

ESTTA Tracking number: **ESTTA258433**

Filing date: **01/02/2009**

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	Agilent Technologies, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	5301 Stevens Creek Boulevard Santa Clara, CA 95051 UNITED STATES		

Attorney information	Purvi J. Patel Haynes and Boone, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 UNITED STATES patelp@haynesboone.com Phone:214-651-5917		
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### Registration Subject to Cancellation

Registration No	3471587	Registration date	07/22/2008
Registrant	L.G.R. TELECOMMUNICATIONS, INC. SUITE 980 990 HAMMOND DR ATLANTA, GA 30328 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 009. First Use: 2007/06/30 First Use In Commerce: 2007/06/30 All goods and services in the class are cancelled, namely: Computer hardware and computer peripherals; Computer software for analysis of telecommunications usage data; Graphical user interface software
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### Grounds for Cancellation

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

U.S. Registration No.	2625554	Application Date	06/30/1999
Registration Date	09/24/2002	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a stylized eight pointed star formed by shaded circles.
Goods/Services	<p>Class 001. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  Chromatography chemicals, namely, chemical standards and packing materials used in chromatography; chemical standards used in DNA, RNA and protein analysis, chemicals used in protein sequencers; reagents for scientific or medical research use; DNA labeling reagents; DNA hybridization buffers; ultrasound transmission gels</p> <p>Class 009. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  House mark for a full line of electronic test, signaling and measurement systems, equipment and parts therefor; house mark for a full line of chemical and biological analytical systems and equipment, and parts therefor; house mark for a full line of optical equipment and components, and parts therefor; house mark for a full line of telecommunication equipment and components, and parts therefor; house mark for a full line of electronic components; house mark for a full line of computer software, namely software for use in connection with test, signaling, measurement, chemical or biological analytical, optical, telecommunication, semiconductor, medical, clinical and patient information, network management, network security, engineering, and data acquisition applications; computer hardware and parts therefor; [ semiconductors; ] lasers not for medical use; signal generators and analyzers; oscilloscopes; network and spectrum analyzers; frequency counters; [ atomic clocks in the nature of chronographs for use as specialized time recording apparatuses; ] chromatographs; accessories for chromatographs, namely, chromatography columns, septa, seals and syringes; mass spectrometers and parts therefor, namely, ionization sources for mass spectrometers; spectrophotometers; [ and protein sequencers; ] instruments containing electrical, computer and chemical hardware for the analysis of DNA, RNA, cells and proteins; gene analysis equipment, namely DNA microarrays, DNA microarray scanners, DNA hybridization chambers, and associated software for analyzing genes; [ defibrillator batteries ]</p> <p>Class 010. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  [ House mark for a full line of medical systems, medical equipment, and parts therefor; house mark for a full line of medical monitoring and recording devices and parts therefor; ultrasonic medical diagnostic apparatus and parts therefor; blood pressure measuring apparatus and parts therefor; blood testing apparatus; defibrillators and parts therefor; electrocardiographs; stethoscopes; transducers for medical imaging; transducers for blood pressure, blood gas and heart activity detection; supplies and accessories for medical use, namely, cables, leads, electrodes and probes, medical ice buckets, medical paddle sets, defibrillator pads carrying cases and storage cabinets fitted for medical instruments, belts and straps for attaching medical monitors to patients, belt guides for attaching medical monitors to patients, intrauterine pressure catheters, and bite guards for use with ultrasound equipment; and supplies and accessories for use with medical gas monitoring equipment, namely, airway</p>

adapters, air filters, bacteria filters, calibration bags, calibration gas cylinders, calibration regulators, calibration tubes, membranes, membrane retainer rings, membrane ring dispensers, sensors, and water traps ]

Class 014. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00  
[ clocks; cesium clocks; atomic clocks in the nature of chronometers; chronometers for scientific, laboratory or industrial applications ]

