

ESTTA Tracking number: **ESTTA285112**

Filing date: **05/20/2009**

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	Rocket Software, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	275 Grove Street Newton, MA 02466 UNITED STATES		

Attorney information	Ralph N. Gaboury, Esq. The Dorf Law Firm, LLP 740 West Boston Post Road Suite 304 Mamaroneck, NY 10543 UNITED STATES rgaboury@dorflaw.com Phone:914-381-7600		
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Registration Subject to Cancellation

Registration No	3475964	Registration date	07/29/2008
Registrant	McDermott, Patrick 12244 E. Palomino Rd. Scottsdale, AZ 85259 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2005/03/18 First Use In Commerce: 2005/05/06 All goods and services in the class are cancelled, namely: Computer software design, computer programming, or maintenance of computer software
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Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1690753	Application Date	07/09/1990
Registration Date	06/02/1992	Foreign Priority Date	NONE
Word Mark	ROCKET		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1990/10/31 First Use In Commerce: 1990/10/31 computer programs prerecorded on tapes, disks, diskettes, cartridges, cassettes and other machine-readable media and instructional manuals sold as a unit for use in data base administration

U.S. Registration No.	2062841	Application Date	02/05/1996
Registration Date	05/20/1997	Foreign Priority Date	NONE
Word Mark	ROCKET SHUTTLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1995/01/31 First Use In Commerce: 1995/01/31 computer software for use by business and users, software developers and database administrators, which allows the user to access data from various databases and to use and manage that data on graphical user interface platforms		

U.S. Registration No.	2769300	Application Date	10/22/2002
Registration Date	09/30/2003	Foreign Priority Date	NONE
Word Mark	ROCKET.EQUERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/05/17 First Use In Commerce: 2000/05/17 COMPUTER SOFTWARE FOR USE IN BUSINESS MANAGEMENT, NAMELY, A QUERY AND REPORTING SOFTWARE TOOL FOR USE IN ACCESSING BUSINESS ENTERPRISE DATABASES VIA THE INTERNET AND FOR MANAGING THE ACCESSED DATA ON GRAPHICAL INTERFACE PLATFORMS		

U.S. Registration No.	3087787	Application Date	07/21/2005
Registration Date	05/02/2006	Foreign Priority Date	NONE
Word Mark	ROCKET.SECURITYSHADES		
Design Mark	 <p style="text-align: center; font-size: 2em; font-family: serif;">Rocket.SecurityShades</p>		

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2004/03/22 First Use In Commerce: 2004/04/16 Computer software for the purposes of personal security, namely the securing of computer programs by means of screen manipulation and obfuscation

U.S. Registration No.	3271565	Application Date	05/05/2005
Registration Date	07/31/2007	Foreign Priority Date	NONE

