

ESTTA Tracking number: **ESTTA641765**

Filing date: **12/01/2014**

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	Cortera, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	777 Yamato Road, Suite 500 Boca Raton, FL 33431 UNITED STATES		

Attorney information	David O. Johanson Morgan, Lewis & Bockius, LLP 1 Federal Street Boston, MA 02110 UNITED STATES trademarks@morganlewis.com, david.johanson@morganlewis.com, kaltoff@morganlewis.com Phone:(617) 951-8304		
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Registration Subject to Cancellation

Registration No	4363923	Registration date	07/09/2013
Registrant	Creditera 3630 W. South Jordan Pkwy., Suite 202 South Jordan, UT 84095 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2012/05/21 First Use In Commerce: 2012/10/01
Cancelled goods and services in the class: Business credit reporting services; Credit and financial consultation

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3737588	Application Date	02/28/2008
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	CORTERA		

Design Mark	CORTERA
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Computer software, namely, credit and collections decisions, analysis and workflow automation software in the field of finance and credit; computer software to provide and facilitate obtaining credit reports and information regarding businesses and financial institutions and organizations, and to facilitate credit decisions and management of accounts receivable</p> <p>Class 036. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Providing on-line information services in the field of credit and financing for businesses and financial institutions and organizations; online service to provide and facilitate obtaining credit reports and information regarding businesses and financial institutions and organizations, and to facilitate credit decisions and management of accounts receivable</p> <p>Class 042. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Providing online non-downloadable software which allows users to obtain and review business information in the nature of credit reports and financial information regarding business and financial institutions and organizations, for use in facilitating credit decisions and management of accounts receivable; providing online non-downloadable software which allows users to conduct business research to generate information regarding businesses, financial institutions and organizations</p>

U.S. Registration No.	3628419	Application Date	04/18/2008
Registration Date	05/26/2009	Foreign Priority Date	NONE
Word Mark	CORTERA TREE		
Design Mark	CORTERA TREE		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/05/18 First Use In Commerce: 2008/05/18 Online information services and access to an online database regarding owner-		

	ship, affiliation and relationships of corporations, companies, partnerships, and other business entities and organizations
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U.S. Registration No.	3938385	Application Date	01/15/2009
Registration Date	03/29/2011	Foreign Priority Date	NONE
Word Mark	CORTERA EDGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2008/12/31 First Use In Commerce: 2008/12/31 Providing online non-downloadable software for use in connection with facilitating commercial credit decisions and managing accounts receivable for businesses		

U.S. Registration No.	3798241	Application Date	02/09/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	CORTERA CPR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2009/01/22 First Use In Commerce: 2009/01/22 Providing online non-downloadable software in the field of debt and accounts receivable collections for businesses and organizations, namely, evaluating, analyzing and assessing the collectability of debts and accounts receivable		

U.S. Registration No.	4168719	Application Date	12/14/2010
Registration Date	07/03/2012	Foreign Priority Date	NONE

Word Mark	CORTERA PULSE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2010/08/31 First Use In Commerce: 2010/08/31 Online business information services, namely, providing an online system that monitors information relating to the operational status of companies and entities- and delivers to subscribers updates, alerts and notifications of changes in the operational status of those companies and entities</p> <p>Class 036. First use: First Use: 2010/08/31 First Use In Commerce: 2010/08/31 Providing an online system that monitors information relating to the financial status of companies and entities featuring credit reporting, business credit information, and financial information and delivers to subscribers updates, alerts and notifications of changes in the financial status of those companies and entities</p>

U.S. Registration No.	4097987	Application Date	12/18/2010
Registration Date	02/14/2012	Foreign Priority Date	NONE

Word Mark	CORTERA CPR PULSE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2009/05/30 First Use In Commerce: 2009/05/30 Online business information services, namely, providing an online system that monitors information relating to the operational status of companies and entities- and delivers to subscribers updates, alerts and notifications of changes in the operational status of those companies and entities</p> <p>Class 036. First use: First Use: 2009/05/30 First Use In Commerce: 2009/05/30 Providing an online system that monitors information relating to the financial status of companies and entities featuring credit reporting, business credit information, and financial information and delivers to subscribers updates, alerts and notifications of changes in the financial status of those companies and entities</p>

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U.S. Registration No.	4519070	Application Date	03/20/2013
Registration Date	04/22/2014	Foreign Priority Date	NONE
Word Mark	CORTERA LOOKALIKES		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2013/03/03 First Use In Commerce: 2013/03/03 Business information services, namely, generating information and providing information on business opportunities; marketing services; identifying potential commercial and business customers, clients and prospects in the nature of generating and providing sales and marketing leads; generating information and providing information regarding actual and potential commercial and business customers, clients and prospects in the nature of generating information and providing sales and marketing leads; providing sales leads to others</p>		
U.S. Registration No.	2785256	Application Date	02/25/2000
Registration Date	11/25/2003	Foreign Priority Date	NONE
Word Mark	ECREDIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 036. First use: First Use: 1999/06/00 First Use In Commerce: 1999/06/00 Providing on-line credit and financing services for businesses and financial institutions</p> <p>Class 038. First use: First Use: 1999/06/00 First Use In Commerce: 1999/06/00 Providing telecommunications connections to a global computer network to connect businesses, financial institutions, financing partners, and information sources worldwide</p>		
Attachments	77409043#TMSN.png(bytes) 77452483#TMSN.png(bytes) 77650428#TMSN.png(bytes) 77666463#TMSN.png(bytes)		

	85197479#TMSN.png(bytes) 85201270#TMSN.png(bytes) 85881337#TMSN.png(bytes) 75928041#TMSN.png(bytes) CREDITERA - Petition for Partial Cancellation.pdf(19383 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	/Kristin H. Altoff/
Name	Kristin H. Altoff
Date	12/01/2014

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

Cortera, Inc.,

Petitioner,

v.

