

ESTTA Tracking number: **ESTTA76590**

Filing date: **04/17/2006**

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

Name	Brown Bear Communications, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	115 East 86th Street Apt. 131 New York, NY 10028 UNITED STATES		
Attorney information	Michael J. Zinna Ward & Olivo 382 Springfield Ave. Suite 410 Summit, NJ 07901 UNITED STATES zinnam@wardolivo.com, abbeym@wardolivo.com Phone:908-277-3333		

Registration Subject to Cancellation

Registration No	2426685	Registration date	02/06/2001
Registrant	ACTiX USA, Inc. 6760 Jimmy Carter Boulevard, Suite 125 Atlanta, GA 300711256 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 1999/11/01 , First Use In Commerce: 1999/11/01 Goods/Services: PROVIDES HARDWARE SYSTEMS IN CASES WHERE SYSTEMS FAILURE PREVENTS CUSTOMER OPERATIONS, PROVIDING REMOTE HARDWARE AND OPERATION SYSTEM SUPPORT IN THE NATURE OF TECHNICAL SUPPORT SERVICES, NAMELY, TROUBLESHOOTING OF COMPUTER HARDWARE AND SOFTWARE PROBLEMS VIA TELEPHONE AND A GLOBAL COMMUNICATIONS NETWORK OR SYSTEM-TO-SYSTEM, DISASTER RECOVERY, NAMELY THE RECOVERY OF DATA FROM THE USERS CLIENT SERVER		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	SOS_GA.pdf (1 page)(30450 bytes) Memo_Petition.pdf (1 page)(41905 bytes) Inactive_Bus_Directory.pdf (1 page)(12606 bytes)
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Signature	/MJZ/
Name	Michael J. Zinna
Date	04/17/2006



SECRETARY OF STATE

Cathy Cox



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ACTIX USA, INC. (DOMESTIC PROFIT)
 6760 JIMMY CARTER BLVD
 NORCROSS, GA 30071

Officers

Control #	Status	Filing Date	Last AR Paid	Jurisdiction
K622962	ADMINISTRATIVELY DISSOLVED	07/17/1996	04/25/2001	GEORGIA
Registered Agent		Agent Address		Agent County
AGT RESIGNED 11/22/2004		AGT RESIGNED		NOT ON FILE

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To: Trademark Trial and Appeal Board

Fr: Michael J. Zinna, for applicant Brown Bear Communications, Inc.

RE: Petition to Cancel Registration No. 2426685

Date: April 17, 2006

1. Petitioner, Brown Bear Communications, Inc., has standing to petition to cancel the registered mark, "TOTALCOVER and design," Registration No. 2426685. Petitioner desires to use the mark "TOTALCOVER" in commerce and its trademark application serial no. 76607921 has been rejected on the basis of likelihood of confusion with the mark covered by the '685 registration.
2. Petitioner asserts the following as the legal bases for cancelling U.S. Registration No. 2426685, "TOTALCOVER and design."
 - a. The registered mark "TOTALCOVER and design" has been abandoned and is not being used in commerce by Actix USA, Inc..
 - b. Petitioner has searched various business directories and conducted searches on the World Wide Web. The only information found was the listing of Actix USA, Inc. on the Inactive Business Directory dated May 1, 2003. See attached printout of listing.
 - c. The owner of Reg. No. 2426685, Actix USA, Inc. is no longer in business. See attached Dissolution Data Sheet from the Georgia Secretary of State website.
 - d. Petitioner cannot find any current use of the registered mark by Actix USA, Inc. or any other company in the United States.
 - e. The PTO records do not indicate that the mark has been assigned to another party.
 - f. This abandoned, registered mark is preventing petitioner from registering its mark, thereby causing damage to petitioner.
 - g. As of the date of dissolution, Actix USA, Inc. was located at 6760 Jimmy Carter Boulevard, Norcross, GA 30071.
3. For the foregoing reasons, Petitioner requests the TTAB to cancel the Registration No. 2426685.

3 of 3 DOCUMENTS

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Inactive Business Database

ACTIX USA INC

6760 JIMMY CARTER BLVD # 165
NORCROSS, GA 30071-1256 UNITED STATES

TEL: 770-582-0799 FAX: 770-582-1186

ABI-NO: 527988604

5/1/2003

CONTACT: NORM SCHOER PRESIDENT

COUNTY: GWINNETT

CARRIER-CODE: C007

POPULATION: 1 - 24,999 AA

PRI-SIC: 737701 COMPUTERS-RENTING & LEASING

BUSINESS-ORG: FIRM

SALES: 2,500,000 - 4,999,000 DD

EMPLOYEES: 5

AD-SIZE: REGULAR LISTING

LANGUAGE: ENGLISH

LOAD-DATE: 5/6/2003