

ESTTA Tracking number: **ESTTA275979**

Filing date: **04/03/2009**

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	PCi Services, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	30 Winter Street 12th Floor Boston, MA 02108 UNITED STATES		

Attorney information	Andrew L. Goldstein Freeborn & Peters LLP 311 S. Wacker Dr. Suite 3000 Chicago, IL 60606 UNITED STATES agoldstein@freebornpeters.com Phone:312-360-6000
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Registration Subject to Cancellation

Registration No	3153688	Registration date	10/10/2006
Registrant	THE MEDICI INC. 375 GREENWICH ST. NEW YORK, NY 10013 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 2001/08/20 First Use In Commerce: 2001/08/20 All goods and services in the class are cancelled, namely: Business marketing consulting services; agencies for advertising time and space; commercial and industrial management; computerized database management; computerized on-line ordering services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; computerized on-line retail services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; conducting marketing studies; consumer research; developing promotional campaigns for business; direct mail advertising; direct marketing advertising for others; displaying advertisements for others; dissemination of advertising for others via the Internet; electronic catalog services featuring arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; mailing list preparation; market analysis; market research; on-line retail store services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; preparing and placing advertisements for others; preparing mailing list; promoting the goods and services of others by providing a web site at which user can link to buy Italian goods; providing consumer product information via the Internet; retail store services featuring a wide variety of consumer goods of others</p>
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Grounds for Cancellation

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

U.S. Application No.	77460844	Application Date	04/29/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MEDICI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/11/11 First Use In Commerce: 1998/11/11 DATABASE MANAGEMENT SOFTWARE FOR USE BY FINANCIAL INSTITUTIONS Class 035. First use: First Use: 1997/07/11 First Use In Commerce: 1997/07/11 DATA PROCESSING SERVICES FOR FINANCIAL INSTITUTIONS		
Attachments	77460844#TMSN.jpeg (1 page)(bytes) medici.pdf (3 pages)(84710 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	/alg/
Name	Andrew L. Goldstein
Date	04/03/2009

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

In The Matter of Registration No. 3,153,688
For the Service Mark THE MEDICI and Design, in International Class 035
Registered on October 10, 2006

PCi SERVICES, INC.,)	
)	
Petitioner)	
)	
v.)	Cancellation No.: _____
)	
THE MEDICI, INC.,)	
)	
Registrant)	

PETITION TO CANCEL

PCi Services, Inc., ("Petitioner"), a Delaware corporation, having its principal place of business at 30 Winter Street, 12th Floor, Boston, Massachusetts 02108, believes it is and will continue to be damaged by registration of the service mark shown in Registration No. 3,153,688, and hereby petitions to cancel the same in Class 35.

In support thereof, Petitioner states:

1. Petitioner has, since November 11, 1998, offered database management software for use by financial institutions and data processing services for financial institutions under the mark MEDICI.
2. Petitioner registered its MEDICI with the United States Patent and Trademark Office ("USPTO") as Registration No. 2,430,747. Said registration was issued on February 27, 2001 and was inadvertently allowed to be cancelled on December 1, 2007 for failure to file an affidavit under Section 8 of the Trademark Act.
3. On April 29, 2008, Petitioner filed a new application, Serial No. 77/460,844, for the mark MEDICI covering: "database management software for use by financial

institutions” in Class 9 and “data processing services for financial institutions” in Class 35 (the “Application”).

4. The USPTO has refused registration for the Application under Section 2(d) of the Trademark Act based on Registration No. 3,153,688 for THE MEDICI and Design (the “Registration”) covering, among other services: “Business marketing consulting services; agencies for advertising time and space; commercial and industrial management; computerized database management; computerized on-line ordering services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; computerized on-line retail services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; conducting marketing studies; consumer research; developing promotional campaigns for business; direct mail advertising; direct marketing advertising for others; displaying advertisements for others; dissemination of advertising for others via the Internet; electronic catalog services featuring arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; mailing list preparation; market analysis; market research; on-line retail store services in the field of arts, entertainment, crafts, home furnishing, fashion and accessories, gourmet foods; preparing and placing advertisements for others; preparing mailing list; promoting the goods and services of others by providing a web site at which user can link to buy Italian goods; providing consumer product information via the Internet; retail store services featuring a wide variety of consumer goods of others” in Class 35, owned by The Medici Inc. (the “Registrant”).

5. Registrant filed its application to register THE MEDICI and Design on October 14, 2005, and the Registration was issued by the USPTO on October 10, 2006.

6. The Registration states that Registrant first used its mark, THE MEDICI and Design, on August 2001.

7. To the extent that there is a likelihood of confusion under Section 2(d) between Petitioner's MEDICI mark and Registrant's mark, THE MEDICI and Design, Petitioner has priority given that Petitioner's date of first use of MEDICI is prior to Registrant's date of first use and the filing date of the Registration.

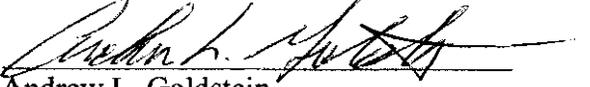
8. Accordingly, the Registration is damaging to Petitioner.

WHEREFORE, Petitioner prays that its petition be sustained and that Registration No. 3,153,688, be cancelled in Class 35.

Petitioner herein submits the requisite filing fee of \$300.00. Please debit any deficiency or credit any overpayment to Account No. 500830. Please address all correspondence to Andrew L. Goldstein, Freeborn & Peters LLP, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606.

Dated: April 2, 2009

FREEBORN & PETERS, LLP

By: 

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Attorneys for Petitioner