

TTAB

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: January 11, 2005

Renee Reve, Inc.
29 Ross Drive
Somers, NY 10589

Cancellation No. 92044075
Reg. No. 2171739

SCOTT KELLEY
KELLY LOWRY & KELLEY LLP
6320 CANOGA AVENUE, STE 1650
WOODLAND HILLS, CA 91367

I.C.O.N. LINE, INC.

v.

Renee Reve, Inc.

Tammy Logan, Legal Assistant

A petition, a copy of which is attached, has been filed to cancel the above-identified registration.

Proceedings will be conducted in accordance with the Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Trademark Rule 2.196 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that affect the rules of practice before the TTAB. See Rules of Practice for Trademark-Related Filings Under the Madrid Protocol Implementation Act, 68 Fed. R. 55,748 (September 26, 2003) (effective November 2, 2003); Reorganization of Correspondence and Other Provisions, 68 Fed. Reg. 48,286 (August 13, 2003) (effective September 12, 2003). Notices concerning the rules changes, as well as the Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.



02-10-2005

Discovery and testimony periods are set as follows:

Discovery period to open: January 31, 2005

Discovery period to close: July 30, 2005

30-day testimony period for party
in position of plaintiff to close: October 28, 2005

30-day testimony period for party
in position of defendant to close: December 27, 2005

15-day rebuttal testimony period
for plaintiff to close: February 10, 2006

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

TTAB

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
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Date of deposit December 22, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, Alexandria, VA 22313-1451

Lori A. Byer
(Name of person mailing paper or fee)
Lori A. Byer
(Signature of person mailing paper or fee)

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

In the matter of

Petition for Cancellation

I.C.O.N. Line, Inc.
Petitioner

Cancellation No. _____

v.

Renee Reve, Inc.
Registrant/Respondent

Trademark Registration No. 2,171,739
For the mark: ANTIDOTE
Date registered: July 7, 1998 **75,137,945**

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P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

I.C.O.N. LINE, INC., 20929 Ventura Boulevard, #203, Woodland Hills, California 91364 (hereinafter Petitioner), believes that it will be damaged by U.S. Trademark Registration No. 2,171,739, believed to be owned by RENEE REVE, INC., a corporation, and having an address

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REG. NO. 2,171,739
PET FOR CANCELLATION



12-27-2004

to the best of Petitioner's knowledge of 29 Ross Drive, Somers, New York 10589 (hereinafter Respondent), and hereby requests that the registration be cancelled.

The grounds for cancellation are as follows:

Cause of Action for Cancellation

1. Petitioner is the owner of U.S. Trademark Application No. 78/398,680 for the mark ANTIDOTE, which was filed April 8, 2004.
2. In an Office Action dated November 10, 2004, the above-identified Registration (U.S. Registration No. 2,171,739) was cited against Petitioner's pending application as the basis for refusing to register Petitioner's mark.
3. On information and belief, Petitioner believes that Respondent is not using the mark ANTIDOTE in commerce in connection with any goods or services as a trademark.
4. Petitioner believes that it will be damaged by the above-identified Registration, and hereby petitions to cancel the same.
5. Petitioner petitions to cancel the above-identified Registration based on non-use or abandonment of the mark.

* * * *

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained and that U.S. Reg. No. 2,171,739 be cancelled.

Please recognize as attorneys of record of Petitioner, I.C.O.N. Line, Inc., in this proceeding: Scott W. Kelley, John E. Kelly, Stuart O. Lowry, Matthew Spark and Aaron T. Borrowman, all members of the Bar of the State of California, whose address is Kelly Lowry &

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Kelley, LLP, 6320 Canoga Avenue, Suite 1650, Woodland Hills, California 91367, (818) 347-7900.

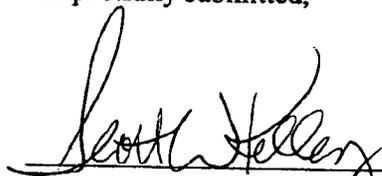
Please address all communications to Scott W. Kelley.

This Petition for Cancellation is filed in triplicate.

A check in the amount of \$300.00, covering the requisite fee, accompanies this Petition for Cancellation.

Respectfully submitted,

Date: December 22, 2004



Scott Kelley
KELLY LOWRY & KELLEY, LLP
6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900

SWK/lab
6320 Canoga Avenue, Suite 1650
Woodland Hills, California 91367
(818) 347-7900

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