

01-13-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #70

Attorney Docket No.: 01007-002-00007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF

TRADEMARK	:	ACI
APPLICANT	:	Autonomy Corporation PLC
SERIAL NO.	:	76/277,540
FILING DATE	:	June 28, 2001
OFFICE ACTION DATE	:	July 19, 2002
EXAMINER	:	Ann K. Linnehan (Law Office 114)

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NOTICE OF APPEAL AND REQUEST FOR SUSPENSION


Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
BOX TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Applicant hereby appeals to the Trademark Trial and Appeal Board from the Final Refusal to register the above-referenced mark. Applicant further requests that the Board suspend this appeal and remand the application to the Examining Attorney for consideration of applicant's Response To Office Action And Request For Reconsideration, filed on December 20, 2002. The Examiner's disposition of this Request for Reconsideration could simplify the issues presented in this appeal or eliminate the need for an appeal altogether.

A check for the appeal fee of \$400 is attached. Please charge any shortfall or missing fees, and credit any overpayment, to Deposit Account No. 16-0650.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: 
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Attorney for Applicant, Autonomy Corporation PLC

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, Attn: BOX TTAB FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on January 9, 2003.

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

In the Matter of Registration No. 1,702,234:

ACI

Date of Issue: July 21, 1992



AUTONOMY CORPORATION PLC,)
)
Petitioner,)
)
v.)
)
AUTOMATED CONCEPTS, INC.,)
)
Registrant.)

01-13-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #70

Cancellation No. _____

PETITION FOR CANCELLATION

Autonomy Corporation PLC, a United Kingdom corporation located and doing business at Cambridge Business Park, Cowley Road, Cambridge CB4 OWZ, United Kingdom, believes it is and will continue to be damaged by the maintenance of Reg. No. 1,702,234 on the Principal Register and hereby petitions to cancel the same

As grounds for cancellation, petitioner alleges:

1. Petitioner owns an application to register ACI. App. Serial No. 76/277,540.
2. In an Office Action dated September 24, 2001, the Patent and Trademark Office refused to register petitioner's ACI mark based on a likelihood of confusion with respondent's registration for the mark ACI, Reg. No. 1,702,234. This refusal was made final in an Office Action dated July 19, 2002. A copy of the Office Action making final the refusal to register is attached as Exhibit A.
3. On information and belief, respondent has discontinued using ACI for the services identified in Reg. No. 1,702,234, and intends not to resume such use.

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4. Respondent has therefore abandoned the ACI mark for the services in Reg. No. 1,702,234.

5. Respondent's registration for ACI is injurious to petitioner because it casts a cloud on petitioner's exclusive right to use its ACI mark and has barred registration of petitioner's mark in the Patent and Trademark Office.

WHEREFORE, petitioner prays for the cancellation of Reg. No. 1,702,234.

A check in the amount of \$300.00 is enclosed. Please charge any shortfall, excess or missing fees to Deposit Account no. 16-0650.

Please address all correspondence to Sanjiv D. Sarwate, Esq., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON

By: _____

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Attorneys for Petitioner, Autonomy Corporation PLC