

ESTTA Tracking number: **ESTTA173660**

Filing date: **11/08/2007**

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	mPortal Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1950 Gallows Road Suite 770 Vienna, VA 22182 UNITED STATES		

Attorney information	Roger P. Furey Katten Muchin Rosenman LLP 1025 Thomas Jefferson St., NW East Lobby, Suite 700 Washington, DC 20007 UNITED STATES roger.furey@kattenlaw.com, rebecca.mcdougall@kattenlaw.com Phone:202.625.3500
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Registration Subject to Cancellation

Registration No	2530652	Registration date	01/15/2002
Registrant	PALMONE, INC. 905 W. MAUDE AVENUE SUNNYVALE, CA 940852801 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 1999/10/30 First Use In Commerce: 1999/10/30 All goods and services in the class are cancelled, namely: COMPUTERS, COMPUTER HARDWARE, COMPUTER PERIPHERALS, HAND HELD COMPUTERS, PERSONAL DIGITAL ASSISTANTS, ELECTRONIC ORGANIZERS, ELECTRONIC NOTEPADS, TELEPHONES, COMPUTER GAMING MACHINES, MICROPROCESSORS, COMPUTER MEMORIES, ELECTRICAL CIRCUIT BOARDS, PRINTED CIRCUIT BOARDS, MEMORY CARDS, LIQUID CRYSTAL DISPLAYS, AND MODEMS; PHOTOGRAPHIC AND VIDEO CAMERAS; COMPUTER SOFTWARE, NAMELY, PRERECORDED COMPUTER PROGRAMS FOR PERSONAL INFORMATION MANAGEMENT, DATABASE MANAGEMENT SOFTWARE, TELEPHONY MANAGEMENT SOFTWARE, ELECTRONIC MAIL AND MESSAGING SOFTWARE, PAGING SOFTWARE, DATABASE SYNCHRONIZATION SOFTWARE AND COMPUTER PROGRAMS FOR ACCESSING, BROWSING AND SEARCHING ONLINE DATABASES; INSTRUCTION MANUALS DISTRIBUTED WITH THE FOREGOING

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel SPRINGBOARD.pdf (6 pages)(247183 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Roger P. Furey/
Name	Roger P. Furey
Date	11/08/2007

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

In the Matter of Trademark Registration No. 2,530,652
For the mark **SPRINGBOARD**
Date of Registration: January 15, 2002

mPortal Inc.)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
PalmOne, Inc.)	
)	
Respondent.)	

Attorney Ref.: 214259.00001

PETITION TO CANCEL

Petitioner, mPortal Inc., is a Delaware corporation, with its principal place of business at 1950 Old Gallows Road, Suite 770, Vienna, Virginia 22182. Petitioner believes that it is or will be damaged by Registration No. 2,530,652 for the mark SPRINGBOARD, and hereby petitions to cancel same on the grounds stated below:

1. Respondent is the record owner of U.S. Registration No. 2,530,652 for SPRINGBOARD for use with “computers, computer hardware, computer peripherals, hand held computers, personal digital assistants, electronic organizers, electronic notepads, telephone, computer gaming machines, microprocessors, computer memories, electrical circuit boards, printed circuit boards, memory cards, liquid crystal displays, and modems; photographic and video cameras; computer software, namely prerecorded computer programs for personal information management, database, management software, telephony management software, electronic mail and messaging software, pacing software, database synchronization software and

computer programs for accessing, browsing and searching online databases; instruction manuals distributed with the foregoing.”

2. Petitioner is the owner of trademark application serial no. 78/849,218 for the mark SPRINGBOARD for use with “computer software for enabling service providers to manage and deliver mobile content and applications; computer software for enabling subscribers and end users to discover, download and manage mobile content and applications.”

3. Petitioner’s application Serial No. 78/849,218 has been refused registration by the Examining Attorney reviewing the application on the ground that the mark sought to be registered is confusingly similar to the mark shown in Respondent’s Registration No. 2,530,652.

4. Upon information and belief, Respondent has discontinued use of the SPRINGBOARD mark in connection with “computers, computer hardware, computer peripherals, hand held computers, personal digital assistants, electronic organizers, electronic notepads, telephone, computer gaming machines, microprocessors, computer memories, electrical circuit boards, printed circuit boards, memory cards, liquid crystal displays, and modems; photographic and video cameras; computer software, namely prerecorded computer programs for personal information management, database, management software, telephony management software, electronic mail and messaging software, pacing software, database synchronization software and computer programs for accessing, browsing and searching online databases; instruction manuals distributed with the foregoing” with an intent not to resume use.

