

TTAB

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

Mailed: April 19, 2006

ACTiX USA, Inc.  
6760 Jimmy Carter Boulevard, Suite 125  
Atlanta, GA 300711256

**Cancellation No. 92045714**  
Reg. No. 2426685

Michael J. Zinna  
Ward & Olivo  
382 Springfield Ave., Suite 410  
Summit, NJ 07901

Brown Bear Communications, Inc.  
V.

ACTiX USA, Inc.

**DWAYNE BOWLING, 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:



05-08-2006  
U.S. Patent & TMO/TM Mail Rcpt Dt. #30

Discovery period to open: May 09, 2006  
Discovery period to close: November 05, 2006  
  
30-day testimony period for party  
in position of plaintiff to close: February 03, 2007  
  
30-day testimony period for party  
in position of defendant to close: April 04, 2007  
  
15-day rebuttal testimony period  
for plaintiff to close: May 19, 2007

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: **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 )
-------------	--

Signature	/MJZ/
Name	Michael J. Zinna
Date	04/17/2006



SECRETARY OF STATE

Cathy Cox



... advancing the e-government revolution

- ▶ HOME ▶ CONTACT ▶ SEARCH
- ▶ ARCHIVES
- ▶ CORPORATIONS
- ▶ ELECTIONS
- ▶ PROFESSIONAL LICENSURE
- ▶ SECURITIES
- ▶ STATE CAPITOL

Search Results

Information current as of 9/16/2005

Records 1 - 1 of 1 Total Records Found

[Click here for an explanation of terms](#)

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

Officers

Control #	Status	Filing Date	Last AR Paid	Jurisdiction
K622962	ADMINISTRATIVELY DISSOLVED	07/17/1998	04/25/2001	GEORGIA
Registered Agent	Agent Address	Agent County		
AGT RESIGNED 11/22/2004	AGT RESIGNED	NOT ON FILE		

[New Search](#)

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

Copyright 2003 infoUSA  
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

United States Patent and Trademark Office

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

If Undeliverable Return in Ten Days

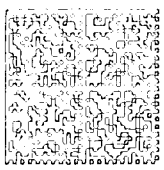
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER

ACTIX USA, INC.  
6760 JIMMY CARTER BOULEVARD, SUITE 125  
ATI ANITA GA 300741956

92045714



U.S. POSTAL SERVICE  
FIRST CLASS  
UNITED STATES POSTAGE  
\$00.030  
02 1A  
00042021 48 APR 20 2006  
MAILED FROM ZIP CODE 22314  
PENALTY FOR PRIVATE USE \$300

NIXIE 300 1 00 05/01/06

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 22313145151 \*0417-06320-20-35

3007142546-2231599751

