

ESTTA Tracking number: **ESTTA268653**

Filing date: **02/25/2009**

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	Velocys, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	7950 Corporate Boulevard Plain City, OH 43064 UNITED STATES		

Attorney information	Nicolette R. Hudson Frost Brown Todd LLC 10 W. Broad Street Suite 2300 Columbus, OH 43215 UNITED STATES trademarks@fbtlaw.com Phone:614-559-7233
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Registration Subject to Cancellation

Registration No	2953214	Registration date	05/17/2005
Registrant	Nanostream, Inc. 580 Sierra Madre Villa Ave. Pasadena, CA 911072928 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2003/02/27 First Use In Commerce: 2003/02/27 All goods and services in the class are cancelled, namely: Scientific apparatuses for preparing, synthesizing, purifying, and/or analyzing chemical or biological samples in the medical, pharmaceutical and scientific fields, namely, microfluidic devices for use with chromatographs; analyte detectors; sample preparation systems composed primarily of laboratory mixers, filters, meters; serial dilution devices, storage vessels, and incubators; purifiers in the nature of laboratory filters and chromatographic separation columns; reaction vessels for performing chemical and biochemical reactions; and fluid pumping and handling systems, comprised primarily of controlled volume pumps, valves, conduits, mixers, splitters, incubators, analysis vessels and storage vessels

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Email_fr.pdf (3 pages)(107766 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	/nicolette r hudson/
Name	Nicolette R. Hudson
Date	02/25/2009

chromatographs; analyte detectors; sample preparation systems composed primarily of laboratory mixers, filters, meters; serial dilution devices, storage vessels, and incubators; purifiers in the nature of laboratory filters and chromatographic separation columns; reaction vessels for performing chemical and biochemical reactions; and fluid pumping and handling systems, comprised primarily of controlled volume pumps, valves, conduits, mixers, splitters, incubators, analysis vessels and storage vessels.

3. Upon information and belief, Registrant closed its business operations in all locations March 14th, 2008.
4. Upon information and belief, said Registration has been abandoned; use of the mark has been discontinued with intent not to resume, and said Registration is therefore subject to cancellation under Section 14(c) of the Trademark Act of 1946 (15 U.S.C. §1046(c)).
5. Petitioner is the owner of record of U.S. Application No. 77/474,192 for the mark VELOCYS for use in connection with microchannel-based apparatus in the nature of fluid separators, heat exchangers, reactors, mixers, pumps, compressors, heaters, and coolers for use in fluid-processing in manufacturing in International Class 11.
6. Petitioner is likely to be damaged by continuance of the Registrations, because registration of Petitioner's U.S. Application No. 77/474,192 has been refused by the United States Patent and Trademark Office under Trademark Act Section 2(d), 15 U.S.C. §1052(d) based on a likelihood of confusion with the Registration.

By reason of the foregoing, Petitioner is being damaged by Registration No. 2,953,214, and requests that the Registration be cancelled.

This Cancellation Petition is accompanied by the filing fee of \$300 as provided by Sections 14 and 31 of the Trademark Act of 1946 is paid by credit card upon electronic filing of this Petition to Cancel.

Please recognize Nicolette R. Hudson, Brian J. Downey, Monica L. Dias and Samantha M. Quimby, all members of the Bar of the State of Ohio, as its attorneys to prosecute this Petition to Cancel and to transact all business in the Patent and Trademark Office in connection herewith. Please address all communications to: Nicolette R. Hudson, c/o Frost Brown Todd LLC, 10 W. Broad Street, Suite 2300, Columbus, Ohio 43215, Telephone (614) 559-7233 Facsimile (614) 464-1737, E-mail trademarks@fbtlaw.com. Please address correspondence to the said Nicolette R. Hudson.

Respectfully submitted,



Nicolette R. Hudson
FROST BROWN TODD LLC
10 W. Broad Street
Suite 2300
Columbus, Ohio 43215
Telephone: (614) 559-7233
Facsimile (614) 464-1737

Date: February 25, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed electronically through on-line TTAB filing system, ESSTA on February 25, 2009.



Nicolette R. Hudson

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PETITION FOR CANCELLATION was served via first class mail, postage prepaid, upon, Nanostream, Inc., 580 Sierra Madre Villa Ave., Pasadena, California 91107-2928 this 25th day of February 2009.



Nicolette R. Hudson