

# TTAB

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

Mailed: May 9, 2006

PELAGO NETWORKS, INC.  
260 Cedar Hill Road  
Marlborough, MA 01752

**Cancellation No. 92045780**  
Reg. Nos. 2714100, 2729811,  
2699288, 2714101, 2728578,  
2714175, 2703038, 2714176

James L. Vana  
Perkins Coie LLP  
1201 Third Avenue, Suite 4800  
Seattle, WA 98101

Pelago, Inc.

V.

PELAGO NETWORKS, INC.

## **Karon E. Seldon, 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:	<b>May 29, 2006</b>
Discovery period to close:	<b>November 25, 2006</b>
30-day testimony period for party in position of plaintiff to close:	<b>February 23, 2007</b>
30-day testimony period for party in position of defendant to close:	<b>April 24, 2007</b>
15-day rebuttal testimony period for plaintiff to close:	<b>June 08, 2007</b>

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: **ESTTA79744**

Filing date: **05/05/2006**

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	Pelago, Inc.		
Entity	Corporation	Citizenship	Washington
Address	5525 S. Othello Street Seattle, WA 98118 UNITED STATES		
Attorney information	James L. Vana Perkins Coie LLP 1201 Third Avenue Suite 4800 Seattle, WA 98101 UNITED STATES pctrademarks@perkinscoie.com Phone:(206) 359-3036		

**Registrations Subject to Cancellation**

Registration No	2714100	Registration date	05/06/2003
Registrant	PELAGO NETWORKS, INC. 260 Cedar Hill Road Marlborough, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 037. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: Installation of telecommunications computer networks; installation of telecommunications systems		
Registration No	2729811	Registration date	06/24/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL ROAD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: Computer network engineering, development and design for others in the field of telecommunications equipment, voice data and video applications; technical consultation in the fields of planning, deployment, integration and maintenance of telecommunications equipment; installation of telecommunications computer software		
Registration No	2699288	Registration date	03/25/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL ROAD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 2001/08/03 , First Use In Commerce: 2001/08/03 Goods/Services: Telecommunications equipment, namely, line cards, switches, and circuit boards containing processors, I/O components and network interface cards; computers; computer programs for use in developing voice, data and		

	video telecommunications applications and operating telecommunications applications		
Registration No	2714101	Registration date	05/06/2003
Registrant	PELAGO NETOWRKS, INC. 260 CEDAR HILL ROAD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 041. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: educational services, namely, training in the design of, installation, connection and maintenance of telecommunications computer hardware and telecommunications networks		
Registration No	2728578	Registration date	06/24/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL ROAD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 009. First Use: 2001/08/03 , First Use In Commerce: 2001/08/03 Goods/Services: Telecommunications equipment, namely, line cards, switches, and circuit boards containing processors, I/O components and network interface cards; computers; computer programs for use in developing voice, data and video telecommunications applications and operating telecommunications applications		
Registration No	2714175	Registration date	05/06/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL RD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 037. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: Installation and maintenance of telecommunications equipment, namely, installation and maintenance of telecommunications computer networks, installation and maintenance of telecommunications systems		
Registration No	2703038	Registration date	04/01/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL ROAD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 041. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: Educational services, namely, training in the design, installation, connection, use and maintenance of telecommunications computer hardware and telecommunications networks		
Registration No	2714176	Registration date	05/06/2003
Registrant	PELAGO NETWORKS, INC. 260 CEDAR HILL RD MARLBOROUGH, MA 01752 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 2001/09/03 , First Use In Commerce: 2001/09/03 Goods/Services: Computer network engineering, development and design for others in the field of telecommunications equipment, voice data and video applications; technical consultation in the fields of planning, deployment, integration, use and maintenance of telecommunications equipment; installation of telecommunications computer software		

Attachments	PELAGO Cancellation.pdf ( 5 pages )(181391 bytes )
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Signature	/James L. Vana/
Name	James L. Vana
Date	05/05/2006

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

PELAGO, INC.,

Petitioner,

v.

PELAGO NETWORKS, INC.,

Registrant.

Cancellation No.:

CONSOLIDATED PETITION FOR  
CANCELLATION

Registrations No.: 2714100, 2729811, 2699288,  
2714101, 2728578, 2714175, 2703038, 271417

Pelago, Inc. ("Petitioner") believes that it will be damaged by the continued registration of Pelago Networks, Inc. ("Registrant") for the mark PELAGO ("Registrant's Mark") in International Classes 9, 37, 38, 41, and 42, for use in connection with those goods and services ("Registrant's Goods and Services") listed in Registrations No. 2714100, 2729811, 2699288, 2714101, 2728578, 2714175, 2703038, and 2714176 (the "Registrations"), and hereby petitions to cancel the Registrations.

As grounds for its opposition, Petitioner alleges as follows:

**I. PARTIES**

1. Petitioner is a Washington corporation, having a place of business in Seattle, Washington.
2. On information and belief, Registrant is a Delaware corporation, having a place of business in Marlborough, Massachusetts.

