

ESTTA Tracking number: **ESTTA951215**

Filing date: **01/31/2019**

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 has filed a petition to cancel the registration indicated below.

**Petitioner Information**

|         |   |             |        |
|---------|---|-------------|--------|
| Name    | Sygnia Consulting Ltd.  |             |        |
| Entity  | private limited company   | Citizenship | Israel |
| Address | 94a Yigal Alon St.<br>29th floor<br>Tel Aviv, 6789155<br>ISRAEL |             |        |

|                      |  |  |  |
|----------------------|--|--|--|
| Attorney information | Sara M. Bauer<br>Choate Hall & Stewart LLP<br>Two International Place<br>Boston, MA 02110<br>UNITED STATES<br>tmadmin@choate.com<br>617-248-5000 |  |  |
|----------------------|--|--|--|

**Registration Subject to Cancellation**

|                  |   |                   |            |
|------------------|---|-------------------|------------|
| Registration No. | 4469407   | Registration date | 01/21/2014 |
| Registrant       | Tegile Systems, Inc.<br>8000 Jarvis Ave.<br>Newark, CA 94560<br>UNITED STATES |                   |            |

**Additional Registrant Information**

|  |   |
|--|---|
| Additional registrant information provided by the petitioner | Western Digital Technologies, Inc.<br>Delaware Corporation<br>5601 Greak Oaks Parkway<br>San Jose, CA 96119<br>UNITED STATES<br>no email provided<br>no phone number provided |
|--|---|

**Goods/Services Subject to Cancellation**

|  |
|--|
| Class 042. First Use: 2009/10/01 First Use In Commerce: 2009/10/01<br>All goods and services in the class are subject to cancellation, namely: Back-up services for computer hard drive data, namely online backup of computerhard drive data; Computer programming and software design; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of data backup, compression and deduplication of data; Computer services, namely, data recovery services; Computer services, namely, designing and implementing data backup, compresssion and deduplication of data for others; Computer software design for others; Computer software development in the field of data |
|--|

backup, compression and deduplication of data; Computer system design services; Development and creation of computer programmes for data processing; Digital compression of computer data; Recovery of computer data; Remote online backup of computer data

## Grounds for Cancellation

|             |                             |
|-------------|-----------------------------|
| Abandonment | Trademark Act Section 14(3) |
|-------------|-----------------------------|

|             |  |
|-------------|--|
| Attachments | Petition to Cancel - MASS- signed.pdf(298209 bytes ) |
|-------------|--|

|           |               |
|-----------|---------------|
| Signature | /sara bauer/  |
| Name      | Sara M. Bauer |
| Date      | 01/31/2019    |

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

*In re* Registration No.: 4,469,407

Mark: **MASS**

Registered: January 21, 2014

Sygnia Consulting Ltd.,

*Petitioner,*

v.

Tegile Systems, Inc.,

*Registrant.*

Cancellation No. \_\_\_\_\_

**PETITION TO CANCEL**

Sygnia Consulting Ltd. (“Petitioner” or “Sygnia”) believes it will be damaged by the continued registration of the mark **MASS**, covered by Registration No. 4,469,407 (“Registration”), registered on January 21, 2014 to Tegile Systems, Inc. (“Registrant”), and hereby petitions to cancel the Registration. As grounds for its petition for cancellation, Sygnia alleges as follows:

1. Sygnia is an Israeli private limited company having a place of business at 94a Yigal Alon St., 29th floor, Tel Aviv, Israel 6789155.

2. Upon information and belief, Registrant was a California corporation having a place of business of 800 Jarvis Ave., Newark, California 94560 United States.

3. Upon information and belief, Registrant was acquired on or about August 2017 by Western Digital Technologies, Inc., a Delaware corporation, having a place of business at 5601 Great Oaks Parkway, San Jose, California 96119 United States.

4. As reflected in the electronic records of the U.S. Patent and Trademark Office (“USPTO”), Registrant’s mark registered on the Principal Register on January 21, 2014, in International Class 42 for “Back-up services for computer hard drive data, namely online backup of computer hard drive data; Computer programming and software design; Computer services, namely, acting as an application service provider in the field of information management to host computer application software for the purpose of data backup, compression and deduplication of data; Computer services, namely, data recovery services; Computer services, namely, designing and implementing data backup, compression and deduplication of data for others; Computer software design for others; Computer software development in the field of data backup, compression and deduplication of data; Computer system design services; Development and creation of computer programmes for data processing; Digital compression of computer data; Recovery of computer data; Remote online backup of computer data.”

5. On April 9, 2018, Sygnia filed Application Serial No. 87867994 for registration of its mark **MASS** with the USPTO based on a *bona fide* intent to use the mark in commerce under Lanham Act §1(b), 15 U.S.C. §1051(b), and based on its Israeli application for the same mark, Israeli Application No. 298822, claiming priority to the earlier filing date of October 11, 2017, under Lanham Act §44(d), 15 U.S.C. 1126(d), with an intent to perfect under Lanham Act §44(e), 15 U.S.C. 1026(e), if and when the Israeli application matures to registration (“Application”).

6. The Application covers “Training, courses and classes in the field of computer, computer systems, computer network, hardware, software and internet security risks; educational services, namely, conducting on-line and in person sessions and workshops for handling and responding to cyber-attacks and monitoring and analyzing data and computer matters relating

thereto; training services related to prevention and mitigation of computer risks via potential scenarios; training in the nature of conducting exercises and drills in the fields of risk management and cyber security; creating and distributing educational materials and data with respect to potential risks in the field of cyber security; conducting simulations, penetration-testing, threat hunting and war games, in the area of information and cyber security” in International Class 41, and “Computer security consulting services in the field of security and vulnerability assessment and strategy advice and recommendations for appropriate protection against cyber-attacks, including remediation management services; creating, proposing and implementing plans for improving computer, computer systems, computer network, hardware, software and internet security and for preventing cyber-attacks; conducting assessments of networks, systems, processes and organizations in the field of information security and cyber security” in International Class 42.

7. In an Office Action dated August 3, 2018, the USPTO Examining Attorney relied upon the Registration to refuse registration to Sygnia’s Application under Lanham Act §2(d), 15 U.S.C. §1052(d).

8. Upon information and belief, Registrant has discontinued use of the MASS mark in commerce for all of the services identified in the Registration.

9. Upon information and belief, Registrant has not used the MASS mark in commerce for at least three consecutive years.

10. Upon information and belief, Registrant does not intend to resume use of the MASS mark in commerce for any of the services identified in the Registration.

11. Registrant’s nonuse of the MASS mark for at least three consecutive years is *prima facie* evidence of abandonment.

12. Sygnia would be damaged by the continued registration of the MASS mark shown in Registration No. 4,469,407 in that the Registration is inconsistent with Sygnia's right to register its MASS mark.

WHEREFORE, Sygnia respectfully requests that this Petition to Cancel be granted, and the Registration be cancelled in its entirety pursuant to Lanham Act §14(3), 15 U.S.C. §1064(3).

Dated:

Respectfully submitted,

By: 

***Sara M. Bauer, Esq.***  
***Daniel L. Scales, Esq.***

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*Attorneys for Petitioner*