

TTAB

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

PARAGON SOLUTION NETWORK, INC.,  Petitioner,  v.  INKQUIK, INC.,  Registrant.	Cancellation No.: 90244059  Reg. No. 2,734,105  Mark: INKQUIK
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**PEITIONER'S OPPOSITION TO REGISTRANT'S  
MOTION TO SUSPEND CANCELLATION**

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451

Petitioner Paragon Solution Network, Inc. hereby opposes the motion of Registrant InkQuik, Inc. (misspelled as "InkQuick" in Registrant's moving papers) to suspend all proceedings in this cancellation proceeding.

This is a very unusual case. It is rare that a term which a registrant asserts in litigation is "virtually identical" to the registrant's mark, is almost exactly the same as the mark which that same registrant had argued before the PTO was "quite dissimilar" in order to obtain its registration. It is also rare that a registrant's mark consist of only two terms that are used so descriptively throughout the registrant's advertising, which advertising was not placed before the PTO for the PTO to consider during prosecution of the original application.



02-22-2005

U.S. Patent & TMOfc/TM Mail RcptDt. #64

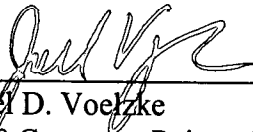
Deciding whether the mark INKQUIK should have ever been registered in the first place under this unusual fact pattern, and whether Registrant committed fraud upon the Patent and Trademark Office under these facts, falls squarely within the special expertise and experience of the Trademark Trial and Appeal Board (TTAB). Nuanced issues of trademark law are therefore presented for which the TTAB's expertise and experience will be particularly helpful in resolving.

Additionally, Petitioner has requested that Registrant agree that discovery taken for one proceeding be allowed to be used for the other. In a letter dated January 15, 2005, Registrant's counsel declined to agree to this cost saving technique, thus raising the very real possibility that, if the district court action fails to fully resolve the cancellation issue, yet another round of travel by counsel for depositions will be required for the cancellation proceeding. Those depositions would cover virtually the same subject matter as previously covered in the depositions for the district court proceeding. Traveling again by both counsel to take virtually the same depositions over again would be wasteful. As long as Registrant refuses to allow depositions to be used for dual purposes and counsel will be required to travel for depositions once, the cancellation proceeding should proceed so that counsel can at least take the duplicative depositions demanded by Registrant within a single trip.

Respectfully submitted,

Dated: February 15, 2005

INTELLECTUAL PROPERTY LAW OFFICE OF  
JOEL D. VOELZKE



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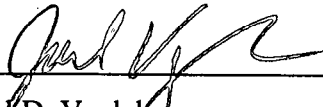
**CERTIFICATE OF SERVICE**

I hereby certify that on February 16 2005, the foregoing

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was served on counsel for Registrant by first class mail to:

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