

ESTTA Tracking number: **ESTTA326352**

Filing date: **01/12/2010**

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	N-trig Ltd.		
Entity	Corporation	Citizenship	Israel
Address	15 Atir Yeda Street Kfar Saba, 44643 ISRAEL		

Attorney information	Jessica Stone Levy Law Office of Jessica Stone Levy, PLLC 4950 S. Yosemite St., F2-341 Greenwood Village, CO 80111 UNITED STATES jessica@jessicastonelevy.com Phone:303-740-5771
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Registration Subject to Cancellation

Registration No	2763254	Registration date	09/16/2003
Registrant	Gemini Industries, Inc. 215 Entin Road P.O. Box 1115 Clifton, NJ 07014 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 2001/11/09 First Use In Commerce: 2001/11/09 All goods and services in the class are cancelled, namely: ACCESSORIES FOR PERSONAL DIGITAL ASSISTANT DEVICES, NAMELY, CONNECTING CABLES, SYNCING CABLES, CHARGING CABLES, STYLUSES AND CARRYING CASES FOR DEVICES
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	HANDS ON 2763254 pet canc.pdf (4 pages)(127577 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	/Jessica Stone Levy/
Name	Jessica Stone Levy

Date	01/12/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 2,763,254
Registered September 16, 2003.

N-TRIG LTD.,

Cancellation No. _____

Petitioner,

v.

GEMINI INDUSTRIES, INC.,

Registrant.

TO THE COMMISSIONER OF TRADEMARKS:

PETITION FOR CANCELLATION

N-trig Ltd. (“N-trig” or “Petitioner”), an Israel corporation having a place of business at 15 Atir Yeda Street, Kfar Saba, Israel, 44643, believes that it will be damaged by the continuing registration of the designation HANDS ON for “ACCESSORIES FOR PERSONAL DIGITAL ASSISTANT DEVICES, NAMELY, CONNECTING CABLES, SYNCING CABLES, CHARGING CABLES, STYLUSES AND CARRYING CASES FOR DEVICES,” Registration No. 2,763,254, and hereby petitions to cancel the same.

To the best of Petitioner’s knowledge from the record available on TARR, the name and address of the current owner of Registration No. 2,763,254 is Gemini Industries, Inc.

(“Registrant”), with an office located at 215 Entin Road P.O. Box 1115, Clifton, NJ 07014.

As grounds for cancellation, Petitioner alleges that:

I. Petitioner N-trig has filed U.S. Trademark Application Serial No. 77/441,511, for the mark HANDS-ON; Serial No. 77/441,520, for the mark HANDS-ON COMPUTING; and Serial No. 77/441,526, for the mark HANDS-ON GAMING, (hereafter “the N-trig applications”)

all currently in connection with "Computer hardware and computer peripheral devices, namely hardware components for digitizer, tags, microprocessors, semiconductors chips, sensor boards; computer hardware and computer peripheral devices for digitizer, computer input devices and computer multi-input devices, namely, computer input digitizer tablets, computer input digitizers, large format digitizers, computer input multi-tags digitizers, computer input touch panels, touch panels, capacitive touch panels, multi-touch panels, transparent touch panels, touch screens, multi-touch screens, capacitive touch screens, transparent touch screens; computer cursor control devices, namely, digitizer tablets, dual-mode digitizers, pen and touch digitizers, transparent digitizers, input writing pens, input touch pens, input magnetic pens, input electric pens, input electrostatic pens, input finger touch devices; Computer software for interacting, controlling and configuring a computer input device, namely digitizer, dual mode digitizer, pen and touch digitizer, touch screen, on a personal computer namely, notebook computer, PC tablets, all-in-one PC; embedded firmware for use in operating a computer input device, namely detection of objects, detection of electronic tags, detection of finger touch, detection of user gestures and commands, on a dedicated processor incorporated in an input device, namely digitizer, dual mode digitizer, pen and touch digitizer, touch screen; Software driver for interfacing with a computer input device, namely digitizer, dual mode digitizer, pen and touch digitizer, touch screen, on a personal computer namely, notebook computer, PC tablets, all-in-one PC; computer software for detecting objects, tags, finger touch, user gestures and commands; Software for virtual keyboard; PC tablets, tablet computers; computers, laptop computers, laptop computers with convertible display screen, tabletop computers, all-in-one PC; tabletop displays, large panel displays, display screens."

