

ESTTA Tracking number: **ESTTA641421**

Filing date: **11/26/2014**

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	Quantum Corporation		
Entity	Corporation	Citizenship	Delaware
Address	224 Airport Parkway Suite 300 San Jose, CA 95110 UNITED STATES		

Attorney information	Mark Tidman Baker & Hostetler 1050 Connecticut Avenue, N.W. Washington Square, Suite 1100 Washington, DC 20036 UNITED STATES trademarks@bakerlaw.com Phone:202.861.1500
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**Registration Subject to Cancellation**

Registration No	4369451	Registration date	07/16/2013
Registrant	Quanta Computer Inc. No. 188 Tao Yuan Hsien, TAIWAN		

**Goods/Services Subject to Cancellation**

<p>Class 009. First Use: 2012/01/12 First Use In Commerce: 2012/03/08 All goods and services in the class are cancelled, namely: Computer devices, namely, computer hardware, Printed Circuit Boards (PCB), HighPerformance Computing (HPC) servers, Graphics Processing Unit (GPU) servers; computer peripherals; data processors, computer data storage devices, namely, blank flash drives; hardware for computer network apparatus, namely, bridges, hubs, switches, routers, gateways, multiplayerswitches, protocol converters; computernetwork hardware and software for setting up and configuring local area networks; computer network peripherals and electronic devices in the nature of computernetwork interface devices, Local Area Networks (LAN) computer cards for connecting portable computer devices to computer networks; network servers; central processing units for processing information, data, sound or images; computer data storage hardware, namely, Just a Bunch ofDisks (JBOD), disk enclosure, Network Attached Storage (NAS), Storage Area Network (SAN); multi-function general-purpose computer, internet and network servers, including but not limited to load balancers, web servers, mail servers, cache servers, database servers, application servers, storage servers, content delivery servers, network management servers, game servers, microservers, computing servers; computers; Keyboard Video Mouse (KVM) switches; connectors for KVM switch;Universal Serial Bus (USB) switches; computer interface cards; industrial computers; integrated circuit boards; computer hardware for use with a global computer network; standardized or customized frame or enclosure such as rack, built with centralized power supply units, batteries, Uninterruptible Power Supply (UPS),and fan modules for mounting multiple equipment modules such s server modules, storage modules and switches; computer software for use in rack servers management and computer management; computer networking apparatus, namely, routers, bridges, switches, hubs, multilayer switches, Ethernet switches, enterprise switches, protocol converters, bridge routers</p>
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## Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Related Proceedings	Opposition to U.S. application no. 86146059
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## Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	926161	Application Date	05/20/1969
Registration Date	12/28/1971	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1969/01/00 First Use In Commerce: 1969/01/00 COMPUTER GRADE MAGNETIC TAPE		

U.S. Registration No.	1089619	Application Date	05/23/1977
Registration Date	04/18/1978	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1977/04/19 First Use In Commerce: 1977/04/19 MAGNETIC RECORDING TAPE		

U.S. Registration No.	1749927	Application Date	02/03/1992
Registration Date	02/02/1993	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1986/05/00 First Use In Commerce: 1986/05/00 miniature fixed disk drives		

U.S. Registration No.	2075239	Application Date	02/01/1996
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Registration Date	07/01/1997	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1986/05/00 First Use In Commerce: 1986/05/00 computer memory devices; storage media,namely, blank computer disks and tapes;computer software, namely, operating programs for interacting with computer peripherals; computer software, namely, operating programs sold in conjunction withcomputer memory devices		

U.S. Registration No.	2386775	Application Date	11/10/1997
Registration Date	09/19/2000	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1986/05/00 First Use In Commerce: 1986/05/00 Computers, computer hardware, computer software to operate digital data storage devices and systems; digital data storage devices and systems, namely, hard disk drives, solid state disk drives, magnetic tape drives, magnetic tapes, magnetic tape cartridges, magnetic tape libraries consisting of a plurality of magnetictape drives and magnetic tape, cartridges and at least one robotic loading/ uploading mechanism, and magneto-optical data storage devices		

U.S. Registration No.	2392749	Application Date	12/07/1998
Registration Date	10/10/2000	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Printed materials, namely, journals, operating manuals, user guides, pamph-		

