

ESTTA Tracking number: **ESTTA566496**

Filing date: **10/22/2013**

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	Techworld Technologies		
Entity	Corporation	Citizenship	New York
Address	1200 South Avenue Suite 102 Staten Island, NY 10314 UNITED STATES		

Attorney information	Frank J. Colucci Colucci & Umans 218 East 50th Street New York, NY 10022 UNITED STATES fcolucci@colucci-umans.com, klyon@colucci-umans.com, email@colucci-umans.com Phone:(212) 935-5700
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Registration Subject to Cancellation

Registration No	4130088	Registration date	04/24/2012
Registrant	TROI, LLC 601 West Riverside, Suite 800 Spokane, WA 99201 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2005/07/01 First Use In Commerce: 2005/07/01 All goods and services in the class are cancelled, namely: Technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer hardware and software

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.	85872769	Application Date	03/11/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TROI.NET		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1999/01/01 First Use In Commerce: 1999/01/01 Computer consultation; Computer network configuration services

Attachments	2013_10_22_petition_w_pg_nos.pdf(47141 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	/Frank J. Colucci/
Name	Frank J. Colucci
Date	10/22/2013

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

In the Matter of Registration No. 4,130,088
Issued: April 24, 2012

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TECHWORLD TECHNOLOGIES d/b/a TROI.NET, : Cancellation
Petitioner, : No.
v. :
TROI, LLC, :
Respondent. :
- - - - - x

PETITION FOR CANCELLATION

Petitioner, Techworld Technologies d/b/a Troi.net, (herein "Petitioner") a corporation organized under the laws of the state of New York, having a business address of 1200 South Avenue, Suite 102, Staten Island, New York 10314 believes that it is and will be damaged by the continued registration of United States Registration No. 4,130,088 of the mark TROI for technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer hardware and software in International Class 42, and pursuant to Section 14(3) of the Trademark Act of 1946, as amended, 15 U.S.C. §1064(3), hereby petitions to cancel said

registration.

As grounds therefor, Petitioner alleges:

1. Upon information and belief, Troi, LLC (herein "Respondent"), is a limited liability company organized under the laws of the state of Washington, having its principal office and place of business at 601 West Riverside, Suite 800, Spokane, Washington 99201.

2. On December 20, 2010, Respondent filed United States Application Serial No. 76/705,756 to register the mark TROI for technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer hardware and software in International Class 42 based upon an allegation of use of the mark in commerce since at least as early as July 1, 2005.

3. On April 24, 2012, Respondent's United States Application Serial No. 76/705,756 to register the mark TROI for technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer hardware and software in International Class 42 matured to registration and was assigned United States Registration No. 4,130,088.

4. Respondent is not and was never entitled to use or register the designation TROI on December 20, 2010, the date Respondent filed its application to register the subject mark, or on July 1, 2005, the date of its alleged first use, and/or on April 24, 2012, the date of registration.

5. On March 11, 2013 Petitioner filed its United States Application Serial No. 85/872,769 to register the mark TROI.NET for computer consultation; computer network configuration services in International Class 42, which was filed based on use of the subject mark in interstate commerce since January 1, 1999.

6. On June 28, 2013 the United States Patent and Trademark Office issued an Office Action which cited Respondent's registration as a bar to registration of Petitioner's mark on the ground of likelihood of confusion.

7. As a result of Petitioner's prior and continuous use of its mark TROI.NET for computer consultation; computer network configuration services in International Class 42, said mark has become exclusively associated in the minds of the public and the trade as indicating Petitioner as the origin or source of goods bearing said mark and as having acquired secondary meaning.

8. Petitioner's use of its mark TROI.NET for computer consultation; computer network configuration services in International Class 42 is prior to Respondent's filing date of its application to register the designation TROI for

technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer hardware and software in International Class 42, as well as prior to Respondent's alleged date of first use of said designation.

8. The designation Respondent has registered, namely, TROI, so resembles Petitioner's mark TROI.NET, as to be likely, when applied to the services of Respondent, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Respondent's services originate with or come from the same source as Petitioner's services, or are endorsed by, or are sponsored by Petitioner, or that Respondent and its services are connected or associated in some way with Petitioner, and the registration thereof is injurious to Petitioner.

9. Respondent's adoption and use of the designation TROI is without the license or permission of Petitioner.

10. As a result, continuance of United States Registration No. 4,130,088 of the mark TROI for technology support services, namely, hosted, remote, and onsite software and hardware management services for monitoring the operation of computer hardware and software, maintaining computer software and administration of computer systems, namely, computer technology support services for trouble-shooting computer

hardware and software in International Class 42, on the register is interfering with Petitioner's efforts to register its mark TROI.NET for computer consultation; computer network configuration services in International Class 42.

11. As such, Petitioner is likely to be damaged by the continued registration of abandoned United States Registration No. 4,130,088.

12. This petition is filed herewith and accompanied by the required fee of \$300.00 [37 C.F.R. 2.6(1)].

WHEREFORE, Petitioner, Techworld Technologies d/b/a Troi.net hereby prays that said Registration 4,130,088 be cancelled and/or that the Trademark Trial and Appeal Board grant to Petitioner such other and/or further relief as it may deem just and proper.

Dated: New York, New York
October *22*, 2013

Respectfully submitted,

COLUCCI & UMANS

By *Frank J. Colucci*
Frank J. Colucci
Attorneys for Petitioner
218 East 50th Street
New York, New York 10022
(212) 935-5700

CERTIFICATE OF SERVICE

It is hereby certified that copies of the foregoing "Petition for Cancellation" have been forwarded via first class mail, postage prepaid, to Respondent, Troi, LLC at its address of record at 601 West Riverside, Suite 800, Spokane, Washington 99201 and its Attorney of Record, William A. Jeckle at 717 West Sprague Avenue, Suite 1600, Spokane, Washington, 99201-3923 this 22nd day of October, 2013.

A handwritten signature in black ink, appearing to read "W. A. Jeckle", is written over a horizontal line.