

ESTTA Tracking number: **ESTTA775729**

Filing date: **10/10/2016**

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	Digital.me Limited		
Entity	limited company	Citizenship	United Kingdom
Address	10 Bourne Lane, Wrecclesham Farnham, Surrey, GU104RQ UNITED KINGDOM		

Attorney information	Z. Peter Sawicki WESTMAN, CHAMPLIN & KOEHLER, P.A. 900 Second Avenue South, Suite 1400 Minneapolis, MN 55402 UNITED STATES psawicki@wck.com Phone:6123343222		
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Registration Subject to Cancellation

Registration No	2576462	Registration date	06/04/2002
Registrant	Novell, Inc. 1800 South Novell Place Provo, UT 846066194 UNITED STATES		

Goods/Services Subject to Cancellation

<p>Class 009. First Use: 1999/10/05 First Use In Commerce: 1999/10/05 All goods and services in the class are cancelled, namely: computer hardware; blank electronic chip cards, namely, smart cards; point of sale computer terminals; magnetic coded card readers; bar code readers; automatic teller machines; computer software for use in the electronic identification and verification of biometric data; computer software for use in electronic commerce, namely controlling the information consumers provide to merchants; computer software for use in electronic mail, namely, software for use in creating, maintaining, and sharing digital identities for security purposes and for verifying digital identities ; computer software for use in digital identification and authentication of users</p>
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Related Proceedings	Tracking No: ESTTA775725
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Attachments	2016-10-10_Cancellation_2576462.pdf(204958 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	/Z. Peter Sawicki/
Name	Z. Peter Sawicki
Date	10/10/2016

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

In the matter of:

Registration No. 2,576,462
Mark: DIGITALME and design
International Class: 009
Filing Date: April 7, 1999
Registration Date: June 4, 2002

Digi.me Limited, Petitioner, v. Novell, Inc., Registrant.	Cancellation No.
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PETITION TO CANCEL

Digi.me Limited, a limited company organized under the laws of the United Kingdom, having a place of business at 10 Upper Bourne Lane, Wrecclesham Farnham, Surrey, GU104RQ, United Kingdom, believes that it is damaged by Registration No. 2,576,462 and hereby petitions to cancel the same under the provisions of 15 U.S.C. § 1064.

The grounds for cancellation are as follows:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 86/913,457 for the trademark DIGITAL ME, filed on February 19, 2016, filed under Section 44(d) and 1(b) of the Lanham Act.

2. According to the records of the USPTO, the current owner of U.S. Trademark Registration No. 2,576,462 is Novell, Inc., a corporation organized under the laws of Delaware, having an address at 1800 South Novell Place PRV-H-544, Provo, Utah 84606.

3. Petitioner's trademark application Serial No. 86/913,457 is presently refused registration based on Registration No. 2,576,462.

4. On information and belief, Registrant has ceased use of the DIGITALME Trademark in connection with the goods identified in U.S. Trademark Registration No. 2,576,462 and intends not to resume such use.

5. On information and belief, Novell, Inc. was a company headquartered in Utah, but was acquired by The Attachmate Group, which was later acquired by Micro Focus International. Further, on information and belief, Registrant shut down its DIGITALME servers permanently on or about March, 2004 and abandoned its DIGITALME net identity efforts.

6. As a result of its non-use of the DIGITALME Trademark in connection with the goods identified in U.S. Trademark Registration No. 2,576,462 with an intention not to resume use, Registrant has abandoned the DIGITALME Trademark with respect to those goods within the meaning of 15 U.S.C. § 1127.

7. Novell, Inc. has abandoned the DIGITALME mark for computer hardware; blank electronic chip cards, namely, smart cards; point of sale computer terminals; magnetic coded card readers; bar code readers; automatic teller machines; computer software for use in the electronic identification and verification of biometric data; computer software for use in electronic commerce, namely controlling the information consumers provide to merchants; computer software for use in

electronic mail, namely, software for use in creating, maintaining, and sharing digital identities for security purposes and for verifying digital identities; computer software for use in digital identification and authentication of users services as early as 2004. Due to this course of conduct, DIGITALME no longer holds significance as a source indicator for NOVELL, INC. See Trademark Act § 45, 15 U.S.C. § 1127.

Given the forgoing, Novell, Inc.'s registration must be cancelled.

WHEREFORE, Petitioner, through its attorney, prays that Registration No. 2,576,462 be cancelled.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KOEHLER, P.A.

By:



Z. Peter Sawicki

Amanda M. Prose

900 Second Avenue South

Suite 1400

Minneapolis, MN 55402-3319

Phone : 612-334-3222

Fax : 612-334-3122

**ATTORNEYS FOR PETITIONER,
DIGI.ME LIMITED**