

ESTTA Tracking number: **ESTTA236800**

Filing date: **09/15/2008**

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	Hortencia Torres		
Entity	Individual	Citizenship	UNITED STATES
Address	920 West Broad Street Falls Church, VA 22046 UNITED STATES		

Attorney information	Christopher J. Day Law Office of Christopher Day 301 East Bethany Home Road, Suite A-213 Phoenix, AZ 85012 UNITED STATES chris@daylawfirm.com Phone:602-258-4440		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	3040757	Registration date	01/10/2006
Registrant	Globe Tax Services Incorporated 8th Floor 90 Broad Street New York, NY 10004 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2004/07/01 First Use In Commerce: 2004/08/01 All goods and services in the class are cancelled, namely: Tax information, preparation, filing, and consultancy services specializing in international tax reclamation

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77357685	Application Date	12/21/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GLOBALTAX		
Design Mark			
Description of Mark	The mark consists of the wording "GLOBALTAX" with the design of a smiley face. The color maroon appears in the word "GLOBAL". The color green appears in the word "TAX" and in the eye and mouth of the smiley face design.		

Goods/Services	Class 035. First use: TAX PREPARATION FOR INDIVIDUALS AND CORPORATE ENTITIES, ELECTRONIC FILING OF TAXES, ACCOUNTING, BUSINESS AND PERSONAL TAX CONSULTING
----------------	---

Attachments	77357685#TMSN.jpeg (1 page)(bytes) GLOBETAX Opposition.pdf (3 pages)(79776 bytes)
-------------	---

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	/Christopher J. Day/
Name	Christopher J. Day
Date	09/15/2008

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

In re:

Registrant's Mark: GLOBETAX
Registration No: 3040757
Date of Registration: January 10, 2006

Hortencia Torres,

Petitioner,

v.

Globe Tax Services Incorporated,

Registrant.

Cancellation No. _____

PETITION TO CANCEL

Petitioner, Hortencia Torres, an individual with a business address of 920 West Broad Street, Falls Church, Virginia 22046, believes that she is or will be damaged by Registration No. 3040757 and hereby petitions to cancel same.

As grounds of this Petition, it is alleged that:

1. Registrant's application for the mark GLOBETAX was filed on a use basis on February September 22, 2004.

2. Registrant's GLOBETAX mark registered on the Principal Register on January 10, 2006 for "Tax information, preparation, filing, and consultancy services specializing in international tax reclamation" in International Class 035.
3. Since at least as early as February 1994, and before the date that Registrant filed its application, Petitioner has used GLOBAL as a trade name and trademark in connection with tax preparation for individuals and corporate entities, electronic filing, accounting, business and personal tax consulting.
4. Since at least as early as 2004, and before the date that Registrant filed its application, Petitioner has used GLOBALTAX as a trade name and trademark in connection with tax preparation for individuals and corporate entities, electronic filing, accounting, business and personal tax consulting.
5. On December 21, 2007, Petitioner filed App. Ser. No. 77357685 to register GLOBALTAX in a design form for "tax preparation for individuals and corporate entities, electronic filing, accounting, business and personal tax consulting."
6. On April 2, 2008, the examining attorney reviewing Petitioner's application issued a office action, indicating that Registrant's mark was a bar to registration of Petitioner's mark under Section 2(d) of the Lanham Act.
7. Based on the determination of the examining attorney, Petitioner alleges that Petitioner's continued and legal use of Petitioner's mark will be impaired by the continued registration of said mark of Registrant.
8. Based on the determination of the examining attorney, Petitioner alleges that Registrant's use of the mark in Registration Number 3040757 creates a "likelihood of confusion"

within the meaning of Section 2(d) of the Lanham Act and is inimical to Petitioner's prior rights in the mark.

WHEREFORE, Petitioner prays that Registration Nos. 3040757 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Dated this 15 day of September, 2008.

/Christopher J Day/

Christopher J. Day, Attorney for Petitioner
Law Office of Christopher Day
301 East Bethany Home Road, Suite A-213
Phoenix, AZ 85012
Telephone: (602) 258-4440
Facsimile: (602) 258-4441

CERTIFICATE OF SERVICE

I hereby certify that this document is being deposited on September 15, 2008, in the U.S. mail, first class postage pre-paid, addressed to Registrant at the following address:

Robert Weiss
Globe Tax Services Incorporated
90 Broad Street, 8th Floor
New York, NY 10004



Christopher J. Day