

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

In the matter of

Registration No. 3,049,295 / 78450151

Registered: January 24, 2006

Fremantle Media North America, Inc.

Petitioner

v.

Elden, Shain

Registrant.

Cancellation No.:

Assistant Commissioner for Trademarks

Box TTAB FEE

P.O. Box 1451

Alexandria, Virginia 22313-1451

PETITION FOR CANCELLATION

Petitioner, Fremantle Media North America, Inc. ("Petitioner"), a Delaware corporation having its principal place of business at 2700 Colorado Avenue, 4th Floor, Santa Monica, California 90404, believes that it is being and/or will be damaged by Registration No. 3,049,295 and hereby petitions to cancel the same. As grounds therefor, it is alleged that:

1. Petitioner has been continuously engaged in entertainment services in the nature of a continuing television talent show since at least as early as June 11, 2002 and has built a large and profitable business in connection therewith.

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U.S. Patent & TMO/c/TM Mail Rcpt Dt. #25

March 21, 2006

2. Petitioner is the owner of the AMERICAN IDOL United States Trademark Registrations as listed on the attached Exhibit A. The AMERICAN IDOL trademark was first used in commerce by the Petitioner at least as early as June 11, 2002 and has been continuously used since then.

3. Upon information and belief, Registrant is the owner of Registration No. 3,049,295 for IDOL WRITER for entertainment in the nature of song writing contests in International Class 41, and allegedly first used same in commerce on January 1, 2004, long after Petitioner's first use in commerce of its AMERICAN IDOL trademarks.

4. Registrant's continued use under the aforesaid registration of IDOL WRITER for entertainment in the nature of song writing contests is likely to cause confusion in the minds of the purchasing public as between services of the Petitioner marked with the trademark AMERICAN IDOL and services of Registrant marked with the trademark IDOL WRITER and to the effect that Petitioner is somehow connected with, sponsors, approves of or sanctions the services of Registrant marked with the trademark IDOL WRITER.

5. Based upon the foregoing, Registration No. 3,049,295 is causing or will cause injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 3,049,295 in Class 41 be cancelled and this cancellation sustained.

Petitioner submits herewith the requisite \$300 filing fee. Please charge any additional fees or credit overpayment to Deposit Account No. 13-3735.

March 21, 2006

This request is being submitted in triplicate as required by 37.C.F.R. § 2.102(d).

Date of Deposit: March 21, 2006 3/21/06

I hereby certify that this paper or fee is being deposited with the United States Postal Service on the date indicated above and is addressed to: Assistant Commissioner for Trademarks, TTAB, P.O. Box 1451, Alexandria, Virginia 22313-1451

Lucy B. Arant
(Signature)

Respectfully submitted,

Lucy B. Arant
Lucy B. Arant
Attorneys for Petitioner

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EXHIBIT A

AMERICAN IDOL UNITED STATES TRADEMARK REGISTRATIONS

<u>Registration No.</u>	<u>Goods & Services</u>
3064528	Halloween costumes; masquerade costumes
3062247	Wireless telephones featuring an FM radio; digital camera; digital music player and digital audio tape recorder; downloadable pre-loaded musical ring tones via global computer network and wireless devices; pre-loaded interactive game programs; pre-loaded Karaoke player and Karaoke machines; computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, photos, images, voice messages, music and information featuring themes and content from the American Idol television series; pre-loaded software for web browsing, for customizing ring tones and for customizing e-mail and text messages by using multi-media messaging including images, sounds and text
3037638	Wireless telephones featuring an FM radio; digital camera; digital music player and digital audio tape recorder; pre-loaded musical ring tones via global computer network and wireless devices; pre-loaded interactive video game programs; pre-loaded Karaoke player and Karaoke machines; computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, photos, images, voice messages, music and information featuring themes and content from the American Idol television series; pre-loaded software for web browsing, for customizing ring tones and for customizing e-mail and text messages by using multi-media messaging including images, sounds and text
3037638	Cosmetic pencils; cosmetics namely, compacts, eye cream, gels, makeup, pencils and shadow; eyeliners; hair gel; hair spray; blusher; lip gloss; lipstick; makeup; cologne; mascara; nail polish and glitter.
2959920	Backpacks and shoulder bags
2951733	Entertainment services in the nature of sweepstakes
2955077	Entertainment services in the nature of sweepstakes
2751431	Entertainment services in the nature of a continuing television talent show
2715725	Entertainment services in the nature of a continuing television talent show