Creditera,

Respondent.

Cancellation No.: _____

PETITION FOR PARTIAL CANCELLATION

Cortera, Inc., a corporation of Delaware located at 777 Yamato Road, Suite 500, Boca Raton, Florida 33431 (“Cortera” or “Petitioner”) believes it is being and will continue to be damaged by the registration for the CREDITERA designation that Creditera (“Creditera” and “Respondent”) registered under No. 4,363,923. Cortera hereby petitions to partially cancel the registration for the CREDITERA designation for “business credit reporting services” and “credit and financial consultation” under Section 14(3) of the Trademark Act of July 5, 1946, 15 U.S.C. § 1064(3).

As grounds for the petition to cancel, Cortera alleges as follows:

Cortera and Its CORTERA Marks

1. For many years, and long before the October 19, 2012 filing date of Respondent’s CREDITERA application, as well as the May 21, 2012 claimed date of first use and October 1, 2012 claimed date of first use in commerce of Respondent’s CREDITERA designation, Petitioner has used the CORTERA mark and a number of marks containing CORTERA (collectively, the “CORTERA Marks”) in connection with providing credit information on businesses and corporations and related credit and business information solutions.

2. In addition to its common law rights in the CORTERA Marks, Cortera owns registrations for the CORTERA Marks in connection with information services in the field of credit and financing for businesses and financial institutions and organizations, providing and facilitating obtaining credit reports and information regarding businesses and financial institutions and organizations, and related goods and services, including, but not limited to, the following registrations issued by the United States Patent and Trademark Office (“PTO”):

Registration Number	Mark	International Class(es)	Date of First Use in Commerce
3,737,588	CORTERA	Cl. 9, 36, 42	04/01/2008
3,628,419	CORTERA TREE	Cl. 35	05/18/2008
3,938,385	CORTERA EDGE	Cl. 42	12/31/2008
3,798,241	CORTERA CPR	Cl. 42	01/22/2009
4,168,719	CORTERA PULSE	Cl. 35, 36	08/31/2010
4,097,987	CORTERA CPR PULSE	Cl. 35, 36	05/30/2009
4,519,070	CORTERA LOOKALIKES	Cl. 35	02/03/2013

3. The filing dates of the first six of Petitioner’s registrations listed above precede the October 19, 2012 filing date of Respondent’s registration for CREDITERA (Reg. 4,363,923).

4. During its longstanding and widespread use of the CORTERA Marks, Petitioner has expended considerable time, effort, and money in advertising and promoting the goods and services it offers and sells under the CORTERA Marks.

5. Petitioner has offered for sale and sold goods and services under the CORTERA Marks in a trading area of broad geographical scope across the United States.

6. Petitioner has offered for sale and sold goods and services under the CORTERA Marks in numerous channels of trade.

7. The CORTERA Marks are symbolic of the extensive goodwill and consumer recognition that Petitioner has established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods and services that Petitioner offers for sale and sells under the CORTERA Marks.

8. Petitioner also uses and owns an incontestable federal registration for the mark ECREDIT (Reg. 2,785,256) for “providing on-line credit and financing services for businesses and financial institutions.”

9. Petitioner’s use of the ECREDIT mark and application filing date for the ECREDIT registration precede the October 19, 2012 filing date of Respondent’s registration for CREDITERA (Reg. 4,363,923).

Respondent’s Trademark Registration

10. On October 19, 2012, Respondent filed an application for federal registration of the designation CREDITERA, which was assigned Application Serial No. 85/758,743.

11. Respondent’s registration for the CREDITERA designation issued on July 9, 2013 for “Business credit reporting services; Consumer credit consultation; Credit and financial consultation.”

12. Through its longstanding and widespread use of the CORTERA Marks, Petitioner has acquired exclusive rights in the CORTERA Marks that predate any rights upon which Respondent may rely.

13. Petitioner’s rights to the CORTERA Marks are superior to those of Respondent.

14. The business credit reporting services and credit and financial consultation services covered by Respondent’s registration for the CREDITERA designation are identical and closely related to the services with which Petitioner’s CORTERA Marks are used and registered.

15. Respondent's registration for the CREDITERA designation is without the consent, authorization, or license of Petitioner.

First Cause of Action
Likelihood of Confusion

16. Petitioner incorporates by reference and realleges as though fully set forth herein the allegations of paragraphs 1 through 15 of this Petition for Partial Cancellation.

17. Petitioner believes it is being and will continue to be damaged by registration of Respondent's CREDITERA designation for "business credit reporting services" and "credit and financial consultation" under Section 14(1) of the Lanham Act, 15 U.S.C. § 1064(1), on the ground that the subject designation so resembles the CORTERA Marks (and together with the ECREDIT mark) used by Petitioner in the United States as to be likely, when used on or in connection with the Respondent's services, to cause confusion, mistake or to deceive consumers, with consequent injury to Petitioner and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, for the reasons set forth in the foregoing paragraphs, Petitioner believes it is being damaged and will continue to be damaged by registration of the CREDITERA designation shown in Registration No. 4,363,923 for "business credit reporting services" and "credit and financial consultation" and respectfully requests that such registration be cancelled as to such services.

Dated: December 1, 2014

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS, LLP

By: /s/ David O. Johanson

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Partial Cancellation has been sent via first class mail, postage pre-paid on this 1st day of December 2014 to:

Creditera
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Salt Lake City, Utah 84111-1032

/Kristin H. Altoff/