2. In office actions dated July 15, 2009, U.S. Patent & Trademark Office Examining

Attorney Andrea R. Hack issued a final refusal to register the N-trig applications under Section 2(d) of the Trademark Act, stating that “the goods of the parties are highly related.”

3. Upon information and belief, Respondent is no longer in existence.

4. Upon information and belief, Respondent long ago discontinued use of the HANDS ON mark in association with the goods listed in the registration, and has abandoned the mark through failure to continuously use the mark in interstate commerce.

5. Registrant is currently two months from the end of the grace period for filing its Combined Declaration of Use & Incontestability under Sections 8 & 15.

6. Upon information and belief, Registrant has abandoned any use of the HANDS ON mark that would support the statutory requirements of such a Declaration.

7. Petitioner will be injured by the continued registration of the HANDS ON mark in that its applications have been refused registration under Section 2(d) of the Trademark Act.

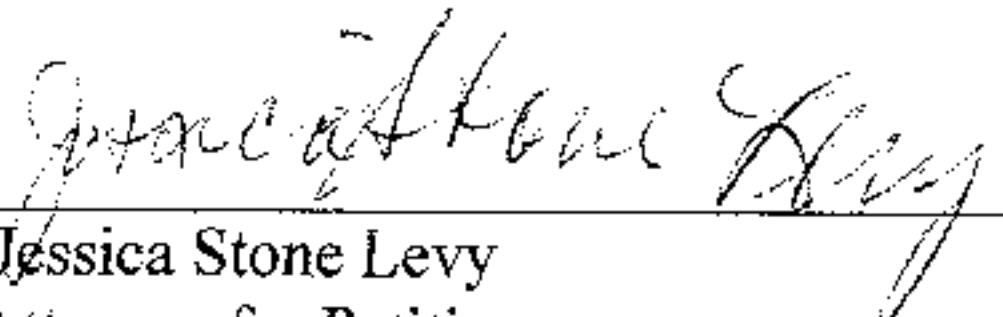
WHEREFORE, Petitioner believes that it will be damaged by the continuing registration of Registrant’s said designation and requests that Registration No. 2,763,254 be cancelled on grounds of non-use and abandonment.

Please recognize as attorney for Petitioner in this proceeding Jessica Stone Levy, Law Office of Jessica Stone Levy, PLLC, 4950 S. Yosemite St., F2-341, Greenwood Village, CO 80111.

The filing fee believed to be in the amount of \$300.00 is enclosed herein.

DATED this 12th day of January, 2010.

LAW OFFICE OF JESSICA STONE LEVY, PLLC

By 
Jessica Stone Levy
Attorney for Petitioner

DESIGNATION OF DOMESTIC REPRESENTATIVE

LAW OFFICE OF JESSICA STONE LEVY, Jessica Stone Levy, whose postal address is 4950 S. Yosemite St., F2-341, Greenwood Village, CO 80111, is hereby designated Petitioner's representative upon whom notice or process in this proceeding may be served.

Please address all communications to Jessica Stone Levy.

The filing fee in the amount of \$300 accompanies this submission.

DATED this 17th day of January, 2010.

Law Office of Jessica Stone Levy PLLC

By Jessica Stone Levy
Jessica Stone Levy
Attorney for Petitioner

PROOF OF SERVICE

The person whose signature appears below confirms that the attached document has been served upon Registrant Gemini Industries, Inc. as follows:

By transmitting a copy of the document by first-class mail, postage prepaid, to Gemini Industries, Inc. 215 Entin Road, Clifton, NJ 07014, on January 17, 2010.

Jessica Stone Levy
Jessica Stone Levy

CERTIFICATE OF FILING BY ESTTA

I hereby certify that on January 17, 2010, I filed this PETITION FOR CANCELLATION using the ESTTA filing system.

Jessica Stone Levy
Jessica Stone Levy