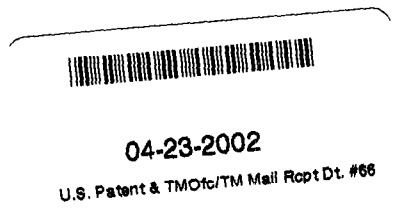


TTAB



UNITED STATES PATENT AND TRADEMARK
OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: March 20, 2002

BridgePoint Systems, Inc.
One Annabel Lane, Suite 104
San Ramon, CA 94583

Reg. No. 2129371
Cancellation No. 92040398

Clyde L. Smith
Thompson Coburn LLP
7733 FORSYTH BOULEVARD. SUITE 1400
ST. LOUIS, MO 63105

BRIDGEPORT CAPITAL LIMITED

v.

BridgePoint Systems, Inc.

02 APR 29 PM 9:23
TRADEMARK TRIAL AND
APPEAL BOARD

Clara Vela, Legal Assistant

A petition, a copy of which is attached, has been filed to
cancel the above-identified registration.

Proceedings will be conducted in accordance with the
Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Patent and Trademark Rule 1.7 for expiration date
falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the
Trademark Rules of Practice, set forth in Title 37, part 2,
of the Code of Federal Regulations. The parties are
reminded of the recent amendments to the Trademark Rules

J.P.

Cancellation No. 92040398

that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64. A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

Discovery and testimony periods are set as follows:

Discovery period to open:	April 9, 2002
Discovery period to close:	October 6, 2002
30-day testimony period for party in position of plaintiff to close:	January 4, 2003
30-day testimony period for party in position of defendant to close:	March 5, 2003
15-day rebuttal testimony period for plaintiff to close:	April 19, 2003

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "*Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board*," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>.

Cancellation No. 92040398

Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

As grounds for its Petition for Cancellation, Petitioner hereby alleges that:

1. Upon information and belief, the current owner of U.S. Trademark Registration No. 2,129,371 for the mark BRIDGEPOINT and design in International Class 36 for *financial services, namely, credit and debit card services* is BridgePoint Systems, Inc. who is presently located at 520 Third Street, Suite 109, Oakland, California 94607 (hereinafter "Registrant").

2. Petitioner is the owner of U.S. Trademark Application Serial No. 76/012,997 for the mark BRIDGEPOINT for *arranging equity financing for businesses and investors; arranging private equity financing for businesses and investors; and managing investment funds for others* in International Class 36.

3. The Examining Attorney assigned to Petitioner's U.S. Trademark Application Serial No. 76/012,997 has refused registration thereof under 15 U.S.C. §1052(d) based on an alleged likelihood of confusion with Registrant's U.S. Registration No. 2,129,371.

4. As a result of the Examiner's refusal to register Petitioner's U.S. Trademark Application Serial No. 76/012,997 based on an alleged likelihood of confusion with Registrant's U.S. Trademark Registration No. 2,129,371, Petitioner is damaged by the continuance of U.S. Trademark Registration No. 2,129,371.

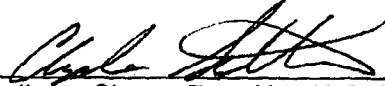
COUNT I – LACK OF USE AS A MARK

5. Paragraphs 1 through 4 are herein incorporated by reference.

6. Upon information and belief, Registrant filed an application for federal trademark registration based on an intent to use the mark BRIDGEPOINT and design in interstate commerce in connection with, among other things, *financial services, namely, credit and debit card services* in International Class 36 on January 22, 1996.

7. Upon information and belief, Registrant filed a Statement of Use under 15 U.S.C. §1051(d) on September 29, 1997 and submitted therewith specimens as support of

Respectfully submitted,



Anthony Simon, Reg. No. 40,813

Clyde L. Smith, Reg. No. 46,292

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Attorneys for Petitioner