

ESTTA Tracking number: **ESTTA263067**

Filing date: **01/27/2009**

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	GoTime Corporation		
Entity	Corporation	Citizenship	Delaware
Address	1514 NW 59th Street Seattle, WA 98107 UNITED STATES		

Attorney information	Aaron Hendelman Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 UNITED STATES trademarks@wsgr.com Phone:650-493-9300		
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Registrations Subject to Cancellation

Registration No	3019291	Registration date	11/29/2005
International Registration No.	NONE	International Registration Date	NONE
Registrant	SigmaZen Limited Level 5, 728 Colombo Street Christchurch, NEW ZEALAND		

Goods/Services Subject to Cancellation

Class 009. All goods and services in the class are cancelled, namely: Software for the calculation of travel fares; software for the provision of travel reservation services; software for the provision of travel information; software for the calculation of accommodation prices; software for the provision of accommodation services; software for the provision of accommodation information; software for the calculation of vehicle rental prices; software for the provision of vehicle rental services; software for the provision of vehicle rental information; software for the calculation of entertainment and recreational activity ticket prices; software for the reservation of entertainment and recreational activity tickets; software for the provision of information relating to entertainment and recreational activities
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Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	3018433	Registration date	11/22/2005
Registrant	Sigmazen, Ltd. Level 5, 728 Colombo Street Christchurch, NEW ZEALAND		

Goods/Services Subject to Cancellation

Class 039. First Use: 2004/03/09 First Use In Commerce: 2004/03/09

All goods and services in the class are cancelled, namely: Travel information and reservation services, namely, providing travel information relating to transportation packages, airline scheduling, cruises, hotel accommodations, and airline bookings, and making reservations and bookings for transportation rentals, all by means of an electronic computerized network website

Class 043. First Use: 2004/03/09 First Use In Commerce: 2004/03/09

All goods and services in the class are cancelled, namely: Making travel reservations for temporary hotel accommodations

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	gotime.pdf (5 pages)(169895 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 Overnight Courier on this date.

Signature	/Aaron Hendelman/
Name	Aaron Hendelman
Date	01/27/2009

2. On May 30, 2008, Petitioner filed with the United States Patent and Trademark Office an intent-to-use application to register the mark GOTIME in International Classes 35, 38, 41, 42 and 45. The application was assigned Serial No. 77/487359. The services covered by that application were the following:

- Class 35: Online advertising, marketing and promotional services; marketing services, namely, collecting, analyzing and reporting information regarding consumer trends, preferences and behavior; developing, collecting, analyzing and distributing advertising, marketing and promotional data and content via computer networks and optical and electronic communication networks
- Class 38: Communications services, namely, providing facilities for users of computers, mobile and handheld computing devices, and wired and wireless communication devices to post, transmit, receive, retrieve, organize, search and manage text, voice, audio and visual content and data via computer networks and optical and electronic communication networks
- Class 41: Providing information in the fields of current events, activities and entertainment via computer networks and optical and electronic communication networks; production and electronic distribution of text, voice, audio and visual content and data in the fields of current events, activities and entertainment; electronic publication and distribution of user-defined content and data in the fields of current events, activities and entertainment; entertainment services in the nature of organizing, arranging, conducting and reviewing contests, competitions, games, events and activities
- Class 42: Computer services, namely, hosting facilities for organizing, advertising, marketing, promoting, conducting, discussing and reviewing events and activities; customized web pages featuring user-defined text, voice, audio and visual content and data; providing temporary use of non-downloadable computer software for use in posting, transmitting, retrieving, receiving and managing text, voice, audio and visual content and data via computers, mobile and handheld computing devices, and wired and wireless communication devices; non-downloadable text, voice, audio and visual content; providing temporary use of non-downloadable computer software for social networking
- Class 45: Providing social networking services

4. On September 14, 2008, the Patent and Trademark Office issued a refusal to register Petitioner's mark, application Serial No. 77/487359, on the ground that the mark, when used on or in

connection with the identified services, so resembles the mark GOTIME in Registration Nos. 3,019,291 and 3,018,433 as to be likely to cause confusion, to cause mistake, or to deceive.

5. Petitioner is informed and believes, and therefore alleges, that Respondent owns Registration Nos. 3,019,291 and 3,018,433 for the mark GOTIME.

6. Petitioner is informed and believes, and therefore alleges, that Respondent has ceased use of the mark GOTIME.

7. Petitioner is informed and believes, and therefore alleges, that Respondent has abandoned the mark GOTIME.

8. Petitioner has been and will be damaged by the Respondent's registration because Respondent's registration, although the mark has been abandoned, is an obstacle to registration of Petitioner's GOTIME mark.

WHEREFORE, Petitioner prays:

1. That Petitioner's petition be sustained;
2. That Registration No. 3,019,291 be cancelled;
3. That Registration No. 3,018,433 be cancelled; and
4. For other relief as the Board may deem just and proper.

Please address all U.S.P.T.O. communications regarding this Petition for Cancellation to:

Aaron Hendelman
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650 Page Mill Road
Palo Alto, CA 94304
Tel: (650) 493-9300
Fax: (650) 493-6811
trademarks@wsgr.com

Dated: January 27, 2009

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

_____/Aaron Hendelman/_____

By: Aaron Hendelman
Attorneys for Petitioner
GOTIME CORPORATION

1 **CERTIFICATE OF SERVICE**

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3 I, Lisa M. Ruiz, declare:

4 I am employed in Santa Clara County. I am over the age of 18 years and not a party to
5 the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill
6 Road, Palo Alto, California 94304-1050. I am readily familiar with Wilson Sonsini Goodrich &
7 Rosati's practice for collection and processing of correspondence for delivery by next-day courier
8 and international courier service. In the ordinary course of business, correspondence would be
9 consigned to a next-day courier service and international courier service on this date.

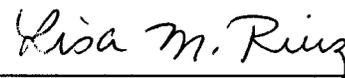
10 On this date, I served **CONSOLIDATED PETITION FOR CANCELLATION** on the
11 person(s) listed below by placing the document(s) described above in an envelope addressed as
12 indicated below, which I sealed. I consigned the envelope(s) to an international courier service
13 by placing it/them for collection and processing on this day, following ordinary business
14 practices at Wilson Sonsini Goodrich & Rosati.

15 SigmaZen Limited
16 Level 5, 728 Colombo Street
17 Christchurch
New Zealand

18 On this date, I served **CONSOLIDATED PETITION FOR CANCELLATION** on the
19 person(s) listed below by placing the document(s) described above in an envelope addressed as
20 indicated below, which I sealed. I consigned the envelope(s) to a next-day courier service by
21 placing it/them for collection and processing on this day, following ordinary business practices at
22 Wilson Sonsini Goodrich & Rosati.

23 Lynn M. Jordan
24 Finnegan Henderson Garabow Garrett et al.
25 901 New York Ave., N.W.
Washington, D.C. 20001-4413

26 I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct. Executed at Palo Alto, California on January 27, 2009.

28 

Lisa M. Ruiz