Word Mark	ROCKET
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 1990/10/31 First Use In Commerce: 1990/10/31 Computer programs for use in database management, administration, performance, recovery and migration; Computer programs for monitoring of direct- and network-attached data storage devices across the enterprise and management and automation for backup and recovery of the data stored in such storage devices; computer programs used for monitoring the performance of and detecting and diagnosing problems in IT infrastructure, computer network management and performance; service assurance applications, namely computer programs used for monitoring and reporting on performance in connection with the management of enterprises and service providers; network operating system programs and computer utility programs for use therewith; computer programs for use in identity management, namely, the establishment and management of associations between names or numbers and subjects or objects, and attributes of those associations; computer programs for use in the telecommunications industry, namely, operational support system applications that manage and interpret wireless data and wire line and mobile networks; computer programs used for connecting to the global computer network to measure performance data; computer programs used for monitoring and reporting on performance in connection with IT infrastructure and computer network security; computer programs used for system level computer network software connectivity and problem-resolution technologies for computer networks and IT infrastructure, namely, root cause analysis and event correlation to prioritize and filter problem symptoms and other system metrics; computer programs used for interactive guidance and training solutions for real-time self-service performance support; computer programs for use in the development of software applications, namely, software used for configuration, management, and reporting of business data and enterprise operations; computer programs used for visual applications, namely, software used for graphically displaying IT infrastructure and computer network behavior; automated scorecards, namely computer programs for use in managing and measuring strategic operational performance</p> <p>Class 016. First use: First Use: 1990/10/31 First Use In Commerce: 1990/10/31 Computer program instruction manuals in the field of database management, administration, performance, recovery, migration, storage management and</p>
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	<p>optimization, network management and performance, service assurance, security and directory, and identity management; Computer program instruction manuals for programs in the telecommunications industry in the field of operational support system applications, wire line and mobile networks, accessing the global computer network, ATM and frame relay networks, and submarine ground, and satellite communications; Computer program instruction manuals for programs associated with computer security, asset protection and account management, time synchronization and management, system-level software connectivity, and problem-resolution technologies, interactive guidance, training and performance support solutions; Computer program instruction manuals for programs used in the development, deployment, configuration and management of business intelligence solutions, visual applications, executive dashboards, reporting solutions, automated scorecards, data management solutions, administrative consoles and platform configuration tools</p> <p>Class 041. First use: First Use: 1998/01/14 First Use In Commerce: 1998/01/14 Computer education training services</p> <p>Class 042. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 Providing technical support services, namely, troubleshooting of computer software problems and monitoring computer network systems; computer software design for others; computer programming for others; design of graphical user software for others; and maintenance of computer software</p>
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U.S. Registration No.	3282428	Application Date	05/05/2005
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	ROCKET		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1990/10/31 First Use In Commerce: 1990/10/31 Computer programs for use in database management, administration, performance, recovery and migration; Computer programs for monitoring of direct- and network-attached data storage devices across the enterprise and management and automation for backup and recovery of the data stored in such storage devices; computer programs used for monitoring the performance of and detecting and diagnosing problems in IT infrastructure, computer network management and performance; service assurance applications, namely computer programs used for monitoring and reporting on performance in connection with the management of enterprises and service providers; network operating system programs and computer utility programs for use therewith; computer programs for use in identity management, namely, the establishment and management of associations between names or numbers and subjects or objects, and attributes of those associations; computer programs for use in the</p>		

	<p>telecommunications industry, namely, operational support system applications that manage and interpret wireless data and wire line and mobile networks; computer programs used for connecting to the global computer network to measure performance data; computer programs used for monitoring and reporting on performance in connection with IT infrastructure and computer network security; computer programs used for system level computer network software connectivity and problem-resolution technologies for computer networks and IT infrastructure, namely, root cause analysis and event correlation to prioritize and filter problem symptoms and other system metrics; computer programs used for interactive guidance and training solutions for real-time self-service performance support; computer programs for use in the development of software applications, namely, software used for configuration, management, and reporting of business data and enterprise operations; computer programs used for visual applications, namely, software used for graphically displaying IT infrastructure and computer network behavior; automated scorecards, namely computer programs for use in managing and measuring strategic operational performance</p> <p>Class 016. First use: First Use: 1990/10/31 First Use In Commerce: 1990/10/31 Computer program instruction manuals in the field of database management, administration, performance, recovery, migration, storage management and optimization, network management and performance, service assurance, security and directory, and identity management; Computer program instruction manuals for programs in the telecommunications industry in the field of operational support system applications, wire line and mobile networks, accessing the global computer network, ATM and frame relay networks, and submarine ground, and satellite communications; Computer program instruction manuals for programs associated with computer security, asset protection and account management, time synchronization and management, system-level software connectivity, and problem-resolution technologies, interactive guidance, training and performance support solutions; Computer program instruction manuals for programs used in the development, deployment, configuration and management of business intelligence solutions, visual applications, executive dashboards, reporting solutions, automated scorecards, data management solutions, administrative consoles and platform configuration tools</p> <p>Class 041. First use: First Use: 1998/01/14 First Use In Commerce: 1998/01/14 Computer education training services</p> <p>Class 042. First use: First Use: 1990/10/00 First Use In Commerce: 1990/10/00 Providing technical support services, namely, troubleshooting of computer software problems and monitoring computer network systems; computer software design for others; computer programming for others; design of graphical user software for others; and maintenance of computer software</p>
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Attachments	<p>78675513#TMSN.jpeg (1 page)(bytes) 78623465#TMSN.jpeg (1 page)(bytes) 78623493#TMSN.jpeg (1 page)(bytes) 2009 05-20 ROCKET v ROCKET GANG Petition to cancel WITH EX 1.pdf (18 pages)(593734 bytes)</p>
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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	/Ralph Gaboury/
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Name	Ralph N. Gaboury, Esq.
Date	05/20/2009

