

ESTTA Tracking number: **ESTTA334703**

Filing date: **03/01/2010**

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	AliphCom		
Entity	Corporation	Citizenship	California
Address	99 Rhode Island Street, 3rd Floor San Francisco, CA 94103 UNITED STATES		

Attorney information	Mark A. Steiner, Esq. Townsend and Townsend and Crew LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834 UNITED STATES masteiner@townsend.com Phone:(415) 576-0200		
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Registration Subject to Cancellation

Registration No	3028200	Registration date	12/13/2005
Registrant	Baker, Angie 9515 234th Street SW Edmonds, WA 98020 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 1999/06/01 First Use In Commerce: 1999/06/01 All goods and services in the class are cancelled, namely: Computer software for use in voice recognition and synthesized voice output applications; voice recognition and synthesized voice output software for use with electronic devices, namely, computers, PDA's, televisions, radios, phones, appliances and tablets; voice recognition and synthesized voice output hardware and software that is responsive to voice commands, instructions, dictation and interactive communications
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Grounds for Cancellation

Other	Non-use and abandonment of mark
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Attachments	77785787#TMSN.jpeg (1 page)(bytes) JAWBONE PETITION TO CANCEL.pdf (4 pages)(139355 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	/Mark A. Steiner/
Name	Mark A. Steiner, Esq.
Date	03/01/2010

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

In re Registration No. 3,028,200
Issued: December 13, 2005
For: **JAWBONE**
Registrant: Angie Baker, dba, Jawbone

AliphCom,

Petitioner,

v.

Angie Baker, dba, Jawbone,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

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

Madam:

Petitioner, AliphCom, a California corporation, having a business address and situs at 99 Rhode Island, 3rd Floor, San Francisco, California 94103, believes that it is and will be damaged by Registration No. 3,028,200, and pursuant to 37 C.F.R. §2.111 hereby petitions to cancel the same.

As grounds for cancellation, it is alleged:

1. Petitioner filed Application Serial No. 77/785,787 on July 21, 2009, for JAWBONE for inter alia "Communication devices, namely, earwear, earpieces, transmitters, receivers, speakers and parts thereof for use with cellular and telephone communication systems; wearable audio display, namely, earwear containing an audio display; MP3 players; carrying cases for telephone accessories; stereo headsets; software for the control and management of features and functions of telephone wireless headsets and accessories; wireless

telecommunications modules; USB cables; battery chargers for wireless headsets for telephones,” in Class 9.

2. Petitioner filed Application Serial No. 77/862,791 on November 2, 2009, for JAWBONE for “Retail store services for telecommunications products and consumer electronic products,” in Class 35 and “On-line downloadable computer software for the usage of communications equipment, devices and accessories,” in Class 42.

3. Respondent, Angie Baker, dba Jawbone, an individual, at 9515 234th Street SW, Edmonds, Washington 98020, is the owner of record of the above-identified Trademark Registration No. 3,028,200, for the trademark JAWBONE issued on the Principal Register on December 13, 2005, for “Computer software for use in voice recognition and synthesized voice output applications; voice recognition and synthesized voice output software for use with electronic devices, namely, computers, PDA’s, televisions, radios, phones, appliances and tablets; voice recognition and synthesized voice output hardware and software that is responsive to voice commands, instructions, dictation and interactive communications,” in Class 9.

4. Respondent's Registration No. 3,028,200 has been relied upon by the Examining Attorney to refuse registration in Petitioner's Application Serial Nos. 77/785,787 and 77/862,791 under § 2(d) on the contended grounds that the JAWBONE mark, when applied to Petitioner's goods and services, so resembles the registered mark as to be likely to cause confusion, to cause mistake, or to deceive.

5. On information and belief, Respondent is not using and has abandoned the JAWBONE mark of Registration No. 3,028,200.

6. Petitioner is and will be damaged by Registration No. 3,028,200 in that such registration impairs and is inconsistent with Petitioner's right to use and register its JAWBONE mark.

WHEREFORE, Petitioner hereby respectfully requests that Registration No. 3,028,200 be canceled.

Please charge the \$300.00 fee for this Petition to the Deposit Account of Townsend and Townsend and Crew LLP, 20-1430, and charge any additional fees which may be required, or credit any overpayment to such deposit account.

Please direct all future communications in this proceeding to the undersigned.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Dated: March 1, 2010

By: 

Mark A. Steiner
Jennifer D. Arkowitz
Attorneys for Petitioner
SilverDoor Limited.

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2010, I caused the foregoing **PETITION FOR CANCELLATION** to be served on Respondent, by depositing same in the United States mail, in an envelope with postage prepaid, addressed to:

Angie Baker, dba, Jawbone
9515 234th Street SW
Edmonds, WA 98020

David A. Lowe, Esq.
Black Lowe & Graham
701 5th Avenue – Suite 4800
Seattle, WA 98104-7009



Kim White