

ESTTA Tracking number: **ESTTA577475**

Filing date: **12/18/2013**

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	ALION SCIENCE AND TECHNOLOGY CORPORATION		
Entity	Corporation	Citizenship	Colorado
Address	1750 Tysons Boulevard Suite 1300 McLean, VA 22102 UNITED STATES		

Attorney information	Mark Henry; Alex Butterman STAAS & HALSEY LLP 1201 New York Ave., N.W. Ste. 700 Washington, DC 20005 UNITED STATES docketing@s-n-h.com,mhenry@s-n-h.com,abutterman@s-n-h.com,jgilman@s-n-h.com,ahickling@s-n-h.com Phone:202.434.1500
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### Registration Subject to Cancellation

Registration No	3226162	Registration date	04/03/2007
Registrant	Washington Consulting Corporation 4601 N. Park Avenue #145 Chevy Chase, MD 20815 DC		

### Goods/Services Subject to Cancellation

Class 035. First Use: 2006/03/01 First Use In Commerce: 2006/03/01  
All goods and services in the class are cancelled, namely: Domestic and international business consulting services

### Grounds for Cancellation

The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
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Attachments	3LE5841.PDF(2433945 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	/Alex Butterman/
Name	Mark Henry; Alex Butterman
Date	12/18/2013

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

In re Registration No. : 3,226,162  
Application Serial No.: 78-796456  
For the Mark : **WASHINGTON CONSULTING CORPORATION**  
Registered on : April 3, 2007

ALION SCIENCE AND TECHNOLOGY  
CORPORATION,

Petitioner,

- v. -

WASHINGTON CONSULTING  
CORPORATION,

Registrant.

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

**BOX TTAB FEE**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451  
Box: TTAB FEE

**PETITION FOR CANCELLATION**

Petitioner Alion Science and Technology Corporation, a corporation organized and existing under the laws of Colorado, located and doing business at 1750 Tysons Boulevard, Suite 1300, McLean, Virginia 22102 ("**Petitioner**"), believes that it is being damaged by Registration No. 3,226,162 for the mark WASHINGTON CONSULTING CORPORATION in standard characters ("**Registered Mark**"), and hereby petitions to cancel same on the following grounds:

1. According to the registration records at the U.S. Patent and Trademark Office ("USPTO"), a registrant named Washington Consulting Corporation, a corporation organized and existing under the laws of the District of Columbia, located and doing business at 4601 N. Park Avenue #145, Chevy Chase, Maryland 20815 ("**Registrant**"), is the owner of U.S. Registration No. 3,226,162 for WASHINGTON CONSULTING CORPORATION in standard characters for "*Domestic and international business consulting services,*" in International Class 35 (hereinafter, "**Registered Services**").
2. Registration No. 3,226,162 for the Registered Mark issued on April 3, 2007 on the Supplemental Register with a disclaimer of "CONSULTING CORPORATION."
3. Registrant has claimed first use of the Registered Mark anywhere and in U.S. Commerce

as of March 1, 2006.

4. Petitioner is the owner of U.S. trademark application Serial No. 85-797948 for the mark WASHINGTON CONSULTING and Design (“Petitioner’s Mark”) which appears as follows –



– and was filed in the USPTO on December 7, 2012 (“Petitioner’s Application”) for the following recited services:

*Class 35 - Business consulting services in the field of organizational change management and process-based management techniques, six sigma, lean, and process maturity; business process improvement and enterprise architecture design and implementation; business consulting services relating to the integration of the areas of business process technology, organizational learning, change management, and operational sustainability; commercial assistance relating to system implementation and system integration; business information management; providing business intelligence services; business records management; employment staffing in the field of Enterprise Resource Planning and Customer Relationship Management; Customer Relationship Management services; and*

*Class 42 - Planning, design and management of information technology systems; enterprise content management; business intelligence portals; providing an internet website portal in the fields of information technology, software development and web portals; building and designing portal interfaces, web applications, web services, and internet and intranet applications; computer systems and IT integration services; testing, analysis, and evaluation of information systems to assure compliance with computer and information technology industry standards and practices (hereinafter, “Petitioner’s Services”).*

5. Petitioner has alleged first use of Petitioner’s Mark in Petitioner’s Application as of “February 2006” both anywhere and in U.S. Commerce for both Classes of services. Petitioner’s alleged “February 2006” first use date precedes Registrant’s alleged first use date of March 1, 2006.
6. Petitioner’s predecessor in interest (“Predecessor”) initially adopted and continuously used Petitioner’s Mark since March 2003. Petitioner acquired Predecessor and made it a wholly-owned subsidiary of Petitioner in February 2006. Since Petitioner has seamlessly and continuously used Petitioner’s mark created by Predecessor since Petitioner acquired Predecessor in February 2006, Petitioner’s first use of Petitioner’s Mark tacks onto Predecessor’s first use of March 2003.
7. Petitioner’s overall first use of Petitioner’s Mark since March 2003 precedes Registrant’s claimed first use of the Registered Mark since February 2006 by nearly three whole years and, as such, Petitioner has clear prior rights to Petitioner’s Mark over Registrant’s rights to the Registered Mark.

