

TTAB

**UNITED STATES PATENT AND TRADEMARK  
OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451**

Mailed: January 7, 2005

J.D. POWER CLUBS, INC.  
221 MAIN STREET, SUITE 250  
SAN FRANCISCO, CA 94105

**Cancellation No. 92044067**  
Reg. No. 2458695

ALLYN TAYLOR  
GRAY CARY WARE & FREIDENRICH  
2000 UNIVERSITY AVENUE  
EAST PALO ALTO, CA 94303-2248

**REPLY! INC.**

V.

**J.D. POWER CLUBS, INC.**

**Tammy Logan, 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 Trademark Rule 2.196 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 affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the



01-31-2005

Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at [www.uspto.gov/web/offices/dcom/ttab/](http://www.uspto.gov/web/offices/dcom/ttab/).

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: January 27, 2005

Discovery period to close: July 26, 2005

30-day testimony period for party  
in position of plaintiff to close: October 24, 2005

30-day testimony period for party  
in position of defendant to close: December 23, 2005

15-day rebuttal testimony period  
for plaintiff to close: February 06, 2006

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). The notice is 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.

**New Developments at the Trademark Trial and Appeal Board**

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.



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.

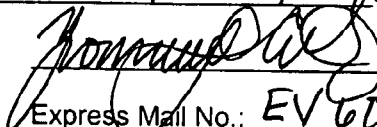
Dated: December 27, 2004

GRAY CARY WARE & FREIDENRICH LLP

By:   
Allyn Taylor  
GRAY CARY WARE & FREIDENRICH  
2000 University Avenue  
East Palo Alto, CA 94303-2248  
Telephone: (650) 833-2170  
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