

ESTTA Tracking number: **ESTTA1288864**

Filing date: **06/01/2023**

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	Coginiti Corp		
Entity	Corporation	Citizenship	Delaware
Address	675 PONCE DE LEON AVE. NE SUITE 8500 ATLANTA, GA 30308 UNITED STATES		
Attorney information	AUDREY A. MILLEMANN WEINTRAUB TOBIN 400 CAPITOL MALL 11TH FLOOR SACRAMENTO, CA 95814 UNITED STATES Primary email: amillemann@weintraub.com Secondary email(s): ngollner@weintraub.com, trademarks@weintraub.com 9165586033		
Docket no.	17882/00002		

Registration subject to cancellation

Registration no.	6430039	Registration date	07/20/2021
Register	Principal		
Registrant	Noblesoft Technologies Inc. 8600 FREEPORT PKWY, STE 425 IRVING, TX 75063 UNITED STATES		

Goods/services subject to cancellation

<p>Class 042. First Use: Jan 1, 2021 First Use In Commerce: Jan 1, 2021 All goods and services in the class are subject to cancellation, namely: Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer compatibility services, namely, data mapping; Computer programming; Computer programming services for creating augmented reality videos and games; Computer programming services for others in the field of software configuration management; Computer programming services, namely, content creation for virtual worlds and three dimensional platforms; Computer programming and computer system analysis; Computer programming and maintenance of computer programs; Computer programming and rental of computer programs; Computer programming and software design; Computer programming consultancy; Computer programming for others; Computer programming of computer games; Computer programming of video games; Computer programming services; Computer services, namely, data recovery services; Computer software development; Computer soft-</p>

ware development and computer programming development for others; Computer software development in the field of mobile applications; Computer software design, computer programming, and maintenance of computer software; Data automation and collection service using proprietary software to evaluate, analyze and collect service data; Data decryption services; Data encryption services; Data encryption services for providing security and anonymity for electronically transmitted credit card transactions; Data encryption and decoding services; Data migration services; Data mining; Data security consultancy; Design and development of software for instant messaging; Design and development of software in the field of mobile applications; Designing and developing computer game software and video game software for use with computers, video game program systems and computer networks; Developing computer software; Developing and updating computer software; Development and implementation of software, hardware and technology solutions for the purpose of productization of electronic components and electronic systems; Development and implementation of software, hardware and technology solutions for the purpose of testing of electronic components and electronic systems; Development of software for secure network operations; Electronic data storage; Electronic storage of electronic media, namely, images, text and audio data; Electronic storage services for archiving electronic data; Electronic storage services for archiving databases, images and other electronic data; Programming of computer software for others; Recovery of computer data; Services for reproducing computer programs; Software development for others in the field of software configuration management; Software development in the framework of software publishing; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technical support services, namely, troubleshooting of industrial process control computer software problems; Charitable services, namely, providing facilities and equipment for computer programming; Cloud storage services for electronic data; Computer services, namely, encrypted data recovery services; Design and development of computer software; Design and development of computer software in the field of tablet applications; Design and development of computer game software; Design and development of computer game software and virtual reality software; Design and development of computer hardware and software; Design and development of on-line computer software systems; Design and development of integrated data collection and wireless transmission hardware systems for equipment and for software applications associated with that equipment at mining, construction, and industrial sites; Design, development and implementation of software; Design, development, installation and maintenance of computer software; Design, maintenance, development and updating of computer software; Development of computer programs recorded on data media software designed for use in construction and automated manufacturing (cad/cam); Providing information relating to electronic data storage services; Research and development of computer software; Research, development, design and upgrading of computer software; Technical advisory services relating to computer programs

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition_to_Cancel.pdf(565515 bytes)
Signature	/Audrey A. Millemann/
Name	Audrey A. Millemann
Date	06/01/2023

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

In re Registration No. 6430039
Mark: COGNITI
Registration Date: July 20, 2021

Coginiti Corp,

Petitioner,

v.

Noblesoft Technologies Inc.,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

Petitioner Coginiti Corp (“Petitioner”), a Delaware corporation having a principal place of business at 675 Ponce de Leon Ave. NE, Suite 8500, Atlanta, GA 30308, believes that it is being and will continue to be damaged by the continued registration of Registration No. 6430039 for the mark COGNITI (the “Registered Mark”), and hereby petitions to cancel the registration pursuant to 15 U.S.C. section 1064, subsections (1) and (3). As grounds for cancellation, Petitioner asserts as follows.