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

In the matter of trademark registration No. 3475964
For the mark: ROCKET GANG (and Design)
Date registered: July 29, 2008

ROCKET SOFTWARE, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No.: _____
	:	
PATRICK MCDERMOTT,	:	
	:	
Registrant.	:	

PETITION TO CANCEL

Petitioner, Rocket Software, Inc. (“Rocket”), is a Delaware corporation and has a principal place of business located at 275 Grove Street, Newton, MA 02466.

To the best of Petitioner’s knowledge, the name of the current owner of the registration is Patrick McDermott, an individual with a business address at 12244 E. Palomino Road, Scottsdale, Arizona 85259.

The above-identified petitioner believes that it is being damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Rocket is, and has been for many years, an independent software development organization providing a broad spectrum of integrated, value-added software development and support services to leading software original equipment manufacturers (OEMs) and directly to commercial customers worldwide.

2. In connection with its national business operations, Rocket has continuously used in interstate commerce the mark ROCKET since October, 1990.

3. Rocket owns the following United States federal trademark registrations for the mark ROCKET, and variations thereof:

Registration No. 1,690,753 for the mark ROCKET®, granted on June 2, 1992, for use in connection with “computer programs prerecorded on tapes, disks, diskettes, cartridges, cassettes and other machine-readable media and instructional manuals sold as a unit for use in database administration,” in International Class 9;

Registration No. 2,062,841 for the mark ROCKET SHUTTLE®, granted on May 20, 1997, for use in connection with “computer software for use by businesses, software developers and database administrators, which allows the user to access data from various databases and to use and manage that data on graphical user interface platforms,” in International Class 9;

Registration No. 2,769,300 for the mark ROCKET.EQUERY, granted September 30, 2003, for use in connection with “computer software for use by business and users, software developers and database administrators, which allows the user to access data from various databases and to use and manage that data on graphical user interface platforms,” in International Class 9;

Registration No. 3,087,787 for the mark ROCKET.SECURITYSHADES®, granted on May 2, 2006, for use in connection with “computer software for the purposes of personal security, namely the securing of computer programs by means of screen manipulation and obfuscation,” in International Class 9;

Registration No. 3,271,565 for the mark ROCKET® and Design, granted on July 31, 2007, for use in connection with a variety of computer software related goods and services in International Classes 9, 16, 41 and 42; and

Registration No. 3,282,428 for the mark ROCKET®, granted on August 21, 2007, for use in connection with a variety of computer software related goods and services in International Classes 9, 16, 41 and 42.

Each of these federal trademark registrations is valid and subsisting. In addition, Registration Nos. 1690753, 2062841 and 2769300 have each become incontestable pursuant to Section 15 of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1065. Copies of printouts from the United States Patent and Trademark Office’s Trademark Electronic Search System evidencing these registrations are attached hereto as Exhibit 1.

4. Rocket has extensively promoted the ROCKET Marks and their associated goods and services to the computer industry and the public through various channels of trade. Rocket’s business partners include leading software and hardware companies, such as IBM, Microsoft, Toshiba and NEC. Its customers include a wide range of Fortune 500 companies across many industries and are located throughout the United States and the world. By reason of its extensive and continuous promotion and use of the ROCKET Marks, as well as the wide distribution of goods and services bearing these marks, the computer industry and the public at large have come to recognize the ROCKET Marks as signifying Rocket and its products. Accordingly, Rocket has generated extensive goodwill in connection with the offering of goods and services under its ROCKET Marks.

