

ESTTA Tracking number: **ESTTA354125**

Filing date: **06/22/2010**

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	IData Incorporated		
Entity	Corporation	Citizenship	Virginia
Address	213 East Luray Avenue Alexandria, VA 22301 UNITED STATES		

Attorney information	Kevin Oliveira, Esq. Odin, Feldman & Pittleman, PC 9302 Lee Highway, Suite 1100 Fairfax, VA 22031 UNITED STATES kevin.oliveira@ofplaw.com,sue.williams@ofplaw.com,stephen.cobb@ofplaw.com Phone:(703) 218-2100
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**Registrations Subject to Cancellation**

Registration No	3581069	Registration date	02/24/2009
Registrant	Telequity LLC 1550 Wilder Avenue Suite A501 Honolulu, HI 96822 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2007/04/01 First Use In Commerce: 2007/04/01 All goods and services in the class are cancelled, namely: Business services, namely, providing online information in the field of business start-up, business planning and development, and start-up support for businesses of others and the self-employed; business information services in the field of recent business developments in marketing, information technology, office equipment, website design and hosting, business finance, electronic commerce, electronic communications and digital technologies, consumer electronics products, computing, and corporate organization, management, accounting and human resources; providing informational web sites for advertising the goods and services of others; providing informational web sites that are designed to generate sales traffic via hyperlinks to other web sites via a global computer network; providing informational web sites in the field of business; and providing space at a website for the advertisement of the goods and services of others
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14		
Registration No	3581073	Registration date	02/24/2009
Registrant	Telequity LLC 1550 Wilder Avenue Suite A501 Honolulu, HI 96822 UNITED STATES		

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## Goods/Services Subject to Cancellation

Class 035. First Use: 2007/03/01 First Use In Commerce: 2007/03/01

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## Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Cancellation (SMALL BUSINESS COOKBOOK & BUSINESS COOKBOOK).pdf ( 15 pages )(785910 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	/kto/
Name	Kevin Oliveira, Esq.
Date	06/22/2010

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

In re: Registration No.: 3,581,069  
For the Mark: SMALL BUSINESS COOKBOOK

In re: Registration No.: 3,581,073  
For the Mark: BUSINESS COOKBOOK

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IData Incorporated

Petitioner,

v.

Cancellation No. \_\_\_\_\_

Telequity LLC

Registrant.

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**PETITION FOR CANCELLATION**

Petitioner, IData Incorporated, a corporation organized and existing under the laws of the Commonwealth of Virginia and with offices at 213 East Luray Avenue, Alexandria, Virginia 22301 ("Petitioner") believes that it is and/or will be damaged by the continued registration of the mark SMALL BUSINESS COOKBOOK in U.S. Trademark Registration No. 3,581,069 for "Business services, namely, providing online information in the field of business start-up, business planning and development, and start-up support for businesses of others and the self-employed; business information services in the field of recent business developments in marketing, information technology, office equipment, website design and hosting, business finance, electronic commerce,

electronic communications and digital technologies, consumer electronics products, computing, and corporate organization, management, accounting and human resources; providing informational web sites for advertising the goods and services of others; providing informational web sites that are designed to generate sales traffic via hyperlinks to other web sites via a global computer network; providing informational web sites in the field of business; and providing space at a website for the advertisement of the goods and services of others” in International Class 35 and BUSINESS COOKBOOK in U.S. Trademark Registration No. 3,581,073 for “Business services, namely, providing online information in the field of business start-up, business planning and development, and start-up support for businesses of others and the self-employed; business information services in the field of recent business developments in marketing, information technology, office equipment, website design and hosting, business finance, electronic commerce, electronic communications and digital technologies, consumer electronics products, computing, and corporate organization, management, accounting and human resources; providing informational web sites for advertising the goods and services of others; providing informational web sites that are designed to generate sales traffic via hyperlinks to other web sites via a global computer network; providing informational web sites in the field of business; and providing space at a website for the advertisement of the goods and services of others” in International Class 35, and, by counsel, hereby petitions to cancel same.

As grounds for its Petition for Cancellation, Petitioner alleges as follows:

1. On information and belief, Registrant, Telequity LLC is a limited liability company organized under the laws of the state of Hawaii and located in Hawaii ("Registrant") with an identified business address of 1550 Wilder Avenue, Suite A501 Honolulu, Hawaii 96822.

2. On information and belief, Registrant owns U.S. Trademark Registration No. 3,581,069 for SMALL BUSINESS COOKBOOK in International Class 35 for "Business services, namely, providing online information in the field of business start-up, business planning and development, and start-up support for businesses of others and the self-employed; business information services in the field of recent business developments in marketing, information technology, office equipment, website design and hosting, business finance, electronic commerce, electronic communications and digital technologies, consumer electronics products, computing, and corporate organization, management, accounting and human resources; providing informational web sites for advertising the goods and services of others; providing informational web sites that are designed to generate sales traffic via hyperlinks to other web sites via a global computer network; providing informational web sites in the field of business; and providing space at a website for the advertisement of the goods and services of others" ("Registration No. '069").

