

ESTTA Tracking number: **ESTTA715524**

Filing date: **12/18/2015**

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	Imagination Technologies Limited		
Entity	Limited Liability Company	Citizenship	United Kingdom
Address	Imagination House Home Park Estate Kings Hertfordshire, WD48LZ UNITED KINGDOM		

Attorney information	Michelle Alvey Husch Blackwell LLP 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 UNITED STATES pto-sl@huschblackwell.com Phone:314-480-1500
----------------------	--

Registration Subject to Cancellation

Registration No	3181184	Registration date	12/05/2006
International Registration No.	NONE	International Registration Date	NONE
Registrant	INSIGMA TECHNOLOGY CO., LTD. Room 1501, Building A, CHINA		

Goods/Services Subject to Cancellation

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Computers; recorded computer software, namely, communications software for connecting global computer networks, computer game software, computer software for use in database management, computer software for word processing, computer software for application and database integration, and computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; data processors; blank integrated circuit cards, namely, smart cards; blank optical discs; computer peripherals; optical communication instruments, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and communication link testers for testing communication links; electronic testing equipment, namely sound level meters and antifreeze testers; mechanisms for computer-operated apparatus, namely telephone answering machines; microprocessors</p>
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	petition_to_cancel.pdf(114724 bytes)
-------------	---------------------------------------

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	/Michelle Alvey/
Name	Michelle Alvey
Date	12/18/2015

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on December 18, 2015.

/Michelle Alvey/

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

Mark: INSIGMA

In the matter of Registration No. 3181184

IMAGINATION TECHNOLOGIES LIMITED)	
)	
Petitioner,)	
)	Proceeding No.
v.)	
)	
INSIGMA TECHNOLOGY CO., LTD.)	
)	

Registrant.

PETITION TO CANCEL REGISTRATION NO. 3181184

Imagination Technologies Limited, a United Kingdom Limited Liability Company, with a place of business at Imagination House, Home Park Estate Kings Langley, Hertfordshire United Kingdom WD48LZ, (“Petitioner”), is being and will be damaged by the continued registration of the mark shown at U.S. Registration No. 3181184 and hereby petitions to cancel Registration No. 3181184. The grounds for cancellation are as follows:

1. Registrant INSIGMA TECHNOLOGY CO., LTD., a China Limited Company with a place of business at Room 1501, Building A, Zheda Wangxin Software Park, No. 18, Xiyuan Yilu,, Sandun Town, Xihu District, Hangzhou City, Zhejiang Province China (“Registrant”) is the owner of U.S. Registration No. 3181184 for “Computers; recorded computer software, namely, communications software for connecting global computer networks, computer game software, computer software for use in database management, computer software for word processing, computer software for application and database

integration, and computer software for the collection, editing, organizing, modifying, book marking, transmission, storage and sharing of data and information; data processors; blank integrated circuit cards, namely, smart cards; blank optical discs; computer peripherals; optical communication instruments, namely, optical transmitters, optical receivers, optical data links, optical transceivers, cable television transmitters and communication link testers for testing communication links; electronic testing equipment, namely sound level meters and antifreeze testers; mechanisms for computer-operated apparatus, namely telephone answering machines; microprocessors” in International Class 9 (the “Registration”).

2. The Registration issued on December 5, 2006. Registrant filed the application for Registration on November 30, 2004 under Section 66(a) of the Trademark Act. Registrant filed a Declaration of Continued Use/Excusable Nonuse of Mark in Commerce Under Section 71 on July 25, 2012 claiming use in connection with all of the goods in the Registration.

3. Petitioner owns U.S. Application No. 86516741 for the mark ENSIGMA for the following goods and services:

IC 009. US 021 023 026 036 038. G & S: Radio processing units, namely, radio signal processors and processing units in the nature of semi-conductor chips for enabling network connectivity and television and radio reception, and digital signal processors; application specific integrated circuits; integrated circuits; instruction set architectures and processor architecture, namely, computer operating software and signal processors; integrated circuit chips; computer chip sets; microprocessors; data processors; central processing units; digital signal processing apparatus and equipment, namely, digital signal processors; application specific integrated circuits; speech synthesis apparatus and equipment, namely, apparatus for speech recording and replaying, digital voice signal processors and computer hardware for use in speech synthesis applications; speech synthesis software, namely, software for use in analyzing, recording, reproducing and transmitting speech; downloadable computer software for use with programmable hardware, including radio processing units, namely, software for processing radio signals; data processors for use in wireless communication devices for voice, data, or image transmission; operating programs for use in electronic devices, namely, computer operating software; system programs for use in electronic devices, namely, computer software for use in operating electronic devices

IC 042. US 100 101. G & S: Product research and design services, professional engineering consultation, and technical consultancy services, all relating to digital

signal processing, speech technology, computer software, computer hardware, and telecommunications; design of application specific integrated circuits; design of digital speech processing algorithms; computer hardware and software rental; providing temporary use of non-downloadable software for processing, storage, retrieval, transmission, display, input, output, compressing, decompressing, modifying and broadcasting of data; providing temporary use of non-downloadable software for the receipt, display, and use of broadcast video, audio and digital data signals; providing temporary use of non-downloadable software for use in operating wireless network communications; online management services for communications devices and personal electronic devices, namely, remote management of the computer systems of others; computer hardware and software configuration management relating to the usage of communications devices and personal electronic devices; technical support services, namely, troubleshooting of computer software problems; diagnosing problems with consumer electronic communications devices and personal electronic devices; information, advisory and consultancy services relating to the aforesaid services

4. The mark that is the subject of the Registration was cited by the Examiner as a basis for refusal of Petitioner's application.

5. Upon information and belief, Registration No. 3181184 is void ab initio as a result of Registrant's failure to meet the statutory requirements including, without limitation, the statutory requirements regarding a bona fide intent to use the mark in commerce under its Section 66(a) application at the time of filing, and the statutory requirements regarding use at the time of its filing the Section 71 Declaration.

6. Further, and in the alternative, upon information and belief, Registrant has abandoned the INSIGMA mark due to non-use with the intent not to resume use.

WHEREFORE, Petitioner believes that it will be damaged by the continued registration of Registration No. 3181184 and requests that the Petition to Cancel Registration No. 3181184 be sustained in favor of Petitioner and that Registration No. 3181184 be canceled.

Petitioner requests that, if there is any insufficiency in the payment of the statutory filing fee for this Petition, such amount be debited from our Deposit Account No. 11-0160.

Respectfully submitted,

By: /Michelle Alvey/
Michelle Alvey
Arkadia Olson
Alan Nemes
HUSCH BLACKWELL LLP
The Plaza in Clayton Office Tower
190 Carondelet Plaza, Suite 600
St. Louis, MO 63105
Telephone: (314) 345-6000
Facsimile: (314) 345-6060

Attorneys for Petitioner.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITION TO CANCEL REGISTRATION NO. 3181184 has been duly served on the Registrant by mailing a copy of same via U.S. First Class Mail, postage prepaid, on this 18th day of December 2015 to:

Attorney of Record for Registrant:

Jeffrey M. Furr
Furr Law Firm
2622 Debolt Road
Utica, Ohio 43080

/Michelle Alvey/