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

Proceeding	76649149
Applicant	I.O.B. Realty, Inc.
Applied for Mark	PATSY'S PIZZERIA
Correspondence Address	REBECCA J STEMPIEN COYLE LEVY & GRANDINETTI 1120 CONNECTICUT AVENUE NW, SUITE 304 WASHINGTON, DC 20036 UNITED STATES mail@levygrandinetti.com
Submission	Notice of letter to District Court
Attachments	Dkt. 240 - Letter to Court re Letter to Oregon Pizzeria.pdf(34243 bytes) Dkt. 240 - Encls. 1 - letter ot Oregon.pdf(193005 bytes) Dkt. 240 - Cert Svc.pdf(20405 bytes)
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November 12, 2015

VIA CM/ECF

Honorable Ramon Reyes
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Patsy's Italian Restaurant Inc. v. Banas et al.*
Civil Action Nos. 06-cv-00729/05857

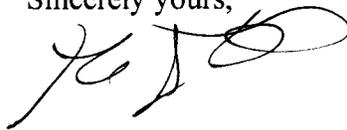
Dear Judge Reyes:

The Defendants I.O.B. Realty, Inc., and Patsy's Inc. (collectively, "I.O.B. Realty"), respectfully provide notice of the attached correspondence which is relevant to the issues pending before the Court.

As set forth in the attached letter, I.O.B. Realty recently became aware of a third party's use of the mark PATSY'S NEW YORK PIZZERIA, which even includes the mark PATSY'S in a similar stylized form presentation on the third party's menu. I.O.B. Realty is working to resolve the issue with the third party to the best of its ability with the rights it currently has to its PATSY'S PIZZERIA mark. However, the lack of a federal registration is a significant hindrance to these efforts. I.O.B. Realty is forced to establish its rights without a federal registration, even though the jury and this Court found I.O.B. Realty to have rights to the mark PATSY'S PIZZERIA for pizzeria services.

I.O.B. Realty appreciates that the Court's attention is required for a myriad other cases and matters. This notice is provided in order to keep the Court apprised of the commercial problems for I.O.B. Realty caused by a lack of federal registrations for its marks.

Sincerely yours,



Rebecca J. Stempien Coyle

RJSC:elb
Enclosure

cc: Mr. N. Zivin w/Encl. (via CM/ECF)
T.T.A.B. (Proceeding No. 76/649,149)

Enclosure 1

LEVY & GRANDINETTI

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November 12, 2015

VIA FEDEX COURIER

Mr. Pasquale DeSiervi
PATSY'S NEW YORK PIZZERIA
13811 S.E. McLoughlin Boulevard
Milwaukie, Oregon 97222

Re: PATSY'S NEW YORK PIZZERIA
Trademark Cease and Desist

Dear Mr. DeSiervi:

We represent I.O.B. Realty, Inc. ("Patsy's Pizzeria") in certain intellectual property matters. Patsy's Pizzeria offers pizzeria services under the mark PATSY'S PIZZERIA and certain PATSY'S PIZZERIA stylized marks, among other marks in the United States ("the PATSY'S PIZZERIA Marks"). An image of the stylized mark is enclosed for your reference.

Recently, it has come to our client's attention that you are using the marks PATSY'S NEW YORK PIZZA and a stylized PATSY'S NEW YORK PIZZERIA for pizzeria services (collectively referred to as "the DeSiervi Marks"). We are concerned that your use of the DeSiervi Marks is likely to cause confusion with the PATSY'S PIZZERIA Marks in the United States.

Patsy's Pizzeria has continuously and exclusively used the PATSY'S PIZZERIA Marks in commerce in the United States for pizzeria services since at least as early as 1933. Patsy's Pizzeria began its use in New York, New York, and is a well-known and regarded pizzeria under its Marks. There is no other Patsy's Pizzeria in New York City. This use provides a basis for Patsy's Pizzeria's common-law rights to the PATSY'S PIZZERIA Marks in the United States. Patsy's Pizzeria has also been steadily and consistently expanding its use of its marks as new locations open throughout the United States and is marketing franchisees throughout the United States and other countries. Moreover, Patsy's Pizzeria has pending federal trademark application for the mark PATSY'S PIZZERIA for pizzeria services, filed October 25, 2015, in the United States Patent and Trademark Office as Serial Number 76/649,149.

Patsy's Pizzeria's rights to the PATSY'S PIZZERIA Marks are valid, and Patsy's Pizzeria has not granted you or your company any rights to use either mark, or similar variant, in any manner. Your use of the DeSiervi Marks in the United States in connection with pizzeria services will lead consumers to believe that the pizzeria services offered by your company originate from, are sponsored by, are affiliated with, and/or are otherwise endorsed by Patsy's Pizzeria.

Mr. Pasquale DeSiervi
November 12, 2015
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Upon information and belief you began use of the DeSiervi Marks in 2015, well after Patsy's Pizzeria began use of its PATSY'S PIZZERIA Marks. Therefore, we request that you cease any current use of the DeSiervi Marks and abstain from using the Marks in connection with pizzeria services, or related services, in the future.

Patsy's Pizzeria respects the intellectual property rights of others and trusts that you share this corporate philosophy. It is our desire to resolve this matter amicably so as to avoid any necessity for further action by Patsy's Pizzeria. We therefore look forward to receiving your reply no later than **December 1, 2015**.

Please contact us if you wish to discuss this matter.

Sincerely yours,



Rebecca J. Stempien Coyle

RJSC:elb
Enclosure



PINZERIA

Patsy's

DAILY NEWS
Best Cheese Slice

Best of the
Pizzeria



A framed certificate or award with a seal, likely related to the 'Best of the Pizzeria' award mentioned in the adjacent text.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing LETTER TO THE COURT was served this date by the Court's ECF system on counsel for plaintiffs Patsy's Italian Restaurant, Inc., and Patsy's Brand, Inc., as follows:

Mr. Norman H. Zivin
Mr. Robert Thomas Maldonado
Ms. Tonia A. Sayour
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November 12, 2015
Date

/s/ Rebecca J. Stempien Coyle
Rebecca J. Stempien Coyle