

ESTTA Tracking number: **ESTTA766148**

Filing date: **08/23/2016**

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	c/o Mallory Levitt		
Entity	Individual	Citizenship	United States
Address	51 West 52nd Street New York, NY 10019 UNITED STATES		

Attorney information	Mallory Levitt c/o CBS Law 51 West 52nd Street New York, NY 10019 UNITED STATES trademarks@cbs.com Phone:2129754321		
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Registration Subject to Cancellation

Registration No	4440993	Registration date	11/26/2013
Registrant	Time 2 Shine Entertainment 12549 Hidden Garden Dr. West Jacksonville, FL 32258 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2012/03/25 First Use In Commerce: 2012/03/25
All goods and services in the class are cancelled, namely: Entertainment services, namely, multimedia production services; Film and video film production; Music production services

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	time2shine.pdf(15564 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	/ml/
Name	Mallory Levitt
Date	08/23/2016

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

Trademark: TIME 2 SHINE ENTERTAINMENT
Registration No: 4,440,993
Registered: November 26, 2013

CSTV NETWORKS INC. D/B/A CBS	}	Cancellation No. _____
COLLEGE SPORTS NETWORK		
Petitioner,		
v.	}	PETITION FOR CANCELLATION
TIME 2 SHINE ENTERTAINMENT		
Respondent.		

CSTV Networks Inc. D/B/A CBS College Sports Network (hereinafter “Petitioner”), a Delaware corporation, 51 West 52nd Street, New York, New York 10019, believes it is and will continue to be damaged by the continued registration of the trademark TIME 2 SHINE ENTERTAINMENT and Design (the “Challenged Mark”), for “entertainment services, namely, multimedia production services; film and video film production; music production services” in International Class 41 (“Registered Services”), as shown in Registration No. 4440993 (the “Registration”), owned by Time 2 Shine Entertainment (“Respondent”), and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is a leading provider of sports television programming services in the United States and owns and operates the television network CBS SPORTS NETWORK®. Petitioner also produces, distributes and televises original programming including the television series entitled TIME TO SCHEIN (the “Petitioner’s Mark”).

2. Petitioner has filed two applications to register Petitioner's Mark, namely U.S. Application No. 86/680,925 for "digital media, namely, pre-recorded digital video discs, digital versatile discs, dvds, downloadable audio and video recordings, and high definition digital discs featuring dramatic, sports and entertainment news television programming; downloadable television programs featuring drama, sports and entertainment news provided via a video-on-demand service" in International Class 9 (the "Class 9 Goods"), and U.S. Application No. 86/680,974 for "entertainment services, namely, a continuing television series featuring sports and news rendered through the media of television, cable, satellite, telephone and broadband systems, and via the internet, and portable and wireless communication devices; providing non-downloadable entertainment in the nature of television programs via video-on-demand services; providing information in the field of sports and entertainment news rendered via the internet, and portable and wireless communication devices" in International Class 41 (the "Class 41 Services") (together, U.S. Application No. 86/680,925 and U.S. Application No. 86/680,974, the "Applications").

3. Pursuant to TBMP §309.03(b), Petitioner has been refused registration of Petitioner's Mark for Petitioner's Class 9 Goods and Class 41 Services. Specifically, Petitioner received Office actions against both of the Applications from the United States Patent and Trademark Office ("USPTO") refusing registration of Petitioner's Mark under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d) on the ground of likelihood of confusion with the Challenged Mark owned by Respondent. On April 15, 2016, Petitioner responded to the Office actions issued against the Applications. The USPTO rejected Petitioner's arguments and continued and maintained its Section 2(d) refusals against both of the Applications via Office actions dated May 6, 2016.

4. Upon information and belief, an investigation revealed that Respondent has not used the Challenged Mark in the United States in connection with the Registered Services for some years, has no intention to resume use, and therefore, has abandoned the Challenged Mark.

5. Petitioner is and will be injured by the continued registration of the Challenged Mark because such registration has impaired Petitioner's ability to register Petitioner's Mark for Petitioner's Class 9 Goods and Class 41 Services.

WHEREFORE, Petitioner believes that it will be damaged by the continued registration of the Challenged Mark and requests that the cancellation action be sustained and the Registration be cancelled.

Dated: New York, New York
August 23, 2016

Respectfully submitted,
CSTV NETWORKS INC.
Attorneys for Petitioner

By: / Mallory Levitt /
Mallory Levitt, Esq.
Aryn M. Emert, Esq.
Counsel for Petitioner
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CERTIFICATE OF SERVICE

A copy of the foregoing Cancellation Petition was served upon Registrant on August 23, 2016 by sending a copy by first-class mail, postage prepaid, addressed to the Registrant, Time 2 Shine Entertainment, 12549 Hidden Garden Dr. West, Jacksonville, Florida, 32258, and to Registrant's Attorney and Correspondent of Record, Jungjin Lee, Lee, Lee & Associates, P.C., Suite 234, 2531 Jackson Road, Ann Arbor, MI 48103.

Dated: New York, New York
August 23, 2016

/Mallory Levitt/