Class 016. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  
printed matter, namely, newsletters, periodicals, books, brochures, guides, bulletins, magazines, product manuals, and printed instructional, educational, and teaching materials all in the fields of science, technology, electronic and optical equipment, testing, measurement, chemical or biological analysis, telecommunication, and medicine; printed instructional, educational, and teaching materials all in the fields of semiconductors, electronic components, computer software and optics, paper; stationery; note pads; note cards; memo pads; self-adhesive notes; writing tablets; greeting cards

Class 035. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  
catalog sales services, available through, phone-in orders and electronic communications networks, featuring - scientific, electronic, test, signaling, measurement, biological and chemical analytical, optical, telecommunication, and medical equipment, parts, supplies and accessories, semiconductors, electronic and optical components, computer hardware, computer software, and printed matter related to the foregoing

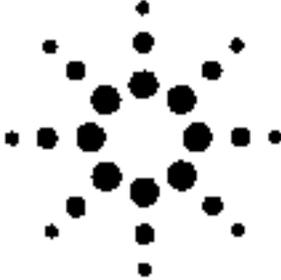
Class 036. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  
Financing services

Class 037. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  
Repair and installation of scientific, electronic, test, signaling, measurement, biological and chemical analytical, optical, telecommunication, and medical equipment, repair and installation of computer hardware

Class 041. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00  
Educational and training services, namely, offering seminars, classes, workshops, and tutorials, all in the fields of - science, technology, electronic and optical equipment, testing, signaling, measurement, chemical and biological analysis, optics, telecommunication, semiconductors, electronic and optical components, computer hardware, computer software [ , and medicine ]

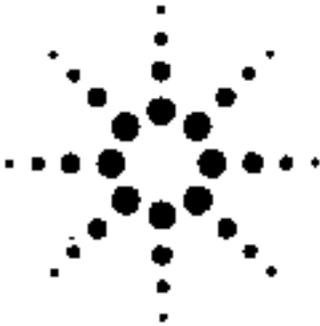
Class 042. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00  
Computer programming for others; technical support services, namely, providing information consultation, inspection and diagnostic services in the fields of semiconductors, electronic and optical components, , computer software, and scientific, electronic, test, signaling, measurement, biological and chemical analytical, optical, telecommunication, and medical equipment, and rental and leasing of computer software, and scientific, electronic, test, measurement, biological and chemical analytical, optical, telecommunication, and [ medical equipment; ] installation of computer software

U.S. Registration No.	2636161	Application Date	01/04/2000
Registration Date	10/15/2002	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of a stylized eight-pointed star formed by shaded circles.
Goods/Services	Class 009. First use: First Use: 2000/02/00 First Use In Commerce: 2000/02/00 Computer hardware and parts therefor; [ semiconductors; lasers not for medical use; ] signal generators and analyzers; oscilloscopes; network and spectrum analyzers; electronic frequency counters [ atomic clocks in the nature of chronographs for use as specialized time recording apparatuses; chromatographs; accessories for chromatographs, namely, chromatography columns, septa, seals and syringes; mass spectrometers and parts therefor, namely, ionization sources for mass spectrometers; spectrophotometers; protein sequencers; instruments containing electrical, computer and chemical hardware for the analysis of DNA, RNA, cells and proteins; gene analysis equipment, namely DNA microarrays, DNA microarray scanners, DNA hybridization chambers, and associated software for analyzing genes; light emitting diodes, optical encoders, optical couplers, and diodes]

U.S. Registration No.	2586155	Application Date	10/27/1999
Registration Date	06/25/2002	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized eight-pointed star formed by shaded circles.		
Goods/Services	Class 006. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 Metal key chains, metal key rings, metal and tin containers for the storage and transportation of goods Class 008. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 Pocket knives, army knives Class 024. First use: First Use: 2001/04/00 First Use In Commerce: 2001/04/00 towels		

