

TTAB

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

Mailed: April 26, 2006

TAU SYSTEMS CORPORATION

SUITE 211 7115 LEESBURG PIKE
FALLS CHURCH, VA 22043

Cancellation No. 92045733
Reg. No. 1426966

Sheree Lynn Rybak
Klarquist Sparkman
121 SW Salmon Street One World Trade Center
Portland, OR 97204

State of Oregon acting by and
through the State Board
of Higher Education on
behalf of the
University of Oregon
State of Oregon acting
by and through the
State Board of Higher
Education on behalf of
the University of
Oregon

V.

TAU SYSTEMS CORPORATION

Duion L. Walker, 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).



05-01-2006

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #31

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/.

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:	May 16, 2006
Discovery period to close:	November 12, 2006
30-day testimony period for party in position of plaintiff to close:	February 10, 2007
30-day testimony period for party in position of defendant to close:	April 11, 2007
15-day rebuttal testimony period for plaintiff to close:	May 26, 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: **ESTTA77884**

Filing date: **04/25/2006**

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	State of Oregon acting by and through the State Board of Higher Education on behalf of the University of Oregon		
Entity	state university	Citizenship	Oregon
Address	1238 University of Oregon Eugene, OR 97403 UNITED STATES		

Attorney information	Sheree Lynn Rybak Klarquist Sparkman 121 SW Salmon Street One World Trade Center Portland, OR 97204 UNITED STATES sheree.rybak@klarquist.com, ptotmdocket@klarquist.com, richard.polley@klarquist.com Phone:503 2267391		
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Registration Subject to Cancellation

Registration No	1426966	Registration date	01/27/1987
Registrant	TAU SYSTEMS CORPORATION SUITE 211 7115 LEESBURG PIKE FALLS CHURCH, VA 22043 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 1982/10/01 , First Use In Commerce: 1982/10/01 Goods/Services: CONSULTING SERVICES, NAMELY, SERVICES RELATING TO THE ANALYSIS AND DESIGN OF COMPUTER DATA COMMUNICATION PROCESSING SYSTEMS		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	petition.PDF (13 pages)(871528 bytes)
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Signature	/Sheree Lynn Rybak/
Name	Sheree Lynn Rybak
Date	04/25/2006

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

In the matter of Trademark Registration No. 1,426,966
For the mark TAU SYSTEMS CORPORATION (and design)
Date Registered: January 27, 1987
International class: 042

STATE OF OREGON ACTING BY AND)	
THROUGH THE STATE BOARD OF)	
HIGHER EDUCATION ON BEHALF OF THE)	
UNIVERSITY OF OREGON)	Cancellation No.:
)	
Petitioner,)	
)	
v.)	
)	
TAU SYSTEMS CORPORATION,)	
)	
Registrant.)	

PETITION TO CANCEL

Petitioner, State of Oregon acting by and through the State Board of Higher Education on behalf of the University of Oregon ("University"), has an address of 1238 University of Oregon, Eugene, Oregon 97403.

To the best of Petitioners' knowledge, the name and last known address of the current owner of Registration No. 1,426,966 is Tau Systems Corporation ("Tau Systems"), Suite 211, 7115 Leesburg Pike, Falls Church, Virginia, 22043.

Petitioner believes it will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. On information and belief, Registrant Tau Systems has abandoned the mark TAU SYSTEMS CORPORATION.

2. Petitioner University has been unable to find any evidence that the mark TAU SYSTEMS CORPORATION is currently being used or has been used in recent years.

3. Petitioner University has been unable to find any evidence that Registrant Tau Systems is still in business.

4. Petitioner University's search of the Commonwealth of Virginia corporate database indicates that Tau Systems has been dissolved with last activity in 2001 (Exhibit A).

5. Petitioner University's search of the United States Patent and Trademark Office (PTO) database of trademark registrations and applications indicates that all other trademark filings by Registrant have been cancelled or abandoned (Exhibit B).

6. Petitioner University, through its attorneys, has contacted Registrant's listed attorneys, Mitchell B. Wasson and Stewart L. Giltler at Hoffman, Wasson & Gitler, Crystal Center 2, 2461 South Clark Street, Suite 522, Arlington, VA 22202-2823 by letter and telephone to discuss Registration 1,426,966. The listed attorneys have not represented to Petitioner that the TAU SYSTEMS CORPORATION mark is in use.

