

ESTTA Tracking number: **ESTTA285686**

Filing date: **05/25/2009**

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	John B. MacNeill		
Entity	Individual	Citizenship	UNITED STATES
Address	1320 So. Riverside Dr., Indialantic, FL 32903 UNITED STATES		

Attorney information	Joel I. Rosenblatt Joel I. Rosenblatt, Patent Attorney 445 11th Ave. Indialantic, FL 32903 UNITED STATES jirosenblatt@earthlink.net Phone:321 727 7626		
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Registration Subject to Cancellation

Registration No	3188345	Registration date	12/19/2006
Registrant	Quad.Knopf, Inc. 5110 Cypress Ave. Visalia, CA 93277 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 2004/03/31 First Use In Commerce: 2004/03/31 All goods and services in the class are cancelled, namely: Providing web-based non-downloadable software for municipal or governmental permit preparation, application, monitoring, tracking and management

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Related Proceedings	Application 77442332, filed 04/08/2008 For Permit Tracker
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77442332	Application Date	04/08/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PERMIT TRACKER		

Design Mark	<h1>Permit Tracker</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1986/08/01 First Use In Commerce: 1991/01/23 Computer programs for the preparation and data base storage and retrieval and display and control of information related to the process of acquiring and maintaining construction and operational permits

Attachments	77442332#TMSN.jpeg (1 page)(bytes) Petition.pdf (2 pages)(28414 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	/joelirosenblatt/
Name	Joel I. Rosenblatt
Date	05/25/2009

TRADEMARK TRIAL AND APPEAL BOARD

PETITION FOR CANCELLATION

Cancellation Petitioner John B. MacNeill, by his attorney of record, Joel I. Rosenblatt, makes this petition and declares,

I. This Petition is made under the Lanham Act, SEC. 14 (15 U.S.C. 1064) and 52), for cancellation of,

Service Mark: PERMIT TRACKER

Registered on the Supplemental Register

Registration No. 3,188,345;

Registration Date: 12/19/2006

First Use in Commerce Date; 03/31/2004

Registrant: QUAD.KNOPF, Inc., 5110 Cypress Ave. Visalia, CA 93277

II. Grounds for Petition

A. This Petition is made under the Lanham Act, Sec. 2 (d) (15 U.S.C. 1052).

B. I, John B. MacNeill, DBA MacNeill Software, 1320 So. Riverside Dr., Indialantic FLORIDA 32903, am the owner of the Permit Tracker business, providing to the public by license agreement, Permit Tracker computer programs for the preparation and data base storage and retrieval and display and control of information related to the process of acquiring and maintaining construction and operational permits.

The first dates of use for the transportation of Permit Tracker computer programs are: FIRST USE: 19860801. FIRST USE IN COMMERCE: 19910123.

I, John B. MacNeill, have used the mark Permit Tracker continuously in commerce, since the dates of first use, as stated above, and prior to the alleged date of first use by QUAD.KNOFP, Inc.

C. QUAD.KNOFP, Inc., in connection with its services of web-based non-downloadable software for municipal or governmental permit preparation, application, monitoring, tracking and management, uses the mark PERMIT TRACKER, Registration No. 3,188,345, which so resembles the mark Permit Tracker used in the United States by John B. MacNeill, DBA MacNeill Software, FIRST USE: 19860801. FIRST USE IN COMMERCE: 19910123, and not abandoned, as to be likely, when used on or in connection with the goods and services of the Registrant QUAD.KNOFP, Inc., to cause confusion, or to cause mistake, or to deceive, as to the affiliation, connection, or association of QUAD.KNOFP, Inc., with John B. MacNeill, DBA MacNeill Software, as to the origin, sponsorship, or approval of the goods or services of QUAD.KNOFP, Inc., with the goods or commercial activities of Petitioner John B. MacNeill, DBA MacNeill Software.

Submitted,

/joelirosenblatt/

Joel I. Rosenblatt

Attorney of record for

Petitioner John B. MacNeill DBA MacNeill Software,

445 11th Ave.

Indialantic, FL 32903

321 727 7626

Email: jirosenblatt@earthlink.net