

ESTTA Tracking number: **ESTTA574850**

Filing date: **12/05/2013**

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	qbeats inc		
Entity	Corporation	Citizenship	Delaware
Address	60 Arch Street, 2nd Floor Greenwich, CT 06830 UNITED STATES		

Attorney information	Wendy E. Miller Cooper & Dunham LLP 30 Rockefeller Plaza New York, NY 10112 UNITED STATES wmiller@cooperdunham.com Phone:212-278-0400
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Registration Subject to Cancellation

Registration No	3557740	Registration date	01/06/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Greenlight 2nd Floor 1 West Smithfield London EC1A 9JU, GBX GBX		

Goods/Services Subject to Cancellation

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Marketing, namely, on-line advertising and marketing services; search engine marketing services, namely, promoting the goods and services of others through search engine referral traffic analysis and reporting; marketing advisory services, namely, marketing consulting; marketing agency services, namely, providing advertising agency services in the design and execution of online marketing programs; professional consultancy relating to marketing; promotional marketing, namely, promoting the websites of others; advertising; advertising agencies; advertising agency services; advertising consultation, namely, providing business advice relating to advertising; on-line advertising on a computer network; multimedia advertising and promotion services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; advertising and promotional services; promoting the goods and services of others; business management; business administration; business information services; arranging and conducting of auction sales; providing an online auction exchange for buying and selling advertising; on-line trading services, namely, On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; advertising agency services; rental of advertising space on webpages; selling advertising space on webpages; [provision of information on advertisement accesses;] advertising research, namely, conducting market research; advertising via electronic media and specifically the Internet; consumer research, namely, and tracking web sites of others to provide details about user click traffic or visits to the web site and conducting analysis of advertising response; advertising by</p>

transmission of on-line publicity for third parties through electronic communications websites; information, advisory and consultancy services relating to all the aforesaid

Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	7. On information and belief, Registrant is not using the registered mark in the United States in connection with all of the services recited in Class 35 and, for that reason, Class 35 should be restricted. Trademark Act Section 18.

Attachments	Petition for Cancellation 3557740.pdf(13333 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	/Wendy E. Miller/
Name	Wendy E. Miller
Date	12/05/2013

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

In the Matter of:

Reg. No. : 3,557,740
Issued : January 6, 2009
Trademark : QUANT

_____		X	
qbeats, inc,		:	
		:	
	Petitioner,	:	Cancellation No. _____
		:	
	v.	:	
		:	
GREENLIGHT,		:	
		:	
	Registrant.	:	
_____		X	

PETITION FOR CANCELLATION

qbeats inc, a corporation of the State of Delaware having its principal place of business at 60 Arch St., 2nd Floor, Greenwich, CT 06830 (hereinafter “Petitioner”), believes that it will be damaged by the continued registration in Class 35 of the mark shown in Reg. No. 3,557,740, owned by Greenlight, a limited company of the United Kingdom having a place of business at 2nd Floor 1 West Smithfield, London EC1A 9JU England (hereinafter “Registrant”), and hereby requests cancellation of the registration.

As grounds for cancellation, Petitioner states as follows:

1. Petitioner is the owner of U.S. Appln. No. 85/679,425, filed July 17, 2012, for the mark QUANT for goods and services in several classes including “providing an incentive award program for customers of news information through issuance and processing of loyalty points for on-line purchase of news and information” in Class 35 (“Application”).

2. Petitioner’s Application has been refused as to the services in Class 35 on the ground that they are likely to cause confusion with the subject Registration, which is for the mark QUANT and which recites the following goods in Class 35:

Marketing, namely, on-line advertising and marketing services; search engine marketing services, namely, promoting the goods and services of others through search engine referral traffic analysis and reporting; marketing advisory services, namely, marketing consulting; marketing agency services, namely, providing advertising agency services in the design and execution of online marketing programs; professional consultancy relating to marketing; promotional marketing, namely, promoting the websites of others; advertising; advertising agencies; advertising agency services; advertising consultation, namely, providing business advice relating to advertising; on-line advertising on a computer network; multimedia advertising and promotion services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through print, audio, video, digital and on-line medium; advertising and promotional services; promoting the goods and services of others; business management; business administration; business information services; arranging and conducting of auction sales; providing an online auction exchange for buying and selling advertising; on-line trading services, namely, On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; advertising agency services; rental of advertising space on web pages; selling advertising space on web pages; [provision of information on advertisement accesses;] advertising research, namely, conducting market research; advertising via electronic media and specifically the Internet; consumer research, namely, and tracking web sites of others to provide details about user click traffic or visits to the web site and conducting analysis of advertising response; advertising by transmission of on-line publicity for third parties through electronic communications websites; information, advisory and consultancy services relating to all the aforesaid

3. The Cited Registration was obtained pursuant to Section 66(e) based on International Registration No. 946239, issued September 19, 2007, claiming a priority date of August 3, 2007.

4. Upon information and belief, Registrant is in the business of providing search marketing services, including search engine optimization, pay per click management, link building, and search engine marketing consulting and training.

5. Registrant's Class 35 recitation is overly broad in that it includes services cited by the Examining Attorney against the Application, and which, upon information and belief, Registrant is not currently offering and has not offered for at least the past three years in connection with the mark.

6. On information and belief, Registrant is not using the registered mark in the United States in connection with all of the services recited in Class 35 and, on information and belief has not intent to resume any earlier use and, for that reason, the mark has been abandoned and Class 35 should be cancelled from the registration.

7. On information and belief, Registrant is not using the registered mark in the United States in connection with all of the services recited in Class 35 and, for that reason, Class 35 should be restricted. Restricting Class 35 to exclude the services which are not being offered by Registrant in connection with the mark, if any, would avoid a finding of likelihood of confusion.

8. Petitioner is being damaged and will continue to be damaged because Registrant's continued registration of QUANT for Class 35 services is interfering with Petitioner's enjoyment of its rights in its mark QUANT, to Petitioner's substantial detriment, including particularly the refusal of a registration to Petitioner.

WHEREFORE, Petitioner prays that its petition be granted, and that the Registration be amended to cancel or restrict Class 35, and that judgment be entered against Registrant.

Respectfully submitted,

Dated: December 5, 2013

By: /Wendy E. Miller/
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