U.S. Registration No.	2636061	Application Date	10/27/1999
Registration Date	10/15/2002	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized eight-pointed star formed by shaded circles.		
Goods/Services	Class 018. First use: First Use: 1999/12/00 First Use In Commerce: 1999/12/00 All-purpose sport bags, gym bags, carry-on bags, briefcases, umbrellas, luggage tags, school bags, back packs, duffel bags, and business folders, namely, brief case type portfolios		

U.S. Registration No.	2423281	Application Date	01/05/2000
Registration Date	01/23/2001	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/10/00 First Use In Commerce: 1999/10/00 Clothing, namely, shirts and hats		

Attachments	75739923#TMSN.gif ( 1 page )( bytes ) 75887235#TMSN.gif ( 1 page )( bytes ) 75982068#TMSN.gif ( 1 page )( bytes ) 75833221#TMSN.gif ( 1 page )( bytes ) 75893056#TMSN.gif ( 1 page )( bytes ) LGR Petition to Cancel.pdf ( 5 pages )(50840 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	/Purvi J. Patel/
Name	Purvi J. Patel
Date	01/02/2009

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

**Agilent Technologies, Inc.,**

Petitioner,

v.

**L.G.R. Telecommunications, Inc.**

Respondent

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Mark: **LGR Telecommunications (and Design)**

- Registration No. 3,471,587

- Registration Date July 22, 2008

Cancellation No. \_\_\_\_\_

**PETITION FOR CANCELLATION**

In the matter of Registration No. 3,471,587 for the trademark LGR Telecommunications (and Design) (the "Subject Registration") owned by L.G.R. Telecommunications, Inc., a Georgia corporation having 990 Hammond Drive, Suite 980, Atlanta, Georgia 30328 as its listed address, and Petitioner, Agilent Technologies, Inc., a Delaware corporation, having an address at 5301 Stevens Creek Boulevard, Santa Clara, California 95051, believes that it is or will be damaged by the Subject Registration and hereby petitions to cancel same.

As grounds therefor, it is alleged that:

1. Petitioner is a Delaware corporation located and doing business at 5301 Stevens Creek Boulevard, Santa Clara, California 95051.

2. Upon information and belief, L.G.R. Telecommunications, Inc. ("Respondent") is a Delaware corporation with an address of 990 Hammond Drive, Suite 980, Atlanta, Georgia 30328.

3. Respondent has registered the mark LGR Telecommunications (and Design) ("Respondent's Mark") for "Computer hardware and computer peripherals; Computer software for analysis of telecommunications usage data; Graphical user interface software" in International Class 9 ("Respondent's Goods").

4. Petitioner provides test and measurement solutions to numerous industries. Petitioner is publicly traded on the New York Stock Exchange, serves customers in more than 110 countries, and has

approximately 19,000 employees. Petitioner had total worldwide net revenue of \$5.42 billion in fiscal year 2007.

5. Petitioner's highly distinctive star dot design mark, the subject of U.S. Registration Nos. 2,625,554; 2,636,161; 2,586,155; 2,636,061; and 2,423,281, consists of a dotted star design with a circle in the center (such circle consisting of eight dots) with eight points, each point consisting of four sequential dots ("Petitioner's Design Mark").

6. Petitioner owns all right, title and interest in and to Petitioner's Design Mark as evidenced by U.S. Registration Nos. 2,625,554; 2,636,161; 2,586,155; 2,636,061; and 2,423,281, issued by the U.S. Trademark Office on the Principal Register. These U.S. Registrations for Petitioner's Design Mark are, in all respects, valid and subsisting.

7. Petitioner's Design Mark covers an extensive array of goods and services including without limitation, computer hardware and computer peripherals, computer software for analysis of telecommunications usage data, and graphical user interface software as described above.

8. One of the design search codes provided for in Agilent's Reg. Nos. 2,625,554; 2,636,161; 2,586,155; 2,636,061; and 2,423,281 is "26.01.31 - Circles - five or more; Five or more circles"

9. Petitioner's Design Mark was adopted by Petitioner as a house mark at least as early as June 30, 1999, the filing date for Agilent's Reg. No. 2,625,554, and has been used continuously in interstate commerce since 1999.