Petitioner's Mark

1. Petitioner is in the business of providing Software as a Service (SaaS) applications which sit on top of a variety of an organization's data assets and provide data access and the ability to build and share analytics. Petitioner offers its services throughout the U.S. and the world on its website www.coginiti.co.

2. On February 25, 2022, Petitioner filed federal trademark application serial number 97285166 for the mark COGINITI for software as a service (SaaS) applications to deliver data analytics and business intelligence in international class 42. On November 23, 2022, the U.S. Patent and Trademark Office issued an office action rejecting Petitioner's application on the grounds of likelihood of confusion with the Registered Mark, pursuant to 15 U.S.C. section 1052(d). On January 10, 2023, Petitioner filed an express abandonment of the 97285166 application.

3. After discovering that the Registered Mark appeared to have been abandoned, on April 6, 2023, Petitioner filed a second federal trademark application for the mark COGINITI, serial number 97876218, in international class 42 for "software as a service (SaaS) applications which sit on top of a variety of an organization's data assets and provide data access and the ability to build and share analytics." Petitioner stated a date of first use in commerce of April 11, 2022. Petitioner expects that the PTO will reject Petitioner's application for COGINITI based on the Registered Mark on the grounds of likelihood of confusion, for the same reason as Petitioner's first application was rejected. However, Petitioner is informed and believes that Registrant has

abandoned the Registered Mark. Therefore, Petitioner is and will be damaged by the continued registration of the Registered Mark.

The Registered Mark

4. On January 8, 2010, Cogniti, Inc., a Nevada corporation, filed trademark application serial number 77908012 for the mark COGNITI. The application was filed for “computer software for business management, for business process re-engineering, and for evaluating, analyzing and managing business operations to align with business objectives” in International class 9, and for “consultancy services for business management, for business process re-engineering, and for evaluating, analyzing and managing business operations to align with business objectives” in International class 35. Registrant later alleged a date of first use in commerce of March 31, 2010. On March 29, 2011, the mark was registered, U.S. registration number 3938862. On November 3, 2017, the registration was canceled due to the registrant's failure to file an Affidavit of Use (Declaration under Section 8) showing the current use of the mark, as required by 15 U.S.C. section 1058(b). The Nevada Secretary of State’s on-line records list the status of Cogniti, Inc. as “permanently revoked.”

5. On August 30, 2020, Noblesoft Technologies Inc. (“Registrant”), a Texas corporation having an address of 8600 Freeport Pkwy, Ste 425, Irving, Texas 75063, filed federal trademark application serial no. 90147398 for COGNITI, the Registered Mark, for an extensive list of services (see Exhibit “A” hereto) in International Class 42. Registrant later alleged a date of first use in commerce of January 1, 2021. As a specimen, Registrant submitted the website www.cogniti.com. On July 20, 2021, the

Registered Mark was registered; a true and correct copy of the registration is attached hereto as Exhibit "A." To the best of Petitioner's knowledge, the current owner of the Registered Mark is Noblesoft Technologies Inc.

6. Petitioner is informed and believes that Registrant has abandoned the Registered Mark within the meaning of 15 U.S.C. §1127, including, but not limited to, based on the following:

(a) the Registrant's website, www.cogniti.com, displays the Registered Mark, but does not contain any ability to purchase any of the services listed in Registrant's registration (Exhibit "A");

(b) no services of any kind can be purchased through the website;

(c) over the last year, the website has had almost 0 traffic, based on two different software tools that are used in the industry to estimate website traffic;

(d) the website lists the headquarters as the Irving, Texas address shown in the registration, but the telephone number, when called, goes to a recorded message stating "thanks for calling Noblesoft;"

(e) the website includes other references to Noblesoft Technologies, including an "About Us" page that contains a video of the Noblesoft logo;

(f) the website home page lists social media (Facebook, Twitter, YouTube, and LinkedIn), but the Registered Mark is not used on any of these social media; and

(g) the website page entitled "Why Join Us?" has no positions listed.

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Basis for Cancellation – Abandonment

7. Based on the above, Petitioner is informed and believes that Registrant has abandoned the Registered Mark as it is not currently using the mark in commerce in connection with the services listed on Exhibit “A.”

