

ESTTA Tracking number: **ESTTA691346**

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	Information Resources, Inc.		
Entity	Corporation	Citizenship	Illinois
Address	150 N Clinton St # 150 Chicago, IL 60661 UNITED STATES		

Attorney information	Bart A. Lazar Seyfarth Shaw LLP 131 S. Dearborn St., Suite 2400 Chicago, IL 60603 UNITED STATES chiipdocket@seyfarth.com, blazar@seyfarth.com, tshimada@seyfarth.com, lax-docket@seyfarth.com Phone:312-460-5000		
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Registration Subject to Cancellation

Registration No	4055582	Registration date	11/15/2011
Registrant	Plug And Play Consulting #400 Beverly Hills, CA 90211 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2010/10/01 First Use In Commerce: 2011/01/07 All goods and services in the class are cancelled, namely: providing temporary use of on-line non-downloadable computer software for data management
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Grounds for Cancellation

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LIQUID DATA		
Goods/Services	computer software services and market research in the field of data management, and data management systems services		

Attachments	20655011_4 LIQUID DATA - Petition to Cancel.pdf(12953 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	/Tiffany W. Shimada/
Name	Tiffany W. Shimada
Date	08/24/2015

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

In the Matter of Registration No. 4,055,582
Registration Date: November 15, 2011

Information Resources, Inc.,

Petitioner,

v.

Plug And Play Consulting,

Respondent.

Cancellation No.

Mark: LIQUID DATA
Registration No. 4,055,582
Serial No.: 85/262,150
Registration Date: November 15, 2011

PETITION FOR CANCELLATION

Petitioner Information Resources, Inc. (“Petitioner”), an Illinois corporation, submits that it is being and will continue to be damaged by Registration No. 4,055,582. Accordingly, Petitioner petitions to cancel Registration No. 4,055,582. As grounds for its petition, Petitioner alleges as follows:

Petitioner and its Marks

1. Petitioner is a corporation organized and existing under the laws of the State of Illinois, having its principal place of business at 150 North Clinton Street, Chicago, Illinois 60661.

2. Since at least as early as March, 2008, Petitioner has used the trademark LIQUID DATA (“Petitioner’s Mark”) in connection with computer software services and market research in the field of data management, and data management systems services. (“Petitioner’s

Services”). Petitioner has achieved significant commercial success, having offered its services to numerous customers under Petitioner’s Mark throughout the United States. In addition, Petitioner has spent substantial amounts of money in the United States advertising and promoting its services offered under Petitioner’s Mark, and has achieved substantial third party recognition for Petitioner’s Mark, when used in connection with Petitioner’s Services.

3. Petitioner owns all right, title and interest in and to the LIQUID DATA Mark. From a time more than two years prior to the filing date of the application that matured into Registration No. 4,055,582, or any earlier date of actual use of the mark shown therein upon which Respondent Plug and Play Consulting can rely, Petitioner has used the LIQUID DATA Mark in commerce in the United States on and in connection with the foregoing services. By virtue of the excellence of the services sold under the LIQUID DATA Mark, Petitioner’s Mark has a valuable reputation for use in connection with Petitioner’s Services.

RESPONDENT

4. On information and belief, Respondent Plug and Play Consulting (“Respondent”) is a company organized under the laws of the State of California with a place of business at 264 S. La Cienega Blvd., Suite 1082, Beverly Hills, CA 90211.

5. Respondent is the listed owner of Registration No. 4,055,582, for the mark LIQUID DATA (“Respondent’s Mark”) for providing temporary use of on-line non-downloadable computer software for data management (“Respondent’s Services”).

6. Notwithstanding Petitioner’s long prior rights in and to the LIQUID DATA Mark, Respondent, on information and belief, on March 9, 2011, filed an application for registration of the trademark LIQUID DATA for Respondent’s Services in International Class 42.

CLAIM FOR RELIEF

(Likelihood Of Confusion With Previously Used Mark)

7. Petitioner repeats and re-alleges each and every allegation set forth in the above paragraphs.

8. Petitioner has priority of right to use the LIQUID DATA mark in connection with Petitioner's Services and goods and services related thereto.

9. Respondent's Services are identical to or closely related to Petitioner's Services.

10. Respondent's Mark that is the subject of Registration No. 4,055,582, when used in connection with Respondent's Services, is identical to Petitioner's Mark, and used in connection with services which are identical or closely related to Petitioner's Services, and therefore is likely to cause confusion, to cause mistake, or to deceive and the registration for Respondent's Mark should be cancelled under Section 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

11. Petitioner has been, is being and will be damaged by the continued registration of the mark shown in Registration No. 4,055,582 because registration gives Respondent *prima facie* evidence of its ownership of, and its exclusive nationwide right to use, a mark that is confusingly similar to Petitioner's Mark.

WHEREFORE, for the foregoing reasons, Petitioner is being and will be damaged by the continued registration of the mark shown in Registration No. 4,055,582, and respectfully requests that judgment be entered in its favor on this petition and that Registration No. 4,055,582 be cancelled.

Please charge any deficiency or credit any overpayment related to this Petitioner to Deposit Account No. 50-2291, and direct all correspondence in connection with this

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to Rule 2.111 of the Trademark Rules of Practice (27 CFR 2.111), a true copy of the foregoing PETITION FOR CANCELLATION was served on Respondent (the owner of record of the registration at issue) on August 24, 2015, via first class mail to:

Danny Baraz
PLUG AND PLAY CONSULTING
264 S. La Cienega Blvd.
Suite 1082
Beverly Hills, CA 90211

/Patricia Devine/