3. On information and belief, Registrant owns U.S. Trademark Registration No. 3,581,073 for BUSINESS COOKBOOK in International Class 35 for "Business services, namely, providing online information in the field of business start-up, business planning and development, and start-up support for businesses of others and the self-

employed; business information services in the field of recent business developments in marketing, information technology, office equipment, website design and hosting, business finance, electronic commerce, electronic communications and digital technologies, consumer electronics products, computing, and corporate organization, management, accounting and human resources; providing informational web sites for advertising the goods and services of others; providing informational web sites that are designed to generate sales traffic via hyperlinks to other web sites via a global computer network; providing informational web sites in the field of business; and providing space at a website for the advertisement of the goods and services of others” (“Registration No. ‘073”).

4. Registration No. ‘069 resulted from being the subject of an application filed on March 18, 2007.

5. Registration No. ‘073 resulted from being the subject of an application filed on March 20, 2007.

6. Registration No. ‘069 claims first use of and first use in commerce of the mark SMALL BUSINESS COOKBOOK to be April 1, 2007.

7. Registration No. ‘073 claims first use of and first use in commerce of the mark BUSINESS COOKBOOK to be March 1, 2007.

8. On April 30, 2009, Petitioner made application for registration of the mark subject of U.S. Trademark Application Serial No. 77/726,340 and, through the resulting prosecution, has named the services offered in conjunction with the mark to be in International Class 35 for “Business consultation services on the subjects of business

planning and business reengineering; providing information over global, local and internal computer networks on the subjects of business planning and business reengineering; providing business information via the internet on the subjects of business planning and business reengineering" ("Application Serial No. '340").

9. Petitioner has now made use of the DATA COOKBOOK mark in interstate commerce as a trademark in its business with regard to its services.

10. Petitioner has promoted, advertised and sold services in interstate commerce under the DATA COOKBOOK mark.

11. As a result of Petitioner's use, promotion and advertising of and sales pursuant to the DATA COOKBOOK mark, the DATA COOKBOOK mark has become well known to the trade and to the public, and has accordingly acquired significant good will.

12. Petitioner's DATA COOKBOOK mark serves to identify and distinguish Petitioner's services from the services of others and serves to identify the source and origin thereof to both the trade and the public.

13. On information and belief, there does not appear to be any use of BUSINESS COOKBOOK or SMALL BUSINESS COOKBOOK by Registrant except in combination with a web log ("blog"). A copy of this usage is attached in Exhibit A.

14. On information and belief, Registrant has never conducted operations by use of the BUSINESS COOKBOOK mark or SMALL BUSINESS COOKBOOK mark to provide the services noted in Registration No. '069 or Registration No. '073.

15. On information and belief, Registrant has made no use of its SMALL BUSINESS COOKBOOK mark to provide the services noted in Registration No. '069. Without use of the mark in conjunction with the services specified, Registration No. '069 cannot be maintained under the law.

16. On information and belief, Registrant has made no use of its BUSINESS COOKBOOK mark to provide the services noted in Registration No. '073. Without use of the mark in conjunction with the services specified, Registration No. '073 cannot be maintained under the law.

17. During prosecution of Application Serial No. '340, the United States Patent and Trademark Office cited Registration Nos. '069 and '073 as a basis for its refusal to register Applicant's DATA COOKBOOK mark on the Principal Register.

18. The United States Patent and Trademark Office has not withdrawn its refusal to register Applicant's DATA COOKBOOK mark on the Principal Register pursuant to Application Serial No. '340.

19. Petitioner will be injured and damaged by a continued maintenance of Registration No. '069 for Registrant's SMALL BUSINESS COOKBOOK mark including without limitation by the continued maintenance of the refusal to register the DATA COOKBOOK mark.

20. Petitioner will be injured and damaged by a continued maintenance of Registration No. '073 for Registrant's BUSINESS COOKBOOK mark including without limitation by the continued maintenance of the refusal to register the DATA COOKBOOK mark.



**EXHIBIT A**

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## Home Business Recipe: Web Site Design

1. Select an appropriate website building software from the list detailed below. We've selected these programs as simply the easiest, highest quality, most complete ways to build, manage, and promote websites. Which program you use depends on how involved you actually want to be. For instance:

- If you only want to spend a few hours, launch a basic site, and be done with it, stick to [GoDaddy](#) or [WYSIWYG WebBuilder4](#).
- If you want to learn Web design or just have total creative control of your site, stick with one of the industry favorites: [CoffeeCup](#) or the real blue-chip [Dreamweaver](#).
- Finally, if you want to skip the education and start doing business, outsource the work to [TemplateMonster](#) or [Logoworks!](#)

Whether you're a novice or a seasoned Web developer, each of these site builders is equipped with the latest features, allowing you to grow as your skills progress.