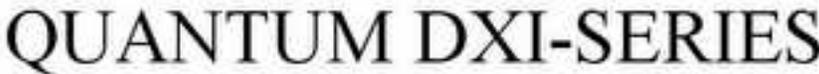
	lets, and brochures about, for use with, and directed to users of the following - computer peripheral equipment, namely, computer drives for the storage, retrieval, and delivery of computer memory, digital information and data; computer drives for retrieval, storage, and delivery of concurrent audio and video content streams to television, video cassette recorders and set-top boxes; tape drives; tape drive autoloaders; computer media for storage applications, computer media for back-up applications; solid state disk drives; and recording heads
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U.S. Registration No.	2411810	Application Date	12/07/1998
Registration Date	12/12/2000	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Installation, maintenance and repair of computer peripheral equipment, namely, computer drives for the storage, retrieval, and delivery of computer memory, digital information, and data; computer drives for retrieval, storage, and delivery of concurrent audio and video content streams to televisions, video cassette recorders and set-top boxes; tape drives; tape drive autoloaders; computer media for storage applications; computer media for back-up applications; solid state disk drives; recording heads		

U.S. Registration No.	2434568	Application Date	12/07/1998
Registration Date	03/13/2001	Foreign Priority Date	NONE
Word Mark	QUANTUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 040. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Custom manufacture to the order and specification of others of computer peripherals, namely, computer drives for the storage, retrieval, and delivery of computer memory and data, and for the storage, retrieval, and delivery of concurrent audio and video content streams to televisions, video cassette recorders and set-top boxes; tape drive autoloaders; computer media for storage applications; computer media for back-up applications; solid state disk drives; and recording heads</p> <p>Class 042. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Computer services, namely, development to the order and specification of other of computer peripherals, namely, computer drives for the storage, retrieval, and delivery of computer memory and data, and for the storage, retrieval, and delivery of concurrent audio and video content streams to televisions, video cassette</p>		

	recorders and set-top boxes; tape drive autoloaders; computer media for storage applications; computer media for back-up applications; solid state disk drives; and recording heads; providing a web site via the global computer network featuring information in the fields of selection, use, and operation of computer drives for the storage, retrieval, and delivery of computer memory and data, concurrent audio and video content streams to televisions, video cassette recorders and set-top boxes, tape drive autoloaders, computer media for storage applications, computer media for back-up applications, solid state disk drives, and recording heads
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U.S. Registration No.	3732299	Application Date	07/24/2008
Registration Date	12/29/2009	Foreign Priority Date	NONE
Word Mark	QUANTUM VISION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer software for data storage backup management, monitoring, reporting and analytics Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Installation and customer and technical support services relating to computer software for data storage backup management, monitoring, reporting and analytics		

U.S. Registration No.	4175381	Application Date	11/22/2011
Registration Date	07/17/2012	Foreign Priority Date	NONE
Word Mark	QUANTUM DXI-SERIES		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 009. First use: First Use: 2006/12/01 First Use In Commerce: 2007/01/17 Disk-based computer storage devices, namely, high-speed disk and software storage subsystems for deduplication, replication, storage, backup and disaster recovery of electronic data either locally or via a telecommunications network</p> <p>Class 016. First use: First Use: 2006/12/01 First Use In Commerce: 2007/01/17 Printed materials in the form of operating manuals, user guides, pamphlets and brochures about, for use with, and directed to, disk-based computer storage devices, namely, high-speed disk and software storage subsystems for deduplication, replication, storage, backup and disaster recovery of electronic data either locally or via a telecommunications network</p>
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U.S. Registration No.	4583134	Application Date	09/17/2013
Registration Date	08/12/2014	Foreign Priority Date	NONE

