

ESTTA Tracking number: **ESTTA330445**

Filing date: **02/04/2010**

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	SPEEDNET, LLC		
Entity	Limited Liability Company	Citizenship	Michigan
Address	3049 Bay Plaza Drive Saginaw, MI 48604 UNITED STATES		

Attorney information	Melanie T. Frazier, Esq. 450 W. Fourth Street Royal Oak, MI 48067 UNITED STATES ipdocket@h2law.com, nas@h2law.com, mtf@h2law.com Phone:(248) 723-0319		
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Registration Subject to Cancellation

Registration No	2950620	Registration date	05/10/2005
Registrant	TELVENT DTN, INC. 9110 W. DODGE ROAD OMAHA, NE 68114 UNITED STATES		

Goods/Services Subject to Cancellation

Class 038. First Use: 2003/01/00 First Use In Commerce: 2003/01/00 All goods and services in the class are cancelled, namely: Communication services, namely, providing high-speed internet access, local dial-up internet access, and national toll free number dial-up internet access

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.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

Attachments	SpeednetPetitiontoCancel.pdf (3 pages)(22890 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	/Melanie T. Frazier/
Name	Melanie T. Frazier, Esq.
Date	02/04/2010

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

In the Matter of Supplemental Registration Number 2,950,620
For the Mark: SPEEDNET
Date of Registration: May 5, 2005

SPEEDNET, LLC,

Cancellation No. _____

Petitioner,

v.

TELVENT DTN, INC.,

Respondent.

PETITION TO CANCEL

Speednet, LLC, a Michigan limited liability company, having a principal place of business at 3049 Bay Plaza Drive, Saginaw, MI 48604 (hereinafter "Petitioner"), believes that it is being damaged and will continued to be damaged by Supplemental Registration No. 2,950,620 for the mark SPEEDNET (the "Registration") for "communication services, namely, providing high speed internet access, local dial-up internet access and national toll free number dial-up internet access" in International Class 38, owned by Telvent DTN, Inc., of 9110 W. Dodge Road, Omaha, NE 68114 (the "Respondent"), and hereby petitions to cancel the same pursuant to 15 U.S.C. § 1092.

As grounds for cancellation, it is alleged that:

1. Respondent received Federal Registration on the Supplemental Register for its mark SPEEDNET for "communication services, namely, providing high speed internet access, local dial-up internet access and national toll free number dial-up internet access" on May 10,

2005, with alleged first use of the mark in January 2003 and alleged first use of the mark in commerce commencing in January 2003.

2. Since at least as early as May 29, 2001, Petitioner and or its predecessors-in-interest have continuously used the SPEEDNET trademark in commerce on and in association with communication services, namely, providing high speed internet access.

3. The Registration states that Respondent first used the trademark SPEEDNET in January 2003 and first used the mark in commerce in January 2003.

4. Petitioner's and Respondent's trademarks are virtually identical.

5. The services associated with these trademarks are also virtually identical.

6. Petitioner is being damaged and will continue to be damaged by this Registration. Specifically, Petitioner wishes to secure its rights to obtain a Federal Registration based on its own prior use of the mark in commerce in connection with communication services, namely, providing high speed internet access. Petitioner will be damaged because consumers are likely to be confused, mistaken or deceived by the Registration.

7. For at least the foregoing reasons, the Registration is subject to cancellation.

8. Upon information and belief, Respondent and its counsel knew, or reasonably should have known, at the time the Declaration was signed in support of the Affidavit that it did not have priority of use related to the trademark.

9. This knowingly false representation is material in that the Examining Attorney would not have permitted the application to turn into a Registration on the Supplemental Register had the truth regarding these facts been disclosed.

10. Individually and collectively, Registrant's knowingly false representations in connection with its application constitutes fraud on the Trademark Office and Petitioner's Petition to Cancel the Registration should be granted based on these acts of fraud.

WHEREFORE, by its undersigned attorney, Petitioner respectfully requests that this Petition for Cancellation be granted and that Supplemental Registration No. 2,950,620 be cancelled.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

/Melanie T. Frazier/

Melanie T. Frazier
Attorneys for Petitioner
450 w. Fourth Street
Royal Oak, MI 48067-2557
(248) 723-0319
(248) 645-1568 – facsimile

Dated: February 4, 2010

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2010, the foregoing Petition for Cancellation has been mailed to the Attorney of Record for Supplemental Registration No. 2,950,620, Kim M. Argo, at 8712 W. Dodge Road, Suite 300, Omaha, Nebraska 68114.

/Melanie T. Frazier/

Melanie T. Frazier

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