7. Registrant's Registration No. 1,426,966 has been cited against Petitioner's trademark application No. 78/466,031 for the mark TAU PERFORMANCE SYSTEM. In particular, in an Office action dated October 25, 2005, the Office concludes that Petitioner's mark TAU PERFORMANCE SYSTEM is confusingly similar to Registrant's mark TAU SYSTEMS CORPORATION. Therefore, continued registration of the mark of Registration No. 1,426,966 will cause injury to Petitioner.

WHEREFORE, Petitioners deem that they are or will be injured and damaged by continued existence of Registration No. 1,426,966, and request that this petition for cancellation thereof be sustained and that Registration No. 1,426,966 be cancelled.

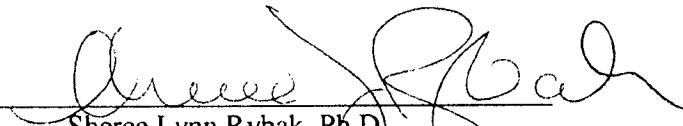
This Petition to Cancel is being filed along with the filing fee stated in 37 C.F.R. § 2.6(a)(16).

Respectfully submitted,

State of Oregon acting by and through the State Board of
Higher Education on behalf of the University of Oregon

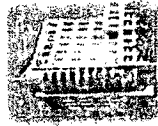
Dated: April 25, 2006

By:


Sheree Lynn Rybak, Ph.D.
KLARQUIST SPARKMAN, LLP
Attorneys for Petitioner

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446

Commonwealth of Virginia



State Corporation Commission

WEB#417 CIS 04/24/06
TCP00010 CISM0180 CORPORATE DATA INQUIRY 17:42:42

CORP ID: 0233717 - 8 STATUS: 13 TERMINATED (VOL STATUS DATE: 09/24/02

CORP NAME: TAU SYSTEMS CORPORATION

DATE OF CERTIFICATE: 09/17/1982 PERIOD OF DURATION: INDUSTRY CODE: 00
STATE OF INCORPORATION: VA VIRGINIA STOCK INDICATOR: S STOCK
MERGER IND: CONVERSION/DOMESTICATION IND:
GOOD STANDING IND: N TERMINATED (MONITOR INDICATOR:
CHARTER FEE: CASE NO: CASE STATUS: HEARING DTE:
R/A NAME: HENRY C MACKALL

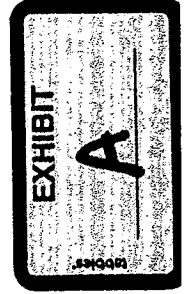
STREET: 4031 CHAINBRIDGE ROAD AR RTN MAIL:

CITY: FAIRFAX S TATE : VA ZIP: 22030
R/A STATUS: A ATTORNEY EFF. DATE: 01/25/96 LOC.: 303
ACCEPTED AR#: 201 69 0653 DATE: 09/24/01 (129) FAIRFAX C
CURRENT AR#: 201 69 0653 DATE: 09/24/01 STATUS: A ASSESSMENT INDICATOR: 0
YEAR FEES PENALTY INTEREST TAXES BALANCE TOTAL SHARES
02 670.00 670.00 100,000

COMMAND:

- Enter
- Signoff
- Help
- Print

NOTE: Function Key usage varies depending on the Application Screen.
For specifics, refer to Function Key Documentation.



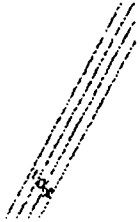
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-03-19 19:56:11 ET

Serial Number: 73574215

Registration Number: (NOT AVAILABLE)

Mark



(words only): IOX

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 1987-06-12

Filing Date: 1985-12-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1987-06-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAU SYSTEMS CORPORATION