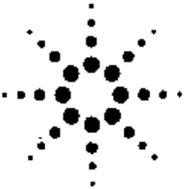
10. Petitioner, since prior to December 6, 2007, the filing date of Respondent's Application Serial No. 77346017, has used Petitioner's Design Mark as a house mark for *inter alia* a full line of computer hardware and parts, computer software, including software for use in connection with test, signaling, measurement, telecommunication, network management, network security, engineering, and data acquisition applications, telecommunication equipment and related components and parts. Petitioner is the senior user so there is no issue as to priority.

11. There is no issue as to the distinctiveness of Petitioner's Design Mark.

12. Respondent's design mark consists of a dotted star design with a circle in the center (such circle consisting of eight dots) with eight points, each point consisting of sequential dots.

13. Like Petitioner's U.S. Registration Nos. 2,625,554; 2,636,161; 2,586,155; 2,636,061; and 2,423,281 issued by the U.S. Trademark Office, the design search code "26.01.31 - Circles - five or more; Five or more circles" is designated in the Subject Registration.

14. A side-by-side comparison of Petitioner's Design Mark and Respondent's Design Mark is shown here:

Petitioner's Design Mark	Respondent's Design Mark
	

15. There is no question that Petitioner's Design Mark and Respondent's Design Mark are substantially the same in appearance and overall commercial impression.

16. Respondent's Goods cover Computer hardware and computer peripherals, computer software for analysis of telecommunications usage data, and graphical user interface software and Petitioner's Registration Nos. 2,625,554; 2,636,161; 2,586,155; 2,636,061; and 2,423,281, cover computer hardware and software, computer software used for, *inter alia*, telecommunications data acquisition.

17. Respondent's Goods are closely related to the goods and services covered by Petitioner's Design Mark and the goods and services of Petitioner will likely pass through the same or overlapping trade channels as Respondent's Goods.

18. Respondent's Design Mark so resembles Petitioner's prior used and registered Design Mark, as to be likely, when used in connection with Respondent's Services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, for the reasons set forth above, Petitioner believes that it will be irreparably injured and damaged if Respondent is permitted to have the Subject Registration remain on record, and accordingly, Petitioner prays that Respondent's U.S. Trademark Registration No. 3,471,587 be cancelled, and requests such other and further relief as is deemed just and proper.

This Petition for Cancellation is being filed electronically, so no duplicate copy is in order. The fee required by § 2.6(a)(16) will be paid simultaneously with filing. Any deficiency in fee should be charged to Deposit Account No. 08-1394.

Respectfully submitted,

AGILENT TECHNOLOGIES, INC.

Date: January 2, 2009

By: /Purvi J. Patel/  
Purvi J. Patel  
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Dallas, Texas 75202-3789  
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*patelp@haynesboone.com*  
File: 32590.2084

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

<b>Agilent Technologies, Inc.,</b>	§	
	§	Mark: <b>LGR Telecommunications (and Design)</b>
Petitioner,	§	- Registration No. 3,471,587
	§	- Registration Date: July 22, 2008
v.	§	
	§	Cancellation No. _____
<b>L.G.R. Telecommunications, Inc.</b>	§	
	§	
Respondent	§	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 2nd day of January, 2009, a copy of the foregoing *Petition for Cancellation* was served via first class mail, postage prepaid, on the following:

L.G.R. Telecommunications, Inc.  
990 Hammond Dr., Suite 980  
Atlanta, GA 30328

and

Joshua Tropper  
Baker, Donelson, Bearman, Caldwell & Ber  
3414 Peachtree Road  
Monarch Plaza, Suite 1600  
Atlanta, GA 30326

/Purvi J. Patel/  
Purvi J. Patel, *Attorney for Petitioner*  
Haynes and Boone, LLP