

# TTAB

UNITED STATES PATENT AND TRADEMARK  
OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

Mailed: July 11, 2005

MiraLink Group, Inc.  
9210 Cypress Green Drive  
Jacksonville, FL 32256

Serial No: 75854564

Cancellation No. 92044718

Reg. No. 2491983

Hillary A. Brooks  
Marger, Johnson & McCollom, P.C.  
1030 S.W. Morrison  
Portland, OR 97205

MiraLink Corporation

v.



MiraLink Group, Inc.

07-25-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

Pauline Stewart, 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 *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:	July 31, 2005
Discovery period to close:	January 27, 2006
30-day testimony period for party in position of plaintiff to close:	April 27, 2006
30-day testimony period for party in position of defendant to close:	June 26, 2006
15-day rebuttal testimony period for plaintiff to close:	August 10, 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>.

ESTTA Tracking number: **ESTTA38130**

Filing date: **07/08/2005**

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

### Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

#### Petitioner Information

<b>Name</b>	MiraLink Corp.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Utah
<b>Address</b>	28 SW First Ave, Ste. 410 Portland, OR 97204 UNITED STATES		

<b>Attorney information</b>	Hillary A. Brooks Marger, Johnson & McCollom, P.C. 1030 S.W. Morrison Portland, OR 97205 UNITED STATES docketing@techlaw.com Phone:503-222-3613		
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#### Registration Subject to Cancellation

<b>Registration No</b>	2491983	<b>Registration date</b>	09/25/2001
<b>Registrant</b>	MiraLink Group, Inc. 9210 Cypress Green Drive Jacksonville, FL 32256 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 035. First Use: 19971001; First Use In Commerce: 19971001 Goods/Services: Employee leasing and personnel managements services		

<b>Attachments</b>	Petition to Cancel.pdf ( 2 pages )
<b>Signature</b>	/Hillary A. Brooks/
<b>Name</b>	Hillary A. Brooks
<b>Date</b>	07/08/2005

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

In the matter of trademark registration No.: 2,491,983  
Filed: November 22, 1999  
For the mark: MIRALINK GROUP  
Class: 35

Miralink Corp.	)	
	)	Petition No. _____
Petitioner,	)	
	)	
v.	)	
	)	
Miralink Group, Inc.	)	
	)	
Registrant.	)	

**PETITION TO CANCEL**

1. Miralink, a Utah corporation having its principal place of business at 28 SW First Avenue, Suite 410, Portland, Oregon 97204 ("Petitioner"), believes it is damaged by registration of the mark MIRALINK GROUP that is the subject of U.S. Trademark Registration No. 2,491,983 ('983 registration) for employee leasing and personnel managements [sic] services by Miralink Group, Inc., a Florida corporation having an address at 9210 Cypress Green Drive, Jacksonville, FL 32256 (Registrant). The '983 registration was filed November 22, 1999, and registered on July 3, 2001. Petitioner requests cancellation of the '983 registration.

As first grounds for cancellation, Petitioner alleges as follows:

2. Petitioner owns U.S. Trademark Registration No. 1,971,873 for the mark MIRALINK for remote data mirroring software and hardware for computer networks.

3. Registrant's mark MIRALINK GROUP so resembles Petitioner's registered MIRALINK mark as to be likely, when used on or in connection with the Registrant's goods or services, to cause confusion, mistake or deception.

As second, alternative, grounds for cancellation, Petitioner alleges as follows:

4. Petitioner, since prior to Registrant's filing date or any date of first use upon

which Registrant can rely, has used and not abandoned the mark MIRALINK as a trademark and service mark for software, hardware, and computer services.

5. Registrant's mark MIRALINK GROUP so resembles Petitioner's previously used MIRALINK mark as to be likely, when used on or in connection with the goods or services of the Registrant, to cause confusion, mistake or deception.

As a third, alternative, grounds for cancellation, Petitioner alleges as follows:

6. Registrant's mark MIRALINK GROUP when used on or in connection with the goods or services of the Registrant suggests a false connection with Petitioner within the meaning of Section 2(a) of the Trademark Act [15 U.S.C. Section 1052(a)].

Petitioner requests the Board cancel the '983 registration.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Hillary A. Brooks

Reg. No. 45,815

Attorney for Petitioner

MARGER JOHNSON & McCOLLOM, P.C.  
1030 SW Morrison Street  
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(503) 222-3613

United States Patent and Trademark Office  
Commissioner for Trademarks  
P.O. Box 505

Alexandria, VA 22313-1451

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07-25-2005

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92044718

MIRALINK GROUP, INC.  
9210 CYPRUS GREEN DRIVE  
JACKSONVILLE, FL 32266

*Handwritten signature*

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