5. By virtue of the long history of Petitioner’s use of the ROCKET Marks, the wide distribution, advertising and promotion of Petitioner’s ROCKET branded products and services, the ROCKET Marks have become famous throughout the United States to both the computer industry and the public at large. The ROCKET Marks have established secondary meaning, have achieved fame and embody substantial goodwill. The ROCKET Marks are universally recognized and relied on as identifying Petitioner as the sole source of goods and services designated with the ROCKET Marks, and as distinguishing them from the goods and services of others. Accordingly, the ROCKET Marks are an extremely valuable commercial asset.

6. Notwithstanding Rocket's longstanding rights in and to the ROCKET Marks, on July 29, 2008, Registrant was granted a federal trademark registration for the designation ROCKET GANG (and Design) for use in connection with "computer software design, computer programming, or maintenance of computer software," in International Class 42 (the "Registration"). The Registration was assigned Reg. No. 3,475,964.

7. The similarity of Registrant's ROCKET GANG designation to the ROCKET Marks and the similarity of Registrant's goods and services, suggest that Registrant is actively trading off the goodwill that Rocket has developed in its Rocket Marks. Accordingly, consumers are likely to believe, falsely, that Registrant's goods and services are authorized, sponsored or approved by Rocket or that Rocket is otherwise affiliated with Registrant, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a). Registrant's registration and use of the ROCKET GANG designation is greatly damaging Petitioner because this designation is confusingly similar to Petitioner's ROCKET Marks, and Registrant's use of the designation in connection with computer related goods and services is likely to cause confusion, deception, and/or mistake among the consuming public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

8. Rocket is further being damaged by the registration of Registrant because the registration is diluting the distinctive and famous quality of the ROCKET Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Rocket will be damaged by said registration and prays that it be cancelled.

ROCKET SOFTWARE, INC.

By:



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F: 914.381.7608

E: rgaboury@dorflaw.com

Attorneys for Petitioner

May 20, 2009

EXHIBIT 1



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Typed Drawing

Word Mark	ROCKET
Goods and Services	IC 009. US 038. G & S: computer programs prerecorded on tapes, disks, diskettes, cartridges, cassettes and other machine-readable media and instructional manuals sold as a unit for use in data base administration. FIRST USE: 19901031. FIRST USE IN COMMERCE: 19901031
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	74076884
Filing Date	July 9, 1990
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	March 12, 1991
Registration Number	1690753
Registration Date	June 2, 1992
Owner	(REGISTRANT) ROCKET SOFTWARE, INC. CORPORATION MASSACHUSETTS TWO APPLE HILL DRIVE, SUITE 203N NATICK MASSACHUSETTS 01760 (LAST LISTED OWNER) ROCKET SOFTWARE, INC CORPORATION DELAWARE 275 GROVE ST 1-300 NEWTON MASSACHUSETTS 02466
Assignment Recorded	ASSIGNMENT RECORDED
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020322.

Renewal 1ST RENEWAL 20020322
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Typed Drawing

Word Mark	ROCKET SHUTTLE
Goods and Services	IC 009. US 021 023 026 036 038. G & S: computer software for use by business and users, software developers and database administrators, which allows the user to access data from various databases and to use and manage that data on graphical user interface platforms. FIRST USE: 19950131. FIRST USE IN COMMERCE: 19950131
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75053303
Filing Date	February 5, 1996
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	November 5, 1996
Registration Number	2062841
Registration Date	May 20, 1997
Owner	(REGISTRANT) ROCKET SOFTWARE, INC. CORPORATION MASSACHUSETTS TWO APPLE HILL DR., SUITE 203 N NATICK MASSACHUSETTS 01760
	(LAST LISTED OWNER) ROCKET SOFTWARE, INC CORPORATION DELAWARE 275 GROVE ST 1-300 NEWTON MASSACHUSETTS 02466
Assignment Recorded	ASSIGNMENT RECORDED
Prior Registrations	1690753
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070709.
Renewal	1ST RENEWAL 20070709
Live/Dead Indicator	LIVE

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9***(Use the "Back" button of the Internet Browser to return to TESS)***Typed Drawing**