- **(Easy)** [GoDaddy](#) is a one-stop shop, offering everything from domain names to web hosting to a great little sitebuilder. "Website Tonight" is perhaps the easiest program on the market. No HTML knowledge required, but best for personal sites, not growing businesses.
- **(Easy)** [WYSIWYG Web Builder](#) is appropriate for most beginners. No HTML knowledge required, with drag and drop objects from the toolbox on the page, including text, lines, images, marquees and tables. Site management is a breeze - easily add, edit, and structure your web pages. Online tutorials walk you through each step when you have questions.
- **(Intermediate)** A terrific Web editor for the price, [Namo 2006](#) is

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an excellent choice for anyone looking to move up from basic freeware. Working with Namo is straightforward if you've used a Web editor before. If you haven't, Namo ships with a good selection of wizards and more than 200 templates that you can tailor to your own needs. Starting with the Site Wizard, you can build a basic site in a few minutes, then drag and drop text, images, and multimedia files onto the pages.

Once Namo WebEditor is installed, you will open to an intuitive, WYSIWYG interface. The Namo page-design app is similar to that of a word-processing program, with a window for adding content such as text and images, and tools for inserting layers, tables, flash content, images, JavaScript, and frames. A few short tutorials in the Namo folder help you get started. Beginners should supplement the program with a good introductory design text.

- **(Advanced)** Adobe's Dreamweaver is the industry's leading tool and common among world-class designers. Take advantage of all the flexibility and power of a world-class web design tool. Faster, easier to use, and more powerful than the previous version, Dreamweaver 8 is a worthy upgrade for professionals.

If you're interested in learning Web design (or just enjoy building everything from scratch), we encourage you to pick up Dreamweaver, the industry standard, today. More than 80% of all sites are created using this software so you're in good company, and we're fans ourselves. Macromedia Dreamweaver 8 is a sophisticated Web design app that best serves professionals incorporating multimedia elements and database-driven content into their sites.

**2.** Design and launch your Web site to attract visitors.

**3.** Continue to update your site as your knowledge and experience grow. Don't be afraid to upgrade to more powerful software - even Dreamweaver is a snap once you get the hang of it!

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## Our Take

People ask us, "Can you really create successful Web sites without previous experience?" The answer is Yes - and people do it everyday. No, they don't learn complicated programs or codes. They use templates (copies) and easy-to-use website building software called WYSIWYG (Short for *what you see is what you get*) that enables you to see images onscreen exactly as they will appear when printed out. You simply drag and drop images, graphics, and text where you want - it's that easy!

People are continually surprised to learn that creating their Web site is not only simple, it's fun!

## Elements of a Successful Site

Staring at a blank screen can be intimidating, and even templates need personalization, so let's take it step-by-step.

- Navigation is key. Consider how your customers might wander through your site. Flow charts and storyboards can help you map out exactly how you would like to encourage your readers to use the site. Once you have an idea of the architecture and organization, you're ready to think about the design of the navigation. It should be as accessible as you can make it. Make the links clear - navigation should be understandable. Your navigation should appear on every page of your site. While you don't need to have identical navigation, the basic structure should be the same throughout the site.
- Before beginning to create a website, think about your audience and purpose for designing the site. Refer back to it during the design process.
- Layouts should be simple and clear throughout the site. Use relatively sized layout sections on your Web pages, so that they expand and contract to fit the browser window.
- Keep your pages short. If you minimize the scrolling, chances are, your readers will get your message. A good screen size is 640 pixels wide by 480 tall.
- Use a table of contents. Generally, only 10% of users will scroll beyond the first screen of text. If that first screen has a table of contents viewers will click on the links to the explanatory text
- Add flair to your site with tables, royalty-free graphics and photos. But keep images small. Large images annoy people. If it takes too long to download, many people will never see it, as they will have browsed somewhere.
- Use Web colors. The browser-safe color palette will ensure that most people will see your page and images in the colors you intended.

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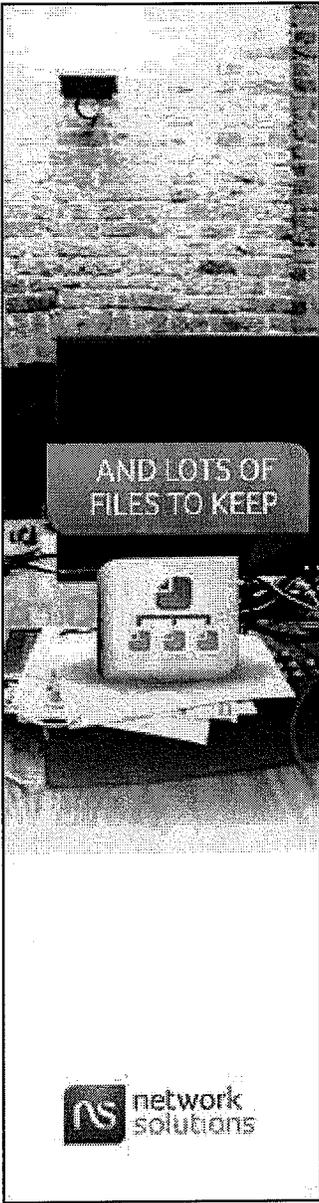
- Check links periodically to make sure they still exist, and listen to suggestions emailed to you by website visitors.

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