

ESTTA Tracking number: **ESTTA532449**

Filing date: **04/16/2013**

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	NSEC # Sistemas Informáticos, S.A		
Entity	Corporation	Citizenship	Portugal
Address	Rua Alfredo Allen, 455-461 Porto, 4200-135 PORTUGAL		

Attorney information	Perla M. Kuhn Edwards Wildman Palmer LLP 750 Lexington Avenue New York, NY 10022 UNITED STATES trademark@edwardswildman.com Phone:(212) 912-2708
----------------------	---

**Registration Subject to Cancellation**

Registration No	3331989	Registration date	11/06/2007
Registrant	Anubis 14835 Mclain Allen Park, MI 48101 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 042. First Use: 2007/01/01 First Use In Commerce: 2007/01/01 All goods and services in the class are cancelled, namely: Computer consultation; Computer consultation in the field of computer security; Computer diagnostic services; Computer disaster recovery planning; Computer graphics services; Computer hardware development; Computer network design for others; Computer programming for others; Computer project management services; Computer security service, namely, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services, namely creating indexes of information, sites and other resources available on computer networks; Computer services, namely monitoring and reporting on the performance, availability, and errors of websites of others; Computer services, namely monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the websites of others; Computer services, namely, creating and maintaining web sites for others; Computer services, namely, data recovery services; Computer services, namely, designing and implementing network web pages for others; Computer services, namely, designing and implementing web sites for others; Computer services, namely, managing web sites for others; Computer site design; Computer software consultation; Computer software design for others; Computer software design, computer programming, or maintenance of computer</p>
--

software; Computer software development; Computer systems analysis; Computer virus protection services; Database development services; Design and development of networks; Design and development of online computer software systems; Design and maintenance of computer sites for third parties; Design of computers for others; Design of home pages; Design of home pages, computer software and web sites; Design of homepages and web-sites; Design of homepages and websites; Designing computer software for controlling self-service terminals; Development, design and updating of home pages; Development, updating and maintenance of software and data bases; Information technology consultation; Installation of computer software; Integration of computer systems and networks; Monitoring the computer systems of others for technical purposes and providing back-up computer programs and facilities; On-line security services, namely, providing security and anonymity for electronically transmitted credit card transactions; Providing a website that features information on computer technology and programming; Recovery of computer data; Technical consultation in the field of real-time reconfigurable wireless communication handsets and network equipment for use in wideband communications; Technical support services, namely, troubleshooting of computer hardware and software problems; Technical support, namely, monitoring of network systems; Technical support, namely, providing back-up computer programs and facilities; Up-dating of computer software; Updating of computer programs for third parties; Updating of computer software for others

## Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	19223679_1.pdf ( 5 pages )(17739 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	/Perla M. Kuhn/
Name	Perla M. Kuhn
Date	04/16/2013

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

<p>NSEC – SISTEMAS INFORMÁTICOS, S.A.,</p> <p style="text-align: right;">Petitioner,</p> <p style="text-align: center;">-v-</p> <p>Anubis,</p> <p style="text-align: right;">Respondent.</p>	<p>Cancellation No. : _____</p> <p>Registration No. : 3,331,989</p> <p>Registered : November 6, 2007</p> <p>Trademark : ANUBIS</p>
--	--

**PETITION FOR CANCELLATION**

NSEC – Sistemas Informáticos, S.A. (“Petitioner”), a corporation duly organized and existing under the laws of Portugal, and having its principal place of business at Rua Alfredo Allen, 455-461, Porto 4200-135, believes that it will be damaged by the continued existence of United States Trademark Registration No. 3,331,989 for ANUBIS in the name of Anubis (“Respondent”) on the Principal Register, and hereby petitions to cancel the same.

As grounds for this Petition for Cancellation (the “Petition”), Petitioner relies upon the rights developed by it, and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. Petitioner, a Portuguese company, provides software and hardware in the field of telecommunications under the trademark ANUBISNETWORKS & Design.
2. On or about July 16, 2012, Petitioner filed an application to register the trademark ANUBISNETWORKS & Design with the United States Patent and Trademark Office (“PTO”), Application Serial No. 85/678,212, in connection with “Telecommunications hardware and

software for monitoring and alerting remote sensor status via the Internet” in International Class 9 and “Consulting in the field of telecommunication services, namely, transmission of voice, data, and documents via telecommunications networks; electronic exchange of data stored in databases accessible via telecommunication networks; leasing of telecommunication equipment; providing access to telecommunication networks; providing electronic telecommunication connections; telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks, wireless communication networks, and the Internet” in International Class 38 (“Petitioner’s Application”).