Word Mark	ROCKET.EQUERY
Goods and Services	IC 009. US 021 023 026 036 038. G & S: COMPUTER SOFTWARE FOR USE IN BUSINESS MANAGEMENT, NAMELY, A QUERY AND REPORTING SOFTWARE TOOL FOR USE IN ACCESSING BUSINESS ENTERPRISE DATABASES VIA THE INTERNET AND FOR MANAGING THE ACCESSED DATA ON GRAPHICAL INTERFACE PLATFORMS. FIRST USE: 20000517. FIRST USE IN COMMERCE: 20000517
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78176951
Filing Date	October 22, 2002
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	July 8, 2003
Registration Number	2769300
Registration Date	September 30, 2003
Owner	(REGISTRANT) Rocket Software, Inc. CORPORATION MASSACHUSETTS Two Apple Hill Drive Natick MASSACHUSETTS 01760
	(LAST LISTED OWNER) ROCKET SOFTWARE, INC CORPORATION DELAWARE 275 GROVE ST 1-300 NEWTON MASSACHUSETTS 02466
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Craig M. Scott
Prior Registrations	1690753;2059264;2062841
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Rocket.SecurityShades

Word Mark	ROCKET.SECURITYSHADES
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Computer software for the purposes of personal security, namely the securing of computer programs by means of screen manipulation and obfuscation. FIRST USE: 20040322. FIRST USE IN COMMERCE: 20040416
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78675513
Filing Date	July 21, 2005
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 7, 2006
Registration Number	3087787
Registration Date	May 2, 2006
Owner	(REGISTRANT) Rocket Software, Inc. CORPORATION DELAWARE 1-300 275 Grove Street Newton MASSACHUSETTS 02466
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark

Goods and Services

ROCKET

IC 009. US 021 023 026 036 038. G & S: Computer programs for use in database management, administration, performance, recovery and migration; Computer programs for monitoring of direct- and network-attached data storage devices across the enterprise and management and automation for backup and recovery of the data stored in such storage devices; computer programs used for monitoring the performance of and detecting and diagnosing problems in IT infrastructure, computer network management and performance; service assurance applications, namely computer programs used for monitoring and reporting on performance in connection with the management of enterprises and service providers; network operating system programs and computer utility programs for use therewith; computer programs for use in identity management, namely, the establishment and management of associations between names or numbers and subjects or objects, and attributes of those associations; computer programs for use in the telecommunications industry, namely, operational support system applications that manage and interpret wireless data and wire line and mobile networks; computer programs used for connecting to the global computer network to measure performance data; computer programs used for monitoring and reporting on performance in connection with IT infrastructure and computer network security; computer programs used for system level computer network software connectivity and problem-resolution technologies for computer networks and IT infrastructure, namely, root cause analysis and event correlation to prioritize and filter problem symptoms and other system metrics; computer programs used for interactive guidance and training solutions for real-time self-service performance support. computer programs for use in the development of software applications, namely, software used for configuration, management, and reporting of business data and enterprise operations; computer programs used for visual applications, namely, software used for graphically displaying IT infrastructure and computer network behavior; automated scorecards, namely computer programs for use in managing and measuring strategic operational performance. FIRST USE: 19901031. FIRST USE IN COMMERCE: 19901031

IC 016. US 002 005 022 023 029 037 038 050. G & S: Computer program instruction manuals in the field of database management, administration, performance, recovery, migration, storage management and

optimization, network management and performance, service assurance, security and directory, and identity management; Computer program instruction manuals for programs in the telecommunications industry in the field of operational support system applications, wire line and mobile networks, accessing the global computer network, ATM and frame relay networks, and submarine ground, and satellite communications; Computer program instruction manuals for programs associated with computer security, asset protection and account management, time synchronization and management, system-level software connectivity, and problem-resolution technologies, interactive guidance, training and performance support solutions; Computer program instruction manuals for programs used in the development, deployment, configuration and management of business intelligence solutions, visual applications, executive dashboards, reporting solutions, automated scorecards, data management solutions, administrative consoles and platform configuration tools. FIRST USE: 19901031. FIRST USE IN COMMERCE: 19901031

IC 041. US 100 101 107. G & S: Computer education training services. FIRST USE: 19980114. FIRST USE IN COMMERCE: 19980114

