

TTAB

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

Mailed: May 23, 2007

Cancellation No. 92047558  
Reg. No. 3053508

78/451,521

Bing Crosby Productions, LLC  
Suite 6040 West  
2425 Olympic Boulevard  
Santa Monica, CA 90404-3567

HLC Properties Ltd.

V.

Bing Crosby Productions, LLC

Jill M. Pietrini  
Manatt, Phelps & Phillips, LLP  
11355 West Olympic Blvd, 10th floor  
Los Angeles, CA 90064-1631

**Lalita R. Greer, Paralegal Specialist:**

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

**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. Notices concerning the rules changes, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), are available on the TTAB's web page at [www.uspto.gov/web/offices/dcom/ttab/](http://www.uspto.gov/web/offices/dcom/ttab/).

**The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper**



06-07-2007

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.

**Discovery and testimony periods are set as follows:**

Discovery period to open: 6/12/2007

Discovery period to close: 12/9/2007

30-day testimony period for party  
in position of plaintiff to close: 3/8/2008

30-day testimony period for party  
in position of defendant to close: 5/7/2008

15-day rebuttal testimony period  
for plaintiff to close: 6/21/2008

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 TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding, become) parties to another Board or civil proceeding involving related marks or other common issues of law or fact, they shall notify the Board immediately, so that the Board can consider consolidation or suspension of proceedings, if appropriate.

#### **New Developments at the Trademark Trial and Appeal Board**

For faster handling of all papers, the TTAB strongly encourages electronic filing whenever possible. TTAB forms

for electronic filings are available at  
<http://estta.uspto.gov>. Images of TTAB proceeding files  
can be viewed using TTABvue at <http://ttabvue.uspto.gov>.

May 14, 2007

File No: 28687-030-3

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: **Petition for Cancellation**  
**Registration No. 3,053,508**  
**Petitioner: HLC Properties, Ltd.**  
**Registrant: Bing Crosby Production, LLC**  
**Mark: BING CROSBY PRODUCTIONS**  
**International Class: 9**

78/451,521

Dear Sir or Madam:

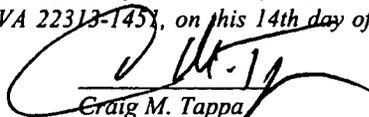
Enclosed herein is a Petition for Cancellation of the mark BING CROSBY PRODUCTIONS in Class 9. Please charge the filing fee to our Deposit Account No. 131 241. A duplicate copy of this letter is enclosed for this purpose.

Please direct all communications regarding this matter to the undersigned.

Very truly yours,



Jill M. Pietrini  
MANATT, PHELPS & PHILLIPS, LLP

<p>Enclosures:</p> <ul style="list-style-type: none"><li>(1) Petition for Cancellation (orig. + copy)</li><li>(2) Transmittal letter (orig. + copy)</li><li>(3) Postcard</li></ul>	<p><u>CERTIFICATE OF MAILING</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, Attn: TTAB, P.O. Box 1451, Alexandria, VA 22313-1451, on this 14th day of May, 2007.</p>  <p>Craig M. Tappa</p>
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41116809.1

05-16-2007

11355 West Olympic Boulevard, Los Angeles, California 90064-1614 Telephone: 310.312.4000 Fax: 310.312.4224

U.S. Patent & TMO/TM Mail Rcpt Dt. #30

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

<i>In re Registration No. 3,053,508 of Bing Crosby Productions, LLC</i>	Cancellation No. _____
HLC PROPERTIES, LTD.,  Petitioner,	PETITION FOR CANCELLATION
Vs.	
BING CROSBY PRODUCTIONS, LLC,  Registrant.	

TO: Commissioner for Trademarks  
ATTN: Trademark Trial and Appeal Board  
P.O. BOX 1451  
Alexandria, VA 22313-1451

Petitioner, HLC Properties, Ltd., a Nevada limited partnership, ("Petitioner"), having a place of business of 777 East William Street, Suite 200, Carson City, NV 89701, believes that it will be damaged by U.S. Reg. No. 3,053,508, and hereby petitions to cancel such registration on the following grounds:

1. Registrant Bing Crosby Productions, LLC ("Registrant") obtained a registration for BING CROSBY PRODUCTIONS for motion picture and television films featuring musicals, comedy, drama, variety, action, thrillers, adventure, romance and/or animation; prerecorded CDs, DVDs, video cassette tapes and laser discs featuring movies and television programs in Class 9. The registration was issued on January 31, 2006, and bears U.S. Registration No. 3,053,508.

2. In its application which issued U.S. Reg. No. 3,053,508, Registrant claimed a date of first use of October 2, 1961, for the mark BING CROSBY PRODUCTIONS for motion picture and television films featuring musicals, comedy, drama, variety, action, thrillers, adventure, romance and/or animation; prerecorded CDs, DVDs, video cassette tapes and laser discs featuring movies and television programs in Class 9.

3. Petitioner is the management company associated with the world-renowned actor and recording artist, Bing Crosby.

4. Petitioner has used the mark BING CROSBY for motion picture and television films featuring musicals, comedy, drama, variety, action, thrillers, adventure, romance and/or animation; prerecorded CDs, DVDs, video cassette tapes and laser discs featuring movies and television programs since **January 1931**.

5. Petitioner has developed extensive goodwill throughout the United States with respect to its mark BING CROSBY.

6. Petitioner has earned substantial revenue from the sale of its music sound recordings sold under the mark BING CROSBY. As a result of such extensive sales, Petitioner has garnered a valuable reputation for the mark.

7. Registrant's mark BING CROSBY PRODