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

Proceeding	92054039
Party	Defendant Edataforce Consulting, LLC
Correspondence Address	EDATAFORCE CONSULTING LLC 545 E JOHN CARPENTER FREEWAY, STE 300 IRVING, TX 75062 UNITED STATES
Submission	Answer
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Date	06/30/2011
Attachments	App Ans PFC 6302011.pdf (9 pages)(1370444 bytes)

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

In the Matter of Trademark Application:

Serial No.: 77/888877
Applicant: Edataforce Consulting, LLC
Filed: December 8, 2009
Publication Date: October 26, 2010

Salesforce.com, Inc.	)	
	)	
Opposer,	)	
	)	
v.	)	Cancellation No.
	)	
Edataforce Consulting, LLC	)	
	)	
Applicant.	)	

APPLICANT'S ANSWER TO PETITION FOR CANCELLATION

Applicant, Edataforce Consulting, LLC, for its Answer to the Petition for Cancellation filed by Salesforce.com, Inc. against application for registration of Edataforce Consulting trademark EDATAFORCE, serial No. 77888877 filed December 8, 2009, and published in the Official Gazette of October 26, 2010, by and through its undersigned counsel, hereby responds to the petition for cancellation as follows:

The unnumbered allegation as to the belief that the Petitioner will be damaged by Registration #3,898,834 in the preface is denied.

1. Answering paragraph 1 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
3. Answering paragraph 3 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering paragraph 6 of the Petition for Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 7 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
8. Answering paragraph 8 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
9. Answering paragraph 9 of the Petition of Cancellation, Applicant does not have sufficient

knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
11. Answering paragraph 11 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
12. Answering paragraph 12 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
13. Answering paragraph 13 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
14. Answering paragraph 14 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
15. Answering paragraph 15 of the Petition of Cancellation, Applicant does not have sufficient knowledge of information to form a belief as to the allegations contained therein and accordingly denies the allegations.
16. Answering paragraph 16 of the Petition of Cancellation, Applicant admits that it filed an application for the mark EDATAFORCE, however, Applicant denies that it filed its

application on December 1, 2009.

17. Answering paragraph 17 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

18. Answering paragraph 18 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

19. Answering paragraph 19 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

20. Answering paragraph 20 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

21. Answering paragraph 21 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

22. Answering paragraph 22 of the Petition of Cancellation, Applicant denies each of the allegations contained therein.

DEFENSES

23. Applicant affirmatively alleges that as a result of its continuous substantial usage of its mark EDATAFORCE since adoption, this mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and widespread usage has made the mark distinctive to the Applicant.

24. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or

deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the portion "FORCE" which, upon information and belief, has been used and registered by numerous third parties in the computer, software development businesses [*See Exhibit A*]. In addition, FORCE is a descriptive wording and the text format is common in its use. As a result, Opposer cannot base any similarity between its pleaded marks and the mark of Applicant of the "FORCE." Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated and any other use would not lead to a likelihood of confusion.

WHEREFORE, Applicant requests that the Petition of Cancellation be dismissed.

Respectfully submitted,

Akula & Associates, PC

By: _____

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Attorney for Applicant
EDataforce Consulting, LLC

Date: June 30, 2011

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, 2011 a true and correct copy of the foregoing Applicant's Answer to Petition of Cancellation has been forwarded to:

Noel M. Cook
Alica Del Valle
Eric Gelwicks
OWEN, WICKERSHAM & ERICKSON, P.C.
c/o SALESFORCE.COM, INC.
455 Market Street, 19th Floor
San Francisco, CA 94105

Via U.S. Certified, First Class postage prepaid mail.

Kavitha Akula, Esq.

United States Patent and Trademark Office

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TESS was last updated on Wed Jun 1 04:05:46 EDT 2011

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SUCCESSFORCE

Word Mark	SUCCESSFORCE
Goods and Services	IC 035. US 100 101 102. G & S: Business management consulting services relating to customer relationship management, sales support management, and marketing automation; providing a website with general information of interest to the fields of advertising, marketing and business services. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300 IC 038. US 100 101 104. G & S: Providing online forums for the transmission of messages among computer users on the subjects of business management, sales, marketing, customer relationship management, and software applications. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300 IC 041. US 100 101 107. G & S: Educational services, namely, conducting seminars, conferences, workshops, and computer application training in the fields of business management, sales, marketing, customer relationship management, and software applications. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300 IC 042. US 100 101. G & S: Providing temporary use of on-line non-downloadable software for use in storing, managing, tracking, analyzing and reporting data in the field of marketing, promotion, sales, customer information, customer relationship management, sales support and employee efficiency; providing temporary use of online non-downloadable software to facilitate communicating among peer professionals in the advertising, marketing and business services fields; and providing online journals, namely, blogs on the subject of business management, sales, marketing, customer relationship management, and software applications; technical support services, namely, troubleshooting computer software problems. FIRST USE: 20060300. FIRST USE IN COMMERCE: 20060300

Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78722519
Filing Date	September 28, 2005
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	November 14, 2006
Registration Number	3437848
International Registration Number	0907858
Registration Date	May 27, 2008
Owner	(REGISTRANT) salesforce.com, inc. CORPORATION DELAWARE Suite 300 The Landmark @ One Market Street San Francisco CALIFORNIA 94105
Attorney of Record	Heather A. Dunn
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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NEXT LIST | FIRST DOC | PREV DOC | NEXT DOC | LAST DOC

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CUSTOMFORCE.COM

Word Mark	CUSTOMFORCE.COM
Goods and Services	IC 042. US 100 101. G & S: application service provider (ASP), namely, hosting computer software application development tools; and computer services, namely, designing, developing, and maintaining computer software applications for others and consulting services related thereto. FIRST USE: 20041115. FIRST USE IN COMMERCE: 20041115
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78517743
Filing Date	November 16, 2004
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 28, 2005
Registration Number	2998330
Registration Date	September 20, 2005
Owner	(REGISTRANT) Salesforce.com, Inc. CORPORATION DELAWARE The Landmark @ One Market