

ESTTA Tracking number: **ESTTA680745**

Filing date: **06/29/2015**

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	Qumu Corporation		
Entity	Corporation	Citizenship	Minnesota
Address	7725 Washington Ave. So. Edina, MN 55439 UNITED STATES		

Attorney information	Marsha Stolt, Esq. MOSS & BARNETT, P.A. Suite 1200 150 So. Fifth Street Minneapolis, MN 55402 UNITED STATES ipmsd@lawmoss.com Phone:6128775443		
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Registrations Subject to Cancellation

Registration No	2957358	Registration date	05/31/2005
Registrant	inLighten, Inc. 3370 Walden Avenue Depew, NY 14043 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2000/03/02 First Use In Commerce: 2000/03/02 All goods and services in the class are cancelled, namely: Proprietary computer software package with accompanying hardware, which allows end-users to create custom multimedia shows, namely, videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast content to playback units
Class 042. First Use: 2000/03/02 First Use In Commerce: 2000/03/02 All goods and services in the class are cancelled, namely: Application service provider (ASP)featuring computer software package with accompanying hardware, which allows end-users to create custom multimedia shows, namely, videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast content to playback units

Grounds for Cancellation

Abandonment	Trademark Act section 14		
Registration No	3171173	Registration date	11/14/2006
Registrant	inLighten, Inc. 3370 Walden Ave. Depew, NY 14043 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2000/03/02 First Use In Commerce: 2000/03/02

All goods and services in the class are cancelled, namely: Proprietary Computer software package with accompanying hardware, which allows end-users to create custom multimedia shows, namely videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast of content to playback units

Class 042. First Use: 2000/03/02 First Use In Commerce: 2000/03/02

All goods and services in the class are cancelled, namely: Application Service Provider (ASP) featuring computer software package with accompanying hardware, which allows end users to create custom multimedia shows, namely, videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast of content to playback units

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Grounds for Cancellation-VIDEONET DIRECTOR.pdf(15719 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	/ms/
Name	Marsha Stolt, Esq.
Date	06/29/2015

The grounds for cancellation as follows:

Petitioner is the owner of U.S. Serial No. 86217367 for the mark VIDEONET EDGE covering services in International Class 42 described as “providing non-downloadable computer software used to provide secure distribution, management, and tracking of on-demand video delivery and live streaming of video content.”

In an Office Action issued May 5, 2014, registration of Applicant’s mark was refused by the Trademark Examiner under Section 2(d) of the Act, citing two registrations for the marks VIDEONET DIRECTOR and VIDEONET DIRECTOR & DESIGN, Reg. Nos. 2957358 and 3171173, both covering:

Class 9: Proprietary Computer software package with accompanying hardware, which allows end-users to create custom multimedia shows, namely videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast of content to playback units.

And

Class 42: Application Service Provider (ASP) featuring computer software package with accompanying hardware, which allows end users to create custom multimedia shows, namely, videos, sound, text and graphics; and allows scheduling them for playback at remote sites and broadcast of content to playback units.

Applicant responded to the Office Action on November 5, 2014, arguing that the parties’ marks were distinguishable and that there was no likelihood of confusion occurring between the marks. On December 31, 2014, the Examining Attorney issued a Final Office Action continuing and making final the refusal of registration based upon the earlier registrations.

Applicant still maintains that there is no likelihood of confusion occurring between the marks. However, Applicant now believes that the Registrant has abandoned its use of the marks VIDEONET DIRECTOR and VIDEONET DIRECTOR & DESIGN. A review of the US PTO records for Reg. No. 2957358 shows that the registration was due for renewal on May 31, 2015. As shown by the attached TSDR record, no application for renewal of the registration has been filed to date. In addition, a review of the Registrant’s website shows no use of the mark VIDEONET DIRECTOR or VIDEONET DIRECTOR & DESIGN. Accordingly, Applicant hereby petitions to cancel the registrations in order to remove them as an impediment to its registration of the mark VIDEONET EDGE.

WHEREFORE, Petitioner prays that Registration Nos. 2957358 and 3171173 be cancelled and that this petition for cancellation be sustained.