8. Petitioner's Application remains pending at the USPTO but is presently being refused registration because the assigned examining attorney has cited the Registered Mark in an office action issued on March 26, 2013, which was incorporated by reference into a June 18, 2013 office action and requires a response on or before December 18, 2013. The assigned examiner contends that Petitioner's Mark could cause a likelihood of consumer confusion with the Registered Mark if permitted to register and coexist with the Registered Mark as active registrations at the USPTO.
9. Hence, the Registered Mark is presently preventing the registration of Petitioner's Mark which thereby grants Petitioner standing to petition the TTAB for cancellation of the Registered Mark.
10. Since the Registered Mark WASHINGTON CONSULTING CORPORATION on the Supplemental Register disclaims the CONSULTING CORPORATION wording, and the examiner is requiring Petitioner to disclaim the CONSULTING wording in Petitioner's Mark, the Petitioner's Mark and the Registered Mark both share the same WASHINGTON element as the most distinctive literal element of each mark.
11. Petitioner's WASHINGTON CONSULTING and Design mark has acquired distinctiveness from its exclusive and continuous use in U.S. Commerce for more than the past five consecutive years - since 2003 - and is now therefore distinctive as used in connection with Petitioner's Services.
12. Petitioner has expended considerable time, effort and expense, and established valuable goodwill, promoting its services under the WASHINGTON CONSULTING and Design mark with the result that the purchasing public has come to know, rely upon, and recognizes Petitioner's Services by the WASHINGTON CONSULTING and Design mark.
13. The Registered Services are closely related to Petitioner's Services and both services are in sufficiently similar channels of trade which the assigned examiner corroborates in the outstanding office action of Petitioner's Application.
14. The continued registration of the Registered Mark, WASHINGTON CONSULTING CORPORATION, in connection with the Registered Services is likely to cause confusion, mistake or deception as to the source or origin of Registrant's and Petitioner's Services in that the public, the trade and others are likely to believe that the Registered Services are provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Petitioner.
15. Petitioner is not affiliated with or in any way connected to the Registrant and the Registrant does not have any license or other authorization from Petitioner to use Petitioner's Mark or any confusingly similar mark thereto.
16. If Registrant is permitted to retain its Registered Mark, and thereby the *prima facie*

exclusive right to use in Commerce of its Registered Mark on identical and/or closely related services to Petitioner's Services, consumer confusion within the meaning of Section 2(d) of the Trademark Act is likely to result, all to the detriment of Petitioner and consumers.

17. If Registrant is permitted to retain Registration No. 3,226,162, a cloud will be placed upon Petitioner's superior title in and to its WASHINGTON CONSULTING and DESIGN mark, as well as upon its right to register and continue enjoying the free and exclusive use thereof in connection with the sale of its services, and to expand the use of its mark to related services, all to the detriment of Petitioner.

**WHEREFORE**, Petitioner believes that it will be damaged by Registration No. 3,226,162 on grounds of likelihood of confusion, Petitioner prays that this Petition for Cancellation be sustained in its favor and that Registration No. 3,226,162 be canceled.

Petitioner is transmitting the requisite \$300 Petition for Cancellation filing fee (for International Class 35) electronically through the ESSTA online filing program but in the event that said fee is not received or is insufficient, the Commissioner is hereby authorized to charge the necessary filing fee, and any additional fees that may be required, to the undersigned's Deposit Account No. 19-3935.

Respectfully submitted,

ALION SCIENCE AND TECHNOLOGY  
CORPORATION

Date: 12/18/13

By:   
\_\_\_\_\_  
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Alexander H. Buttermann  
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In re Registration No. : 3,226,162  
Application Serial No.: 78-796456  
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ALION SCIENCE AND TECHNOLOGY  
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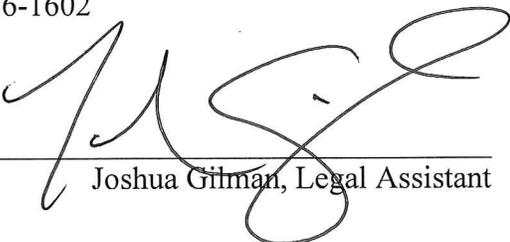
**BOX TTAB FEE**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451  
Box: TTAB FEE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing PETITION FOR CANCELLATION has been served on Washington Consulting Corporation by mailing said copy on this 18th day of December 2013, via First Class Mail, postage prepaid, to:

Ms. Pamela J. Bethel  
O'RIORDAN BETHEL  
1314 19<sup>th</sup> Street, NW  
Washington, DC 20036-1602

  
\_\_\_\_\_  
Joshua Gilman, Legal Assistant