

ESTTA Tracking number: **ESTTA638883**

Filing date: **11/13/2014**

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	FlickIntel, LLC		
Entity	Corporation	Citizenship	New Mexico
Address	117 Bryn Mawr Dr SE Albuquerque, NM 87106 UNITED STATES		

Attorney information	Richard Krukar Ortiz & Lopez, PLLC 117 Bryn Mawr Dr SE Albuquerque, NM 87106 UNITED STATES krukar@olpatentlaw.com Phone:5053141310		
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**Registration Subject to Cancellation**

Registration No	2585551	Registration date	06/25/2002
Registrant	INTEL CORPORATION 2200 Mission College Boulevard Santa Clara, CA 95052 UNITED STATES		

**Goods/Services Subject to Cancellation**

<p>Class 042. First Use: 1999/09/28 First Use In Commerce: 1999/09/28 Cancelled goods and services in the class: computer services, namely, computer diagnostic services; maintenance and updating of computer software; providing others with access to interactive and non-interactive broadcast video, audio and digital data signals; provision of interactive and non-interactive electronic information services on a wide variety of topics; development of local and wide area computer networks for others; [ development of audio-video computer conference systems for others; ] development of computer hardware and software for the receipt, display and use of broadcast video, audio, and digital data signals for others; [ leasing access time to computer data bases in the nature of computer bulletin boards in a wide variety of fields; computer web site design services; ] computer software design for others; [ development of interactive and non-interactive web pages for the global computer network for others; ] computer programming services; providing on-line newspapers, magazines, instructional manuals in the fields of technology, [ entertainment, ] education and business; development, maintenance, and provision of interactive and non-interactive electronic bulletin boards services in the fields of [ entertainment and ] education</p>
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**Grounds for Cancellation**

Genericness	Trademark Act section 23
Abandonment	Trademark Act section 14

Related Proceedings	91216159
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Attachments	20141113_PetitionToCancel.pdf(129261 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	/Richard Krukar/
Name	Richard Krukar
Date	11/13/2014

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Attorney for Petitioner,  
FlickIntel, LLC

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

FLICKINTEL, LLC,  
Petitioner

Opposition No. :

v.

Mark: INTEL  
Registration No. : 2585551  
Registration Date: June 25, 2002

INTEL CORPORATION,  
Registrant.

**PETITION FOR CANCELLATION**

Petitioner FlickIntel, LLC ("FlickIntel") believes that the term "intel" is a generic term and is therefore incapable of functioning as a trademark for information distribution services, including the services identified in Registration No. 2585551 ("the opposed mark"), among others. Intel Corporation's ("Registrant") Registration No. 2585551 monopolizes the generic use of the term "intel" and affects the ability for FlickIntel and others to use the term generically. FlickIntel thus seeks cancellation of Registration No. 2585551, alleging the following, upon

actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

### **FlickIntel and Its Application**

1. FlickIntel is a New Mexico corporation having a business address of 117 Bryn Mawr Dr. SE, Albuquerque, NM 87106.
2. FlickIntel has applied to register the mark "FlickIntel" (Serial No. 86025508).
3. Registrant has opposed FlickIntel's trademark application alleging that the opposed mark, amongst others, would be diluted by and would likely be confused with the "FlickIntel" mark. Registrant's opposition is before the Board as Opposition No. 91216159.
4. Registrant's opposition states that it opposes FlickIntel's registration because, at least in part, "FlickIntel" wholly incorporates Registrant's mark.
5. FlickIntel is a coined term for information or intelligence (intel) about video and movies (flicks).

