
Trademark Judges**

By the Board:

Respondent's motion for sanctions under Fed. R. Civ. P. 11, filed June 8, 2009, is hereby **DENIED**. Even if the exhibits to the motion were properly authenticated, which they were not, they would not establish that petitioner's investigation into its allegation of abandonment was insufficient, or that petitioner's claim of abandonment violated Fed. R. Civ. P. 11(b).

In fact, the Web page printouts submitted with the motion are dated one month after petitioner filed its petition for cancellation, and are therefore incapable of establishing what petitioner could or should have known on the date it filed its petition. Nor could the documents establish that respondent did not previously abandon the

mark in its registration. See 15 U.S.C. § 1127.

Furthermore, the documents pertaining to respondent's domain name registration and corporate status are simply irrelevant to petitioner's claim of abandonment of respondent's mark.

Trial dates remain as previously set.¹

News from the TTAB

The USPTO published a notice of final rulemaking in the Federal Register on August 1, 2007, at 72 F.R. 42242. By this notice, various rules governing Trademark Trial and Appeal Board inter partes proceedings are amended. Certain amendments have an effective date of August 31, 2007, while most have an effective date of November 1, 2007. For further information, the parties are referred to a reprint of the final rule and a chart summarizing the affected rules, their changes, and effective dates, both viewable on the USPTO website via these web addresses:

<http://www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf>

http://www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

By one rule change effective August 31, 2007, the Board's standard protective order is made applicable to all TTAB inter partes cases, whether already pending or commenced on or after that date. However, as explained in the final rule and chart, this change will not affect any case in which any protective order has already been approved or imposed by the Board. Further, as explained in the final rule, parties are free to agree to a substitute protective order or to supplement or amend the standard order even after August 31, 2007, subject to Board approval. The standard protective order can be viewed using the following web address:

<http://www.uspto.gov/web/offices/dcom/ttab/tbmp/stndagmnt.htm>

¹ To the extent the motion could be construed as a motion for summary judgment, it is denied as untimely and unsupported by admissible evidence. Trademark Rule 2.127(e)(1); TBMP §§ 528.01, 528.05(a) (2d ed. rev. 2004).