

ESTTA Tracking number: **ESTTA691301**

Filing date: **08/24/2015**

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	Infinite Takes, LLC		
Entity	Limited Liability Company	Citizenship	South Carolina
Address	2387 Clements Ferry Road Charleston, SC 29492 UNITED STATES		

Attorney information	John C. McElwaine Nelson Mullins Riley & Scarborough LLP 100 North Tryon Street Charlotte, NC 28202 UNITED STATES ip@nelsonmullins.com, john.mcelwaine@nelsonmullins.com Phone:843-720-4302		
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Registration Subject to Cancellation

Registration No	2654603	Registration date	11/26/2002
Registrant	STREAM INTERNATIONAL INC. 20 William Street, Suite 310 Wellesley, MA 02481 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1995/04/01 First Use In Commerce: 1995/04/01 All goods and services in the class are cancelled, namely: technical support in the field of personal computer hardware and software
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	20150824142457781.pdf(266786 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	/John C. McElwaine/
Name	John C. McElwaine

Date	08/24/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registration No. 2,654,603

For the mark: STREAM

Date registered: November 26, 2002

Infinite Takes, LLC,

Petitioner,

v.

Stream International, Inc.,

Registrant.

Cancellation No.: _____

PETITION TO CANCEL

Infinite Takes, LLC ("Petitioner"), a limited liability company organized and existing under the laws of the State of South Carolina, having a principal place of business at 2387 Clements Ferry Road, Charleston South Carolina 29492, hereby petitions to cancel the registration owned by Stream International, Inc. for the mark STREAM, U.S. Reg. No. 2,654,603, reciting "technical support in the field of personal computer hardware and software", in International Class 042 (the "'603 Registration").

Petitioner states the following grounds in support of cancellation:

THE PARTIES

1. Petitioner is a limited liability company organized and existing under the laws of the State of South Carolina with its principal place of business at 2387 Clements Ferry Road, Charleston South Carolina 29492.

2. On April 13, 2014, Petitioner filed Application Serial No. 86/241,326 to register the mark S STRE.AM and Design. Petitioner's application was refused registration in a

first Office Action dated July 11, 2014. As grounds for refusal, the Examining Attorney indicated he believed that there was likely to be confusion, under Section 2(d) of the Lanham Act, between Petitioner's application and the services recited in International Class 42 in the '603 Registration.

3. On January 10, 2015, Petitioner filed a response to said Office Action arguing against the Examining Attorney's Section 2(d) refusal. On February 22, 2015, a final Office Action was issued maintaining the refusal under Section 2(d) of the Lanham Act.

4. Stream International, Inc. ("Registrant") is, upon information and belief, a Delaware corporation with an address of 20 William Street, Suite 310, Wellesley, Massachusetts 02481.

CANCELLATION BASED UPON ABANDONMENT

5. Upon information and belief, Registrant is not currently using the mark STREAM in any commerce that can be regulated by U.S. Congress, in connection with the services recited in International Class 42 in the '603 Registration.

6. Upon information and belief, Registrant has abandoned the services recited in International Class 42 in the '603 Registration by discontinuing use of (or never having used) said mark, with no intent to resume use.

STANDING

7. Petitioner is likely to be damaged and is being damaged by continued registration of the services recited in International Class 42 in the '603 Registration in that this registration has been cited in Office Actions as barring registration of Applicant's Application Serial No. 86/241,326.

WHEREFORE, Petitioner prays that U.S. Registration No. 2,654,603 be cancelled in its entirety, and for such other and further relief as the Trademark Trial and Appeal Board may deem just and proper.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: 

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Attorneys for Infinite Takes, LLC

Charleston, South Carolina
August 24, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION TO CANCEL has been served on the Registrant, by mailing said copy on the date indicated below, via First Class Mail, postage prepaid to the current correspondence address as listed in the Trademark Applications and Registrations Retrieval (TARR) system for U.S. Registration No. 2,654,603, which current correspondence address are all listed as:

Stream International, Inc.
20 William Street, Suite 310
Wellesley, Massachusetts 02481

with a courtesy copy mailed by First Class Mail, postage prepaid to:

Dean Howell
Executive Counsel
Convergys Corporation
17787 Waterview Parkway
Dallas Texas 75252

Dated: August 24, 2015


