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February 20, 2013

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

78880153

RE: Triton Systems of Delaware, LLC v. Digital Interactive Streams, Inc.;
Registration No. 3,312,155

Dear Sir or Madam:

Enclosed for filing is the Petition for Cancellation in the above matter, together with a check in the amount of \$300.00 to cover the filing fees. Also enclosed is a self addressed post card. Please stamp the card to acknowledge receipt and return to us for our records.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Whitaker Rayner".

W. Whitaker Rayner

WWR:pc
Enclosure

{JX041902.1}

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail with sufficient postage as first class mail in an envelope addressed to:

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

on Feb. 20, 2013
Date


Signature

W. Whitaker Rayner, Esq.
Typed or printed name
of person signing certificate

TTAB

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

TRITON SYSTEMS OF DELAWARE, LLC

PETITIONER

V.

CANCELLATION NO. _____

DIGITAL INTERACTIVE STREAMS, INC.

RESPONDENT

REGISTRATION NO. 3,312,155

PETITION FOR CANCELLATION

Pursuant to 15 U.S.C. § 1068 Triton Systems of Delaware, LLC ("Triton") files this Petition seeking to partially cancel the above-styled registration by requesting amendment of the goods and services set forth under International Class 9. In support thereof, the Petitioner would show as follows:


1. Petitioner is the owner of Registration Nos. 2,507,246; 3,070,985; 3,070,989 and 3,071,147 for the mark TRITON. Additionally, Petitioner is the owner of common-law rights in the mark TRITON STANDARD LANGUAGE. The date of first use for the mark TRITON is at least as early as 1984.
2. Furthermore, Petitioner has used the mark TRITON STANDARD LANGUAGE for computer software for computer system and application development, deployment and management at least as early as 2003. Petitioner is the owner of application 85-690,012 for the mark TRITON DYNAMIC LANGUAGE. (the "Application").
3. On or about December 3, 2012, the Petitioner received an Office Action from the Examining Attorney in the Application, initially refusing registration based, in part, on perceived likelihood of confusing with Registrant's existing registration for goods including "computer software for enabling and managing delivery... of content, namely...computer software applications...".

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U.S. Patent and Trademark Office #72

4. To the extent the Examining Attorney is correct in his analysis, then Petitioner would be damaged based upon refusal of registration of the Application, in light of Petitioner's other registrations and common-law marks having priority over Registrant's marks as to the goods cited by the Examining Attorney in refusing the Application.

5. Accordingly, the Petitioner seeks partial cancellation of the cited Registration by deleting from the description of goods and services in Class 9 the wording "computer software applications", in all instances.

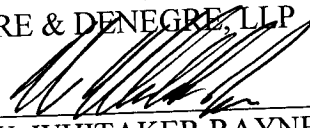
6. Petitioner requests such other relief as may be just and appropriate.

Respectfully submitted this the 20th day of February, 2013.

TRITON SYSTEMS OF DELAWARE, LLC

By Its Attorneys
JONES, WALKER, WAECHTER, POITEVENT,
CARRERE & DENEGRÉ, LLP

By:



W. WHITAKER RAYNER

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail, post office to addressee, in an envelope addressed to the Assistant Commissioner for Trademarks, P.O. Box 1451, Alexandria, 22313-1451, on February 20, 2013.



W. WHITAKER RAYNER