**II. PETITIONER'S MARK**

3. Petitioner is engaged in the manufacture, sale and distribution of software and services designed to handle social networking, entertainment, education, and commercial functions via wireless networks and on mobile devices, along with location services for such functions ("Petitioner's Goods"), under the mark PELAGO ("Petitioner's Mark").

4. Petitioner has filed application Serial No. 78/832,666 ("Petitioner's Application") to register Petitioner's Mark with Petitioner's Goods. An excerpt from the on-line records of the federal Trademark Office showing Petitioner's Application is attached.

### **III. REGISTRANT'S MARK AND REGISTRATIONS**

5. The Registrations resulted from intent-to-use applications filed on September 11, 2000 and November 15, 2000 (the "Filing Dates"). Registrant claimed first use of Registrant's Mark with Registrant's Goods and Services on August 3 and September 3 of 2001. Exhibit A lists the Registrations.

### **IV. CLAIM OF ABANDONMENT**

6. On information and belief, Registrant has ceased using Registrant's Mark with Registrant's Goods and Services, with no intent to resume use of the Mark.
7. On information and belief, Registrant ceased business, including use of the Marks, in June, 2003.
8. Petitioner is likely to be damaged by continued registration of the Registrations because Petitioner's ability to register Petitioner's Mark will be impaired by continued registration of the Registrations.

### **V. REQUEST FOR RELIEF**

WHEREFORE, Petitioner requests that registrations No. 2714100, 2729811, 2699288, 2714101, 2728578, 2714175, 2703038 and 2714176 be canceled.

DATED: May 5, 2006.



**VI. FEES**

9. Please charge Petitioner's deposit account No. 0502278, for the \$2,400 fee for this consolidated cancellation petition.

Respectfully submitted,

**PERKINS COIE LLP**

By: 

Jim Vana

Attorneys for Opposer  
1201 Third Avenue, 48th Floor  
Seattle, Washington 98101-3099

(206) 359-8000

**EXHIBIT A**  
**Registrant's PELAGO U.S. Trademark Registrations**

<b>Reg. No.</b>	<b>Class</b>	<b>Goods/Services</b>	<b>Filing Date</b>
2714100	37	Installation of telecommunications computer networks; installation of telecommunications systems.	9/11/2000
2729811	42	Computer network engineering, development and design for others in the field of telecommunications equipment, voice data and video applications; technical consultation in the fields of planning, deployment, integration and maintenance of telecommunications equipment; installation of telecommunications computer software.	9/11/2000
2699288	09	Telecommunications equipment, namely, line cards, switches, and circuit boards containing processors, I/O components and network interface cards; computers; computer programs for use in developing voice, data and video telecommunications applications and operating telecommunications applications.	9/11/2000
2714101	41	educational services, namely, training in the design of, installation, connection and maintenance of telecommunications computer hardware and telecommunications networks.	9/11/2000
2728578	09	Telecommunications equipment, namely, line cards, switches, and circuit boards containing processors, I/O components and network interface cards; computers; computer programs for use in developing voice, data and video telecommunications applications and operating telecommunications applications.	9/11/2000
2714175	37	Installation and maintenance of telecommunications equipment, namely, installation and maintenance of telecommunications computer networks, installation and maintenance of telecommunications systems.	9/11/2000
2703038	41	Educational services, namely, training in the design, installation, connection, use and maintenance of telecommunications computer hardware and telecommunications networks.	9/11/2000
2714176	42	Computer network engineering, development and design for others in the field of telecommunications equipment, voice data and video applications; technical consultation in the fields of planning, deployment, integration, use and maintenance of telecommunications equipment; installation of telecommunications computer software.	9/11/2000

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# PELAGO

**Word Mark** PELAGO

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Social networking applications on mobile and fixed computing devices enabling users to locate and interact with other users and groups sharing similar interests or locations; providing mobile and fixed software applications to render voice, data, images, and messages regarding points of interest, entertainment and education venues and events, civic events and commercial establishments and individuals; providing a website featuring information on points of interest, entertainment and education venues and events, civic events and commercial establishments and individuals

IC 038. US 100 101 104. G & S: Wireless telecommunications services, namely, the provision and transmission of information, voice, data, images, signals, and messages, including information regarding points of interest, entertainment and education venues and events, civic events and commercial establishments and individuals; search services on wireless and wired devices providing searches of points of interest, entertainment and education venues and events, civic events and commercial establishments and individuals and their locations; wireless and fixed computer services providing maps and directions between locations

IC 041. US 100 101 107. G & S: Entertainment services, namely, arranging for restaurant reservations and arranging for ticket reservations for movies, concerts, shows and other civic and other entertainment events

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number** 78832666

**Filing Date** March 8, 2006

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Owner** (APPLICANT) Pelago, Inc. CORPORATION WASHINGTON 5525 S. Othello Street Seattle WASHINGTON 98118

**Attorney of Record** James L. Vana

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[Browse Dict](#)
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