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UNITED STATES PATENT AND TRADEMARK
OFFICE

Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513



02-10-2003

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

Mailed: January 24, 2003

AUTOMATED CONCEPTS INCORPORATED

1500 BROADWAY
NEW YORK, NY 10036

Cancellation No. 92041477
Reg. No. 1702234

Robert W. Sacof
Pattishall, McAuliffe, Newbury, Hilliard, & Geraldson
311 South Wacker Drive, Suite 5000
Chicago, IL 60606

Autonomy Corporation PLC

V.

AUTOMATED CONCEPTS INCORPORATED

Torri Rodgers, 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
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

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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: **February 13, 2003**

Discovery period to close: **August 12, 2003**

30-day testimony period for party
in position of plaintiff to close: **November 10, 2003**

30-day testimony period for party
in position of defendant to close: **January 09, 2004**

15-day rebuttal testimony period
for plaintiff to close: **February 23, 2004**

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>. 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.



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12-27-2002

IN THE UNITED STATES PATENT & TRADEMARK OFFICE U.S. Patent & TMO/TM Mail Rcpt Dt. #73
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.)	Cancellation No. _____
)	
AUTOMATED CONCEPTS, INC.,)	
)	
Registrant.)	

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.

Certificate of Mailing
 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 1717, 2900 Crystal Drive, Arlington, Virginia 22202-3573 on December 23, 2002.
M. A. K. K. K.

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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