Word Mark	QUANTUM
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1986/05/00 First Use In Commerce: 1986/05/00 Computer data storage devices, namely, blank computer high-speed disk-based, tape-based, object, cloud, public cloud, private cloud, hybrid cloud, tiered, flash and virtualization storage devices, systems, subsystems, and servers, and related software for providing data storage, archiving, deduplication, replication, backup, management, reporting, performance optimization, security and encryption, retention and disaster recovery, of electronic data, and for content workflow and management directly, indirectly, and via network connection; computer tape-based storage devices, namely, tape drives, autoloaders and tape libraries; blank magnetic tape for computer data storage; server interaction software; software for data management and archiving, storage management, and reporting of data; software for performance optimization of data and data storage devices and systems; data security and encryption software; data retention software; content workflow and management software; downloadable electronic publications in the nature of operating manuals, user guides, pamphlets and brochures about, for use with, and directed to, tape-based, high-speed disk-based computer, object, cloud, tiered and virtualization storage devices, systems, subsystems, and servers, and server interaction software in the field of computer data storage devices</p> <p>Class 016. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Printed materials in the nature of operating manuals, user guides, pamphlets and brochures in the field of computer data storage devices, and downloadable electronic publications in the nature of operating manuals, user guides, pamphlets and brochures about, for use with, and directed to, computer high-speed disk-based, tape-based, object, cloud, public cloud, private cloud, hybrid cloud, tiered, flash and virtualization storage devices, systems, subsystems, and serv-</p>
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	<p>ers, tape drives, autoloaders, tape libraries, server interaction software, software for data management and archiving, software for storage management, software for reporting of data, software for performance optimization of data and data storage devices and systems, data security and encryption software, data retention software, content workflow and management software in the field of computer data storage devices</p> <p>Class 037. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Installation, maintenance and repair of computer high-speed disk-based, tape-based, object, cloud, public cloud, private cloud, hybrid cloud, tiered, flash and virtualization storage devices, systems, subsystems, and servers; installation, maintenance and repair of computer tape-based storage devices, namely, tape drives, autoloaders and tape libraries</p> <p>Class 041. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Providing non-downloadable electronic publications in the nature of operating manuals, user guides, pamphlets and brochures about, for use with, and directed to, computer high-speed disk-based, tape-based, object, cloud, public cloud, private cloud, hybrid cloud, tiered, flash and virtualization storage devices, systems, subsystems, and servers, tape drives, autoloaders, tape libraries, server interaction software, software for data management and archiving, software for storage management, software for reporting of data, software for performance optimization of data and data storage devices and systems, data security and encryption software, data retention software, content workflow and management software in the field of computer data storage devices</p> <p>Class 042. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Design of data storage devices and solutions for others, namely, design of computer high-speed disk-based, tape-based, object, cloud, public cloud, private cloud, hybrid cloud, tiered, flash and virtualization storage devices, systems, subsystems, and servers, and related software for providing data storage, archiving, deduplication, replication, backup, management, reporting, performance optimization, security and encryption, retention and disaster recovery, of electronic data, and for content workflow and management directly, indirectly, and via network connection; installation, maintenance and repair of computer software for providing data storage, archiving, deduplication, replication, backup, management, reporting, performance optimization, security and encryption, retention and disaster recovery, of electronic data, and for content workflow and management directly, indirectly, and via network connection; installation of server interaction software, software for data management and archiving, software for storage management, software for reporting of data, software for performance optimization of data and data storage devices and systems, data security and encryption software, data retention software, content workflow and management software</p>
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Attachments	<p>74242149#TMSN.png( bytes )  75387699#TMSN.png( bytes )  75604153#TMSN.png( bytes )  75601999#TMSN.png( bytes )  77530641#TMSN.png( bytes )  85478509#TMSN.png( bytes )  86066721#TMSN.png( bytes )  Petition for Cancellation v Quanta Computer Inc QUANTA.pdf(1512495 bytes )</p>
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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	/MJH/
Name	Michael J. Hirsch
Date	11/26/2014

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

Quantum Corporation  
224 Airport Parkway, Suite 300  
San Jose, CA 95110

Petitioner,

v.

Quanta Computer Inc.  
No. 188, Wen Hwa 2<sup>nd</sup> Road  
Kuei Shan Hsiang Tao Yuan Hsien  
TAIWAN

Registrant.

Cancellation No.:  
Registration No.: 4369451  
Mark: QUANTA

087287.000229

**PETITION FOR CANCELLATION**

Quantum Corporation (“Quantum”) believes that it will be damaged by the registration of the above-identified mark and hereby petitions to cancel same.

As grounds for the Petition to Cancel, it is alleged that:

1. Petitioner is the owner of all right, title and interest in and to the mark QUANTUM for a wide variety of computer-related goods and services.