Address:
TAU SYSTEMS CORPORATION
SUITE 211 7115 LEESBURG PIKE

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=73574215>



3/19/2005

FALLS CHURCH, VA 22043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

International Class: 009
COMPUTER SOFTWARE, NAMELY, DATA COMMUNICATIONS PROGRAMS FOR FILE TRANSFER APPLICATIONS BETWEEN MICROCOMPUTERS AND MICROCOMPUTERS OR MICROCOMPUTERS AND MAIN FRAME COMPUTERS
First Use Date: 1985-08-20
First Use in Commerce Date: 1985-08-20

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1987-06-12 - Abandonment - Failure To Respond Or Late Response
1986-11-06 - Final refusal mailed
1986-09-09 - Communication received from applicant
1986-03-11 - Non-final action mailed
1986-03-04 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent
STEWART L. GITLER (Attorney of record)

STEWART L. GITLER
2361 JEFFERSON DAVIS HIGHWAY
522 HAYES BUILDING
ARLINGTON, VIRGINIA 22202

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-03-19 19:55:57 ET

Serial Number: 74026507

Registration Number: 1732010

Mark



(words only): CBX

Standard Character claim: No

Current Status: Registration canceled under Section 8.

Date of Status: 1999-05-17

Filing Date: 1990-02-06

Transformed into a National Application: No

Registration Date: 1992-11-10

Register: Principal

Law Office Assigned: LAW OFFICE 14

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1992-12-07

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAU SYSTEMS CORPORATION

Address:
TAU SYSTEMS CORPORATION
7115 Leesburg Pike Suite 327

Falls Church, VA 22043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

International Class: 009
computer software for personal computer applications in the field of data transfer
First Use Date: 1990-07-10
First Use in Commerce Date: 1990-07-10

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1999-05-17 - Canceled Section 8 (6-year)
1992-11-10 - Registered - Principal Register
1992-09-03 - Allowed for Registration - Principal Register (SOU accepted)
1992-07-01 - Statement of use processing complete
1992-06-18 - Amendment to Use filed
1991-12-31 - Notice of allowance - mailed
1991-06-18 - Published for opposition
1991-05-17 - Notice of publication
1991-02-12 - Approved for Pub - Principal Register (Initial exam)
1990-12-07 - Communication received from applicant
1990-06-07 - Non-final action mailed
1990-05-15 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

Mitchell B. Wasson (Attorney of record)

Mitchell B. Wasson
Hoffman, Wasson, Fallow & Gitler
Suite 522
2361 Jefferson Davis Highway
Arlington, VA 22202

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-03-19 19:55:43 ET

Serial Number: 73574241

Registration Number: (NOT AVAILABLE)

Mark

(words only): CHANNELS

Standard Character claim: No

Current Status: Abandoned-Failure To Respond Or Late Response

Date of Status: 1987-06-02

Filing Date: 1985-12-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1987-06-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. TAU SYSTEMS CORPORATION

Address:

TAU SYSTEMS CORPORATION
SUITE 211 7115 LEESBURG PIKE

FALLS CHURCH, VA 22043
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Virginia

GOODS AND/OR SERVICES

International Class: 009
COMPUTER PROGRAMS, NAMELY, DATA COMMUNICATIONS SOFTWARE FOR FILE TRANSFER APPLICATIONS BETWEEN MICROCOMPUTERS AND MICROCOMPUTERS OR MICROCOMPUTERS AND MAIN FRAME COMPUTERS
First Use Date: 1985-07-10
First Use in Commerce Date: 1985-07-10

Basis: 1(a)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 1987-06-02 - Abandonment - Failure To Respond Or Late Response
- 1987-06-02 - Case file assigned to examining attorney
- 1986-10-23 - Non-final action mailed
- 1986-10-21 - Case file assigned to examining attorney
- 1986-09-29 - Communication received from applicant
- 1986-03-31 - Non-final action mailed

CORRESPONDENCE INFORMATION

Correspondent
MARTIN P. HOFFMAN (Attorney of record)

MARTIN P. HOFFMAN
2361 JEFFERSON DAVIS HIGHWAY
522 HAYES BUILDING
ARLINGTON, VIRGINIA 22202

United States Patent and Trademark Office

Commissioner for Trademarks

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92045733

TAU SYSTEMS CORPORATION

NIXIE

2126 1 08 04/28/06

RETURN TO SENDER
AS ADDRESSED
NOT DELIVERABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