5. Upon information and belief, Respondent has not used the mark SPRINGBOARD in connection with “computers, computer hardware, computer peripherals, hand held computers, personal digital assistants, electronic organizers, electronic notepads, telephone, computer gaming machines, microprocessors, computer memories, electrical circuit boards, printed circuit

boards, memory cards, liquid crystal displays, and modems; photographic and video cameras; computer software, namely prerecorded computer programs for personal information management, database, management software, telephony management software, electronic mail and messaging software, pacing software, database synchronization software and computer programs for accessing, browsing and searching online databases; instruction manuals distributed with the foregoing” at any time during the three year period immediately preceding the filing of this cancellation petition.

6. The continued subsistence of Registration No. 2,530,652 damages Petitioner because the Examining Attorney has refused to register Petitioner’s Application Serial No. 78/849,218 on the ground that it is confusingly similar to Respondent’s Registration No. 2,530,652, which is for a mark that has been abandoned.

For the reasons set forth in paragraphs 1-6, Petitioner asserts that it is and will be damaged by the continued registration of Registration No. 2,530,652.¹ Accordingly, Petitioner prays that this Petition be granted and that Registration No. 2,530,652 for SPRINGBOARD be cancelled.


The filing fee in the amount of \$300.00 for the filing of this petition, and any additional fees should be charged to the Deposit Account of Katten Muchin Rosenman LLP, No. 50-1877.

¹ Petitioner reserves the right to add an additional basis for cancellation of Registration No. 2,530,652 on the ground of fraud, should evidence adduced in this proceeding establish that. Based on Petitioner’s investigation to date, it appears Registrant never used the mark SPRINGBOARD in connection with some of the goods identified in Registration No. 2,530,652, but Petitioner does not believe it has sufficient evidence to assert such claim at this time.

Please address all communications Roger P. Furey, Esq. or Rebecca E. McDougall, Esq.,
Katten Muchin Rosenman LLP, 1025 Thomas Jefferson Street, N.W., Suite 700, East Lobby,
Washington, DC 20007.

MPORTAL INC.

Dated: November 8, 2007

By: 

Roger P. Furey, Esq.
Rebecca E. McDougall, Esq.
KATTEN MUCHIN ROSENMAN LLP
1025 Thomas Jefferson Street, N.W.
Suite 700, East Lobby
Washington, DC 20007
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rebecca.mcdougall@kattenlaw.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

Date of Deposit: November 8, 2007

I hereby certify that a copy of the foregoing **PETITION TO CANCEL** for the mark **SPRINGBOARD** (U.S. Trademark Registration No. 2,530,652) has been filed on behalf of Petitioner, mPortal Inc., with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date indicated above, and was served on Registrant at:

PalmOne, Inc.
905 W. Maude Avenue
Sunnyvale, CA 94085-2801
Attention: Legal Department

Via first-class mail, postage prepaid, this 8th day of November 2007.



Amy D. Kennedy
Trademark Legal Secretary
KATTEN MUCHIN ROSENMAN, LLP
1025 Thomas Jefferson St. N.W.
East Lobby - Suite 700
Washington, D.C. 20007
(202) 625-3508

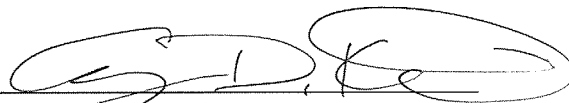
CERTIFICATE OF SERVICE

Filing Date: November 8, 2007

I hereby certify that a copy of the foregoing **PETITION TO CANCEL** for the mark **SPRINGBOARD** (U.S. Trademark Registration No. 2,530,652) has been filed on behalf of Petitioner, mPortal Inc., with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date indicated above, and was served on Respondent's counsel of record with the United States Patent and Trademark Office:

Tanda L. Neundorf
Fenwick & West LLP
Two Palo Alto Square, Suite 800
Palo Alto, California 94306

Via first-class mail, postage prepaid, this 8th day of November 2007.

A handwritten signature in black ink, appearing to read 'Amy D. Kennedy', is written over a horizontal line. The signature is stylized and somewhat cursive.

Amy D. Kennedy
Trademark Legal Secretary
KATTEN MUCHIN ROSENMAN, LLP
1025 Thomas Jefferson St. N.W.
East Lobby - Suite 700
Washington, D.C. 20007
(202) 625-3508