2. Petitioner has obtained Registration Nos. 926161, 1089619, 1749927, 2075239, 2386775, 2392749, 2411810, 2434568, 3732299, 4175381 and 4583134 from the U.S. Patent and Trademark Office.

3. Petitioner's registrations are valid and subsisting and provide prima facie evidence of Petitioner's ownership of the QUANTUM mark and of its exclusive right to use the mark in commerce.

4. Since long prior to the filing date of the application that matured into Reg. No. 4369451, Petitioner has made substantial expenditures in the advertising and promotion of the QUANTUM mark. As a result, the mark has become well-known and famous as a distinctive indicator of the origin of Petitioner's goods and services, and it symbolizes Petitioner's valuable goodwill.

5. Petitioner's QUANTUM mark has become particularly well-known in the relevant trade through extensive advertising and promotion in commerce in connection with the sale of its goods and services, which have been distributed and sold throughout the United States and the world.

6. Petitioner has used its QUANTUM mark continuously on or in connection with its goods and services in interstate commerce since long prior to Registrant's adoption, application for, or registration of QUANTA.

7. Registrant's mark so resembles Petitioner's mark that the use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of Registrant's goods in violation of Section 2(d) of the Trademark Act and will injure and damage Petitioner and the goodwill and reputation symbolized by Petitioner's QUANTUM mark.

8. Registrant's goods are so closely related to Petitioner's goods and services that the public is likely to be confused, to be deceived and to assume erroneously that Registrant's goods are those of Petitioner or that Registrant is in some way connected with, sponsored by, or affiliated with Petitioner, all to Petitioner's irreparable damage.

9. Registrant is not affiliated or connected with or endorsed or sponsored by Petitioner, nor has Petitioner approved any of the goods offered by Registrant under the alleged mark.

10. Likelihood of confusion in this case is enhanced by the fame of Petitioner's mark, and the fact that consumers associate the mark with goods and services sold, approved or endorsed by Petitioner.

11. Registrant's mark so closely resembles Petitioner's mark that Registrant's mark is likely to cause deception in violation of Section 2(a) of the Trademark Act and to materially alter purchasers' decisions to acquire Registrant's goods and/or services.

12. Registrant's mark so closely resembles Petitioner's mark that it falsely suggests a connection with Petitioner in violation of Section 2(a) of the Trademark Act, since Registrant's alleged mark points uniquely to Petitioner, and purchasers will assume that the goods and services offered under Registrant's alleged mark are connected with Petitioner.

13. Use and registration of the mark QUANTA by Registrant will deprive Petitioner of the ability to protect its reputation and goodwill.

14. By reason of the foregoing, Petitioner will be damaged by the registration of Registrant's mark, and registration should be refused.

WHEREFORE, Petitioner requests that this Petition be granted and the Registration be cancelled in its entirety.

Petitioner hereby appoints John H. Weber, Mark H. Tidman and Kelu L. Sullivan and Michael J. Hirsch, all members of the law firm of Baker & Hostetler LLP and members of the Bar of the District of Columbia, to prosecute this cancellation proceeding and transact all business in and before the U.S. Patent and Trademark Office in connection therewith. Please address all correspondence to **Mark H. Tidman** at Baker & Hostetler LLP, Washington Square, Suite 1100,

1050 Connecticut Avenue, N.W., Washington, D.C. 20036-5304. The fee for filing for this cancellation in the amount of \$300.00 should be charged to Deposit Account No. 502036.

Dated: November 26, 2014

Respectfully submitted,  
**Quantum Corporation**

By: /Mark H. Tidman/  
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Michael J. Hirsch  
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Washington, D.C. 20036-5304  
(202) 861-1500 (Telephone)  
(202) 861-1783 (Facsimile)  
mtidman@bakerlaw.com  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26<sup>th</sup> day of November, 2014, a true copy of the Petition for Cancellation was served on counsel for Registrant via U.S. first-class mail, postage prepaid to:

John E. Mckie  
Frederick W. Meyers  
Ladas & Parry LLP  
224 S. Michigan Avenue, Suite 1600  
Chicago, Illinois 60604-2508

*Michael Hirsch*

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Michael J. Hirsch