

ESTTA Tracking number: **ESTTA346887**

Filing date: **05/11/2010**

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 parties request to cancel indicated registration.

Petitioner Information

Name	BLINKX UK LIMITED		
Entity	Corporation	Citizenship	United Kingdom
Address	Autonomy House Cambridge Business Park, Cowley Road Cambridge, CB4 OWZ UNITED KINGDOM		

Name	BLINKX, INC.		
Entity	Corporation	Citizenship	California
Address	One Market, Spear Street Tower Suite 1810 San Francisco, CA 94105 UNITED STATES		

Attorney information	Kristin H. Altoff Morgan, Lewis & Bockius LLP One Market, Spear Street Tower San Francisco, CA 94105 UNITED STATES kaltoff@morganlewis.com, ralpert@morganlewis.com, doughtie@morganlewis.com Phone:415.442.1326		
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Registration Subject to Cancellation

Registration No	3307658	Registration date	10/09/2007
Registrant	BLINK.COM, INC. 2101 Rosecrans Blvd., #2000 El Segundo, CA 90245 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2007/04/01 First Use In Commerce: 2004/04/01 All goods and services in the class are cancelled, namely: Computer services, namely, providing search engines for obtaining, data on a global computer network

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - Reg # 3307658.pdf (5 pages)(61795 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	/KHA/
Name	Kristin H. Altoff
Date	05/11/2010

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

In the matter of Registration No. 3,307,658
Registered October 9, 2007
for the mark **BLINK**

Blinkx UK Limited and Blinkx, Inc.,
Petitioners,
v.
Blink.com, Inc.,
Respondent.

Cancellation No.:

PETITION FOR CANCELLATION

Blinkx UK Limited, a corporation of the United Kingdom, located at Autonomy House, Cambridge Business Park, Cowley Road, Cambridge, CB4, OWZ, United Kingdom, and its affiliate, Blinkx, Inc., a California corporation, located at One Market, Spear Street Tower, Suite 1810, San Francisco, CA 94105 (collectively “Blinkx” or “Petitioner”) believe they are being and will continue to be damaged by the registration for the BLINK designation that Blink.com, Inc. (“Respondent”) registered under No. 3,307,658 in connection with “computer services, namely, providing search engines for obtaining, data on a global computer network.” Blink hereby petitions to cancel the registration for the BLINK designation under Section 14(3) of the Trademark Act of July 5, 1946, 15 U.S.C. § 1064(3).

As grounds for the petition to cancel, Blinkx alleges as follows:

Blinkx and its Pending Application for the BLINKX Mark

1. Blinkx pioneered the offering of Internet video search software and services in 2004 when it began offering such software and services, including the operation of the well

known web site blinkx.com. Since that time, both through licensing of its patented technology and software, and through the services it offers at the web site blinkx.com, the name and mark BLINKX™ have become well known to consumers and businesses alike in the United States and in countries throughout the world.

2. As a result of Blinkx's advertising and promotional efforts, the awards and press it has received, and the quality of its products and services, the BLINKX™ mark is recognized by business and Internet video users and viewers as referring exclusively to Blinkx and its products and services.

3. On December 16, 2009, Blinkx filed an application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051 (a), for federal registration of BLINKX, Serial No. 77/894,442, for use in connection with certain goods and services in Classes 9, 35, 38 and 42.

4. On March 18, 2010, the Examining Attorney assigned to the pending application for BLINKX (Serial No. 77/894,442) issued an Office Action citing Respondent's BLINK registration as a basis for refusing to register the BLINKX mark under Section 2(d) of the Trademark Act.

Respondent's Trademark Registration

5. On August 24, 1999, Respondent filed an intent-to-use application to register the BLINK designation.

6. On April 6, 2007, Respondent filed a Statement of Use asserting an April 1, 2007 date of first use for the BLINK designation in connection with "computer services, namely, providing search engines for obtaining, data on a global computer network."

7. To support the Statement of Use, Respondent submitted a specimen consisting of a print out of a single page purportedly from the www.blink.com website.

8. On October 9, 2007, the Patent and Trademark Office registered Respondent's BLINK designation (Registration No. 3,307,658).

**GROUND FOR CANCELLATION OF REGISTRATION
Non-Use/Abandonment of the Mark**

9. Blinkx incorporates by reference paragraphs 1 through 8 of this Petition for Cancellation.

10. On information and belief, Blinkx alleges that Respondent is a dissolved corporation.

11. On information and belief, Blinkx alleges that Respondent is not the current registrant of the blink.com domain name and is not using the www.blink.com website for its services.

12. On information and belief, Blinkx alleges that Respondent is not using the BLINK designation in connection with "computer services, namely, providing search engines for obtaining, data on a global computer network."

13. On information and belief, Blinkx alleges that Respondent does not intend to resume use of the BLINK designation for "computer services, namely, providing search engines for obtaining, data on a global computer network."

14. On information and belief, Blinkx alleges that the lack of use of the BLINK designation for "computer services, namely, providing search engines for obtaining, data on a global computer network" and the fact that the currently listed owner of the registration appears to be no longer in existence requires that Respondent's BLINK registration be deemed abandoned, invalid and unenforceable and, thus, cancelled.

WHEREFORE, for the reasons set forth in the foregoing paragraphs, Petitioner believes it will be damaged by continued registration of the BLINK designation shown in Registration No. 3,307,658 and respectfully request that the registration be cancelled.

Dated: May 11, 2010

Respectfully submitted,
MORGAN, LEWIS & BOCKIUS, LLP

By: /s/ Kristin H. Altoff
Kristin H. Altoff
Attorney for Petitioners
Blinkx UK Limited and Blinkx, Inc.

Rochelle D. Alpert
Kristin H. Altoff
Morgan, Lewis & Bockius, LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1326
Facsimile: (415) 442-1001
Email: ralpert@morganlewis.com
kaltoff@morganlewis.com

CERTIFICATE OF SERVICE

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, **San Francisco**, CA 94105.

On **May 11, 2010**, I served the within documents:

PETITION FOR CANCELLATION (Registration No. 3,307,658)



(BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Morgan, Lewis & Bockius LLP, **San Francisco**, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.



(BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s) designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Morgan, Lewis & Bockius LLP, **San Francisco**, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.



(BY FACSIMILE) I caused the document(s) listed above to be transmitted by facsimile to the fax number(s) set forth above on this date before **5:00 p.m.**
The facsimile transmission(s) was reported as complete and without error.



(BY EMAIL) by transmitting via electronic mail the document(s) listed above to each of the person(s) as set forth below.

Blink.com, Inc.
2101 Rosecrans Boulevard, #2000
El Segundo, CA 90245

Executed on **May 11, 2010**, at **San Francisco**, California. I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.



Yelena Lolua