

TTAB

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

Mailed: September 15, 2005

GOFISH.COM, INC  
511 CONGRESS STREET  
PORTLAND, MA 04101

Cancellation No. 92044931  
Reg. No. 2281593

75.546, 352

JAMES R. DAVIS  
ARENT FOX PLLC  
1050 CONNECTICUT AVENUE  
WASHINGTON, DC 20036



AMERICA ONLINE, INC.

10-06-2005

V.

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

GOFISH.COM, INC

**Sandra Thompson, 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: **October 05, 2005**

Discovery period to close: **April 03, 2006**

30-day testimony period for party  
in position of plaintiff to close: **July 02, 2006**

30-day testimony period for party  
in position of defendant to close: **August 31, 2006**

15-day rebuttal testimony period  
for plaintiff to close: **October 15, 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: **ESTTA45016**

Filing date: **09/13/2005**

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>	America Online, Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Delaware
<b>Address</b>	22000 AOL Way Dulles, VA 20166 UNITED STATES		

<b>Correspondence information</b>	James R. Davis Attorney Arent Fox PLLC 1050 Connecticut Avenue Washington, DC 20036 UNITED STATES henrye@arentfox.com, TMDocket@arentfox.com Phone:2028576000
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#### Registration Subject to Cancellation

<b>Registration No</b>	2281593	<b>Registration date</b>	09/28/1999
<b>Registrant</b>	Sea Fax, Inc. 511 Congress Street Portland, ME 04101 UNITED STATES		
<b>Goods/Services Subject to Cancellation</b>	Class 035. First Use: 19980716, First Use In Commerce: 19980716 Goods/Services: Marketing services, namely, providing advertising and promoting commerce between buyers and sellers of food via web-sites on the worldwide network of computers		

<b>Grounds for Cancellation</b>	The registered mark has been abandoned.
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<b>Attachments</b>	gofish.pdf ( 2 pages )
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<b>Signature</b>	/James R. Davis/
<b>Name</b>	James R. Davis
<b>Date</b>	09/13/2005

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

In re Registration No. 2281593 for the mark GOFISH issued on September 28, 1999

AMERICA ONLINE, INC.

Petitioner

v.

Cancellation No. \_\_\_\_\_

GOFISH.COM, INC.

Registrant

**PETITION FOR CANCELLATION**

Petitioner America Online, Inc. believes that it will be damaged by the continued existence of Registration No. 2281593 and hereby petitions to cancel this registration pursuant to Section 14 of the Trademark Act of 1946, 15 U.S.C. §1064. As grounds for cancellation, Petitioner alleges that:

1. Petitioner is the owner of all right, title and interest in and to the mark SINGINGFISH for a variety of computer services.
2. Petitioner has filed Application Ser. No. 78/594624 to register the mark SINGINGFISH in the Patent and Trademark Office.
3. The mark SINGINGFISH has been widely used and publicized for a period of many years.

**ABANDONMENT**

4. On information and belief Registrant has discontinued the use of the registered mark on the services listed in Registration No. 2281593.
5. On information and belief, Registrant has discontinued use of the registered mark with an intent not to resume use.
6. As a result of Registrant's conduct, Registrant has abandoned any right it ever had in its alleged mark.
7. By reason of the foregoing, Petitioner will be damaged by the continued registration of Registrant's alleged mark and the registration should be cancelled.

WHEREFORE, Petitioner requests that the Board grant this petition for cancellation.

AMERICA ONLINE, INC.

By 

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Washington, D.C. 20036  
(202) 57-6000

Counsel for Petitioner

~~MAA 11/13/05~~  
11/13/05

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