3. Respondent is the owner of U.S. Trademark Registration No. 3,331,989 for ANUBIS (“Cited Registration”) covering:

Computer consultation; Computer consultation in the field of computer security; Computer diagnostic services; Computer disaster recovery planning; Computer graphics services; Computer hardware development; Computer network design for others; Computer programming for others; Computer project management services; Computer security service, namely, restricting access to and by computer networks to and of undesired web sites, media and individuals and facilities; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for creating searchable databases of information and data; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for searching and retrieving information from databases and computer networks; Computer service, namely, acting as an application service provider in the field of knowledge management to host computer application software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; Computer services, namely creating indexes of information, sites and other resources available on computer networks; Computer services, namely monitoring and reporting on the performance, availability, and errors of websites of others; Computer services, namely monitoring, testing, analyzing, and reporting on the Internet traffic control and content control of the websites of others; Computer services, namely, creating and maintaining web sites for others; Computer services, namely, data recovery services; Computer services, namely, designing and implementing network web pages for others; Computer services, namely, designing and implementing web sites for others; Computer services, namely, managing web sites for others; Computer site design; Computer software consultation; Computer software design for others; Computer software design,

computer programming, or maintenance of computer software; Computer software development; Computer systems analysis; Computer virus protection services; Database development services; Design and development of networks; Design and development of online computer software systems; Design and maintenance of computer sites for third parties; Design of computers for others; Design of home pages; Design of home pages, computer software and web sites; Design of homepages and web-sites; Design of homepages and websites; Designing computer software for controlling self-service terminals; Development, design and updating of home pages; Development, updating and maintenance of software and data bases; Information technology consultation; Installation of computer software; Integration of computer systems and networks; Monitoring the computer systems of others for technical purposes and providing back-up computer programs and facilities; On-line security services, namely, providing security and anonymity for electronically transmitted credit card transactions; Providing a website that features information on computer technology and programming; Recovery of computer data; Technical consultation in the field of real-time reconfigurable wireless communication handsets and network equipment for use in wideband communications; Technical support services, namely, troubleshooting of computer hardware and software problems; Technical support, namely, monitoring of network systems; Technical support, namely, providing back-up computer programs and facilities; Up-dating of computer software; Updating of computer programs for third parties; Updating of computer software for others in International Class 42 (“Respondent’s Services”).

4. Respondent claims that it first used the ANUBIS trademark in commerce in the United States on January 1, 2007.

5. On or about October 16, 2013, the PTO issued an Office Action refusal of Petitioner’s Application based on likelihood of confusion between Petitioner’s ANUBISNETWORKS & Design trademark and Respondent’s ANUBIS trademark.

**COUNT 1: Abandonment**

6. Petitioner incorporates by reference the allegations contained in Paragraphs 1 through 5 above, as if fully set forth herein.

7. Upon information and belief, Respondent is not currently offering Respondent’s Services under the ANUBIS trademark in the ordinary course of trade and has not done so for at least three years preceding the date of this Petition.

8. Upon information and belief, Respondent has no intention of resuming use of the ANUBIS trademark in connection with Respondent's Services.

9. As a result of its failure to use the ANUBIS trademark and its intent not to resume such use, Respondent has abandoned the ANUBIS trademark.

10. The Cited Registration is injurious to Petitioner, in that said registration has been cited against, and thus constitutes a bar to, registration of Petitioner's Application.

WHEREFORE, Petitioner believes that it is or will be damaged by Registration No. 3,331,989 and petitions for cancellation of the same.

Respectfully submitted,

EDWARDS WILDMAN PALMER, LLP

Dated: April 16, 2013  
New York, NY

By: /Perla M. Kuhn/

Perla M. Kuhn  
H. Straat Tenney

Edwards Wildman Palmer, LLP  
750 Lexington Avenue  
New York, NY 10022  
(212) 912-2708  
trademark@edwardswildman.com

*Attorneys for Petitioner*

**CERTIFICATE OF ELECTRONIC MAILING**

I hereby certify that the foregoing Petition for Cancellation is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this 16th day of April, 2013.

Dated: April 16, 2013  
New York, NY

By: /Varant Ekmekjian/  
Varant Ekmekjian

**CERTIFICATE OF SERVICE**

I hereby certify that I am over the age of 18 years, not a party to this action, and that on the 16th day of April, 2013, I caused to be served a true and correct copy of the foregoing Petition for Cancellation by first class mail to the correspondence address of record for Respondent:

ANUBIS  
14835 McLain  
Allen Park, Michigan 48101

Dated: April 16, 2013  
New York, NY

By: /Varant Ekmekjian/  
Varant Ekmekjian