### **Registrant and Its Registration**

6. Registrant is a corporation with an address of 2200 Mission College Boulevard Santa Clara, California 95052.
7. Registrant is the listed owner of Registration No. 2585551, issued June 25, 2002 for the term "Intel" for a variety of services including those in Class 042 in connection with "computer services, namely, computer diagnostic services; maintenance and updating of computer software; providing others with access to interactive and noninteractive broadcast video, audio

and digital data signals; provision of interactive and non-interactive electronic information services on a wide variety of topics; development of local and wide area computer networks for others; [ development of audio-video computer conference systems for others; ] development of computer hardware and software for the receipt, display and use of broadcast video, audio, and digital data signals for others; [ leasing access time to computer data bases in the nature of computer bulletin boards in a wide variety of fields; computer web site design services; ] computer software design for others; [ development of interactive and non-interactive web pages for the global computer network for others; ] computer programming services; providing on-line newspapers, magazines, instructional manuals in the fields of technology, [ entertainment, ] education and business; development, maintenance, and provision of interactive and non-interactive electronic bulletin boards services in the fields of [ entertainment and ] education.”

**Genericness Under Section 15 U.S.C. § 1064(3)**

8. The term “intel” an abbreviation for intelligence.
9. A number of commonly used dictionaries define “intel” as an abbreviation for intelligence.
10. The term “intel” is the generic name for at least some of the services identified in Registration No. 2585551, among others, and is incapable of functioning as a mark.
11. The term “intel” is the generic name for the data or information provided by at least some of the services identified in Registration No. 2585551, among others, and is incapable of functioning as a mark.

12. Numerous third parties, consumers and the media use and understand the term “intel” as the generic name for at least some of the services identified in Registration No. 2585551.

13. Numerous third parties, consumers and the media use and understand the term “intel” as the generic name for the data or information provided by at least some of the services identified in Registration No. 2585551.

14. FlickIntel and others have a competitive and equal right to use the term “intel” as an abbreviation of intelligence.

15. FlickIntel and others have a competitive and equal right to include “intel” within their own marks when “intel” is used as an abbreviation for intelligence.

16. Registrant has brought numerous actions against third parties attempting to use “intel” within their own marks as an abbreviation for intelligence.

17. If Registrant allowed to maintain its registration for the generic term “intel” then it will effectively misappropriate a generic term for its exclusive use, thereby causing injury and damage to FlickIntel and others.

18. Registration No. 2585551 for the abbreviation of intelligence in International Class 042 should be cancelled under 15 U.S.C. § 1064(3) because “intel” is the generic name for the identified services or for the data and information provided by those services, and is incapable of functioning as a mark.

**Abandonment Under 15 U.S.C. § 1127**

19. Registrant has abandoned any rights in the term “intel” under 15 U.S.C. § 1127 by failing to enforce those rights against widespread third-party use of the term, and thus the term has lost its significance as an indication of origin, to the extent that it ever had such significance.

20. Registrant has asserted that it coined the term “Intel” as an acronym for “integrated electronics” and used that coined term as its trademark.

21. Registrant has asserted claims to the five letter string “intel” when that string is used within its dictionary definition as an abbreviation for intelligence.

22. By its own actions, Registrant has broadened its mark beyond an acronym for “integrated electronics” and into the abbreviation for “intelligence.”

23. Those enforcement actions that Registrant has taken have been insufficient to remove “intel” from widespread use as an abbreviation for intelligence.

24. Those enforcement actions that Registrant can take will be insufficient to remove “intel” from widespread use as an abbreviation for intelligence.

25. Registrant has failed to enforce its rights against the widespread use of “intel” as an abbreviation for intelligence.

WHEREFORE, the term “intel” is the generic name of the services, or for the data or information provided by at least some of the services, identified in Respondent’s Registration No. 2585551 and is incapable of functioning as a mark; FlickIntel and others must not be precluded from using that generic term; and FlickIntel and others are being and will continue to

be damaged by the continued registration of the term INTEL shown in Registration No. 2585551. Accordingly, FlickIntel respectfully requests that the Petition for Cancellation be sustained, and that Registration No. 2585551 for INTEL in International Class 042 be cancelled.

Respectfully submitted,  
FlickIntel, LLC.

Dated: November 13, 2014

By: /Richard Krukar/  
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505-314-1310  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing PETITION FOR CANCELLATION was served by first class mail, postage prepaid, on November 13, 2014, upon Registrant and counsel for Registrant at the following addresses of record:

Intel Corporation  
2200 Mission College Boulevard  
Santa Clara, CA 95052

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