8. For the reasons set forth above, Registrant’s Mark, Registration No. 6430039, is causing and will continue to cause damage to Petitioner, and Registrant is not entitled to the continued registration of the Registered Mark. The Registered Mark should be cancelled pursuant to 15 U.S.C. section 1064, subsections (1) and (3), on the grounds that it has been abandoned by Registrant.

WHEREFORE, Petitioner prays that this petition be granted and that Registration No. 6430039 be cancelled pursuant to 15 U.S.C. section 1064, subsections (1) and (3).

Dated: June 1, 2023

Respectfully submitted,
WEINTRAUB TOBIN

/Audrey A. Millemann/
Audrey A. Millemann

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PETITION FOR CANCELLATION was served, via overnight courier, on Registrant Noblesoft Technologies Inc. at the following address:

Noblesoft Technologies Inc.
Attn: Mr. Venkat Yerubandi
8600 Freeport Pkwy, Ste 425
Irving, Texas 75063

and by email to venkat@noblesoft.com and venkat.yerubandi@gmail.com.

June 1, 2023

/Paty Shaw/
Paty Shaw

Exhibit A

United States of America

United States Patent and Trademark Office

COGNITI

Reg. No. 6,430,039

Registered Jul. 20, 2021

Int. Cl.: 42

Service Mark

Principal Register

Noblesoft Technologies Inc. (TEXAS CORPORATION)
8600 Freeport Pkwy, Ste 425
Irving, TEXAS 75063

CLASS 42: Application service provider, namely, hosting, managing, developing, and maintaining applications, software, and web sites, in the fields of personal productivity, wireless communication, mobile information access, and remote data management for wireless delivery of content to handheld computers, laptops and mobile electronic devices; Computer compatibility services, namely, data mapping; Computer programming; Computer programming services for creating augmented reality videos and games; Computer programming services for others in the field of software configuration management; Computer programming services, namely, content creation for virtual worlds and three dimensional platforms; Computer programming and computer system analysis; Computer programming and maintenance of computer programs; Computer programming and rental of computer programs; Computer programming and software design; Computer programming consultancy; Computer programming for others; Computer programming of computer games; Computer programming of video games; Computer programming services; Computer services, namely, data recovery services; Computer software development; Computer software development and computer programming development for others; Computer software development in the field of mobile applications; Computer software design, computer programming, and maintenance of computer software; Data automation and collection service using proprietary software to evaluate, analyze and collect service data; Data decryption services; Data encryption services; Data encryption services for providing security and anonymity for electronically transmitted credit card transactions; Data encryption and decoding services; Data migration services; Data mining; Data security consultancy; Design and development of software for instant messaging; Design and development of software in the field of mobile applications; Designing and developing computer game software and video game software for use with computers, video game program systems and computer networks; Developing computer software; Developing and updating computer software; Development and implementation of software, hardware and technology solutions for the purpose of productization of electronic components and electronic systems; Development and implementation of software, hardware and technology solutions for the purpose of testing of electronic components and electronic systems; Development of software for secure network operations; Electronic data storage; Electronic storage of electronic media, namely, images, text and audio data; Electronic storage services for archiving electronic data; Electronic storage



Dennis H. H. H.

Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



services for archiving databases, images and other electronic data; Programming of computer software for others; Recovery of computer data; Services for reproducing computer programs; Software development for others in the field of software configuration management; Software development in the framework of software publishing; Technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; Technical support services, namely, troubleshooting of industrial process control computer software problems; Charitable services, namely, providing facilities and equipment for computer programming; Cloud storage services for electronic data; Computer services, namely, encrypted data recovery services; Design and development of computer software; Design and development of computer software in the field of tablet applications; Design and development of computer game software; Design and development of computer game software and virtual reality software; Design and development of computer hardware and software; Design and development of on-line computer software systems; Design and development of integrated data collection and wireless transmission hardware systems for equipment and for software applications associated with that equipment at mining, construction, and industrial sites; Design, development and implementation of software; Design, development, installation and maintenance of computer software; Design, maintenance, development and updating of computer software; Development of computer programs recorded on data media software designed for use in construction and automated manufacturing (cad/cam); Providing information relating to electronic data storage services; Research and development of computer software; Research, development, design and upgrading of computer software; Technical advisory services relating to computer programs

FIRST USE 1-1-2021; IN COMMERCE 1-1-2021

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

The wording "COGNITI" has no meaning in a foreign language.

SER. NO. 90-147,398, FILED 08-30-2020