

ESTTA Tracking number: **ESTTA301773**

Filing date: **08/19/2009**

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

Proceeding	92050224
Party	Plaintiff Mr. Patrick Klos
Correspondence Address	B. Brett Heavner Finnegan, Henderson, Farabow, Garrett & Dunner, 901 New York Ave., NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, heavnerb@finnegan.com
Submission	Other Motions/Papers
Filer's Name	B. Brett Heavner
Filer's e-mail	b.brett.heavner@finnegan.com, docketing@finnegan.com, scott.harlan@finnegan.com, larry.white@finnegan.com
Signature	/B. Brett Heavner/
Date	08/19/2009
Attachments	KLOS - Motion for Judgment.pdf ( 8 pages )(206258 bytes )

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

_____	)	
Patrick Klos	)	Cancellation No. 92050224
	)	
	)	
	)	
v.	)	Registration No. 3,377,588
	)	
Taun Willis	)	Subject Mark: PHISHCOPS
	)	
	)	
_____	)	

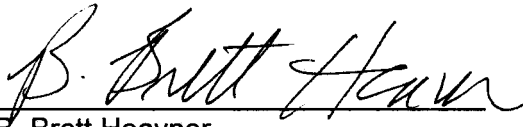
**PETITIONER'S MOTION FOR JUDGMENT**

Patrick Klos ("Petitioner"), through undersigned counsel, respectfully moves for judgment on the ground that on August 6, 2009, Taun Willis ("Registrant") voluntarily surrendered Certificate of Registration No. 3,377,588 for cancellation to the Commissioner for Trademarks without written consent of Petitioner (attached as Exhibit A). Trademark Rule 2.134 and Section 602.02(a) of the Trademark Trial and Appeal Board Manual of Procedure provide that, if after commencement of a cancellation proceeding, Registrant voluntarily surrenders the subject registration certificate without written consent of every adverse party, judgment shall be entered against Registrant. Petitioner does not consent to the surrender and has not provided its written consent to Registrant's surrender.

Petitioner thus respectfully requests that the Board sustain the petition for cancellation, and enter a judgment against Registrant in Cancellation No. 92050224 on all grounds.

Respectfully submitted,


Date: August 19, 2009

  
B. Brett Heavner  
Scott T. Harlan  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
Telephone: (202) 408-4000  
Facsimile: (202) 408-4400  
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR JUDGMENT was served on August 19, 2009 by first class mail and e-mail, on the following attorney for Registrant:

Andrew Lahser  
Law Office of Andrew P. Lahser, PLC  
13239 N. La Montana Dr, Ste 215,  
Fountain Hills, AZ, 85268  
andrew@lahserpatent.com  
andrew.lahser@azbar.org

  
\_\_\_\_\_  
Scott Harlan

**Patrick Klos v. Taun Willis**

**Cancellation No. 92050224**

**Petitioner's Motion for Judgment**

**Exhibit A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Registration No. **3,377,588**

Date of Issue: **Feb. 2, 2008**

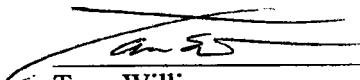
Subject Mark: **PHISHCOPS**

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

**REGISTRANT'S VOLUNTARY SURRENDER OF  
REGISTRATION CERTIFICATE**

Registrant, Taun Willis, does hereby voluntarily surrender Registration No. 3,377,588 pursuant to 37 CFR §2.172. The original registration certificate is enclosed herewith.

Respectfully Submitted,

  
\_\_\_\_\_  
Taun Willis  
Registrant

8-6-09  
Date



**08-10-2009**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Registration No. **3,377,588**

Date of Issue: **Feb. 2, 2008**

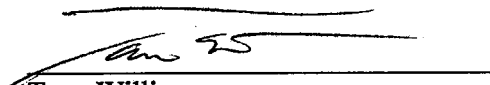
Subject Mark: **PHISHCOPS**

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

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Respectfully Submitted,

  
\_\_\_\_\_  
Taun Willis  
Registrant

8-6-09  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_)  
\_\_\_\_\_)  
Registration No. **3,377,588** )

Date of Issue: **Feb. 2, 2008** )

Subject Mark: **PHISHCOPS** )  
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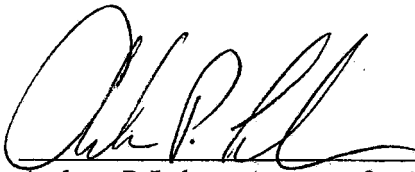
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria , VA 22313-1451

**Certificate of Express Mailing**

I hereby certify that the following correspondence:

- 1) Ribbon Original Certificate of Registration bearing Registration No. 3,377,588
  - 2) Registrant's Voluntary Surrender of Registration Certificate executed 8/6/2009
- is being deposited with the United States Postal Service with sufficient postage as Express Mail, bearing mailing label number EB 244276852 US, in an envelope addressed to:

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

  
\_\_\_\_\_  
Andrew P. Lahser, Attorney for Applicant

Aug. 7, 2009  
(Date)

# The United States of America



## CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

*The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.*

*The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.*

*A copy of the Mark and pertinent data from the application are part of this certificate.*

*To avoid CANCELLATION of the registration, the owner of the registration must submit a declaration of continued use or excusable non-use between the fifth and sixth years after the registration date. (See next page for more information.) Assuming such a declaration is properly filed, the registration will remain in force for ten (10) years, unless terminated by an order of the Commissioner for Trademarks or a federal court. (See next page for information on maintenance requirements for successive ten-year periods.)*



Director of the United States Patent and Trademark Office



**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**United States Patent and Trademark Office**

**Reg. No. 3,377,588**

**Registered Feb. 5, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**

**PHISHCOPS**

**WILLIS, TAUN (UNITED STATES INDIVIDUAL)  
25642 W. DUNLAP ROAD  
BUCKEYE, AZ 85326**

**THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.**

**FOR: COMPUTER SOFTWARE FOR USE IN ON-  
LINE FRAUD PROTECTION, IN CLASS 9 (U.S. CLS.  
21, 23, 26, 36 AND 38).**

**SER. NO. 77-174,482, FILED 5-7-2007.**

**FIRST USE 2-22-2005; IN COMMERCE 3-1-2005.**

**JAY FLOWERS, EXAMINING ATTORNEY**