

In Re Registration No. 2458695 # 75220737  
Registered on June 5, 2001

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

Reply! Inc. ) Cancellation No.  
 )  
Petitioner, )  
 )  
v. )  
 )  
J.D. Power Clubs, Inc. )  
 )  
Respondent. )  
\_\_\_\_\_ )



12-29-2004

U.S. Patent & TMO/c/TM Mail Ropt Dt. #66

Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL**

Reply! Inc., ("Petitioner"), a California corporation having its principal business address at 3000 F. Danville Boulevard, Suite 151, Alamo, California, believes that it will be damaged by the continued presence on the Register of Registration No. 2458695 for the mark CARCLUB.COM. Petitioner hereby petitions to cancel this registration.

Petitioner's grounds for this Petition are as follows:

1. By information and belief, Respondent has discontinued use of the mark CARCLUB.COM with an intent not to resume use and thereby has abandoned the mark within the meaning of Section 45 of the United States Trademark Act of 1946, 15 U.S.C. § 1127.
2. Given that the alleged mark CARCLUB.COM has been abandoned by Respondent, it is subject to cancellation under Section 14 of the United States Trademark Act of 1946, as amended, U.S.C. § 1064.

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WHEREFORE, the Petitioner prays that Registration No. 2458695 be cancelled and that this Petition for Cancellation be sustained in favor of the Petitioner.

Please recognize as attorneys for petitioner Allyn Taylor, member of the Bar of the State of California, and the law firm of Gray Cary Ware & Freidenrich LLP, 2000 University Avenue, East Palo Alto, CA 94303-2248. All communications regarding this petition should be addressed to Allyn Taylor at the foregoing address.

Please charge the filing fees of this Petition to Cancel to Deposit Acct. No. 07-1907. Please charge any additional fees, or credit any overpayment, to Deposit Acct. No. 07-1907. A duplicate of this Petition to Cancel is filed herewith.

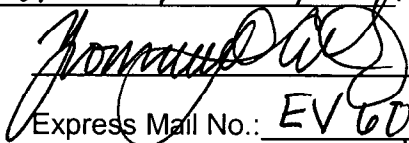
Dated: December 27, 2004

GRAY CARY WARE & FREIDENRICH LLP

By:   
Allyn Taylor  
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Attorneys for Petitioner  
Reply! Inc.

CERTIFICATE OF EXPRESS MAILING

I, Yvonne D. Carter, do hereby certify that the foregoing document(s) is/are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on this date of December 27, 2004.

  
Express Mail No.: EV600252650 US  
Date of Deposit: 12/27/04