

ESTTA Tracking number: **ESTTA165970**

Filing date: **10/01/2007**

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	ACCUIMAGING, LLC		
Entity	Limited Liability Company	Citizenship	Hawaii
Address	500 Ala Moana Blvd., Tower 4, Suite 510 Honolulu, HI 96813 UNITED STATES		

Attorney information	Thomas Y. Yee Knobbe, Martens, Olson, & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com Phone:949-760-0404		
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Registration Subject to Cancellation

Registration No	2704047	Registration date	04/08/2003
Registrant	HealthStar Imaging, LLC 4 Lyon Place White Plains, NY 10601 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2000/01/17 First Use In Commerce: 2000/01/17 All goods and services in the class are cancelled, namely: COMPUTERIZED TOMOGRAPHY IMAGING SERVICES FOR MEDICAL DIAGNOSIS

Grounds for Cancellation

Abandonment	Trademark Act section 14
Other	Respondent is not currently using its mark and that Respondent has thereby abandoned its mark.

Attachments	cancel.pdf (3 pages)(113657 bytes)
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Signature	/THOMAS Y. YEE/
Name	Thomas Y. Yee
Date	10/01/2007

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

ACCUIMAGING, LLC,

Petitioner,

v.

HEALTHSTAR IMAGING, LLC,

Respondent.

Cancellation No.

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on

10 | 1 | 2007

(Date)

Thomas Y. Yee


PETITION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

ACCUIMAGING, LLC (“Petitioner”) believes that it has or will be damaged by



Registration No. 2,704,047 for the mark , owned by HEALTHSTAR IMAGING, LLC (“Respondent”), registered on the Principal Registrar for “computerized tomography imaging services for medical diagnosis.” Therefore, Petitioner hereby petitions to cancel same on the grounds that Respondent is not currently using its mark and that Respondent has thereby abandoned its mark.

Respondent's Registration No. 2,704,047 is described as follows:



Mark:
Goods: COMPUTERIZED TOMOGRAPHY IMAGING SERVICES FOR
 MEDICAL DIAGNOSIS
Filed: January 3, 2002
Alleged First Use: January 17, 2000
Registered: April 8, 2003

This petition to cancel the foregoing mark is based on 15 U.S.C. § 1064 (Section 14 of the Lanham Act), which states that “A petition to cancel a registration of a mark ... may ... be filed as follows by any person who believes that he is or will be damaged ... within five years from the date of the registration of the mark under this Act [or a]t any time if the registered mark ... has been abandoned”

As grounds for cancellation, it is alleged that:

1. Petitioner is the owner of U.S. Trademark Application Serial No. 77/202,707 for the mark IMAGING FOR LIFE in connection with “medical imaging services; medical consulting services” (the “’707 Application”).
2. In the Office Action dated September 18, 2007, the ’707 Application was refused registration under 15 U.S.C. § 1052 (d) (Section 2(d) of the Lanham Act) in view of the mark in U.S. Registration No. 2,704,047.
3. Petitioner petitions for cancellation within five years of the date of the registration of the mark shown in Registration No. 2,704,047.

4. On information, Petitioner believes that Respondent has discontinued use of said mark in the United States in connection with the goods and/or services listed in the registration with no intent to initiate or resume said use.

5. Therefore, Petitioner believes that Respondent has abandoned the mark shown in Registration No. 2,704,047.

6. Accordingly, Petitioner has been, and continues to be, damaged by Respondent's Registration No. 2,704,047 because Respondent's Registration has been cited against Petitioner's '707 Application as a basis for refusal of registration under 15 U.S.C. § 1052 (d) (Section 2(d) of the Lanham Act).

7. In view of Respondent's non-use and abandonment of the mark shown in Registration No. 2,704,047, Petitioner believes Respondent is not entitled to registration of the mark, and therefore, Petitioner hereby petitions that Respondent's Registration be canceled for at least the reasons set forth above, and pursuant to 15 U.S.C. § 1064 (3) (Section 14(3) of the Lanham Act).

WHEREFORE, Petitioner prays that U.S. Trademark Registration No. 2,704,047 be canceled and that this Petition for Cancellation be sustained in favor of Petitioner. Please charge Deposit Account No. 11-1410 for any fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10 | 1 | 2007

By: 

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ACCUIMAGING, INC.