IC 042. US 100 101. G & S: Providing technical support services, namely, troubleshooting of computer software problems and monitoring computer network systems; computer software design for others; computer programming for others; design of graphical user software for others; and maintenance of computer software. FIRST USE: 19901000. FIRST USE IN COMMERCE: 19901000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.05.02 - Plain single line triangles; Triangles, plain single line
 26.09.21 - Squares that are completely or partially shaded
 26.11.21 - Rectangles that are completely or partially shaded
Serial Number 78623465
Filing Date May 5, 2005
Current Filing Basis 1A
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Published for Opposition May 15, 2007
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International Registration Number 0982580
Registration Date July 31, 2007
Owner (REGISTRANT) Rocket Software, Inc. CORPORATION DELAWARE 1-300 275 Grove Street Newton MASSACHUSETTS 02466
Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations 1690753;2059264;2769300;AND OTHERS
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Goods and Services

IC 009. US 021 023 026 036 038. G & S: Computer programs for use in database management, administration, performance, recovery and migration; Computer programs for monitoring of direct- and network-attached data storage devices across the enterprise and management and automation for backup and recovery of the data stored in such storage devices; computer programs used for monitoring the performance of and detecting and diagnosing problems in IT infrastructure, computer network management and performance; service assurance applications, namely computer programs used for monitoring and reporting on performance in connection with the management of enterprises and service providers; network operating system programs and computer utility programs for use therewith; computer programs for use in identity management, namely, the establishment and management of associations between names or numbers and subjects or objects, and attributes of those associations; computer programs for use in the telecommunications industry, namely, operational support system applications that manage and interpret wireless data and wire line and mobile networks; computer programs used for connecting to the global computer network to measure performance data; computer programs used for monitoring and reporting on performance in connection with IT infrastructure and computer network security; computer programs used for system level computer network software connectivity and problem-resolution technologies for computer networks and IT infrastructure, namely, root cause analysis and event correlation to prioritize and filter problem symptoms and other system metrics; computer programs used for interactive guidance and training solutions for real-time self-service performance support. computer programs for use in the development of software applications, namely, software used for configuration, management, and reporting of business data and enterprise operations; computer programs used for visual applications, namely, software used for graphically displaying IT infrastructure and computer network behavior; automated scorecards, namely computer programs for use in managing and measuring strategic operational performance. FIRST USE: 19901031. FIRST USE IN COMMERCE: 19901031

IC 016. US 002 005 022 023 029 037 038 050. G & S: Computer program instruction manuals in the field of database management, administration, performance, recovery, migration, storage management and optimization, network management and performance, service assurance, security and directory, and identity management; Computer program instruction manuals for programs in the telecommunications industry in the field of operational support system applications, wire line and mobile networks, accessing the global computer network, ATM and frame relay networks, and submarine ground, and satellite communications; Computer program instruction manuals for programs associated with computer security, asset protection and account management, time synchronization and management, system-level software connectivity, and problem-resolution technologies, interactive guidance, training and performance support solutions; Computer program instruction manuals for programs used in the development, deployment, configuration and management of business intelligence solutions, visual applications, executive dashboards, reporting solutions, automated scorecards, data management solutions, administrative consoles and platform configuration tools. FIRST USE: 19901031. FIRST USE IN COMMERCE: 19901031

IC 041. US 100 101 107. G & S: Computer education training services. FIRST USE: 19980114. FIRST USE IN COMMERCE: 19980114

IC 042. US 100 101. G & S: Providing technical support services, namely, troubleshooting of computer software problems and monitoring computer network systems; computer software design for others; computer programming for others; design of graphical user software for others; and maintenance of computer software. FIRST USE: 19901000. FIRST USE IN COMMERCE: 19901000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78623493
Filing Date May 5, 2005
Current Filing Basis 1A
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International Registration Number 0985541
Registration Date August 21, 2007
Owner (REGISTRANT) Rocket Software, Inc. CORPORATION DELAWARE 1-300 Newton MASSACHUSETTS 02466
Assignment Recorded ASSIGNMENT RECORDED
Prior Registrations **1690753**;2059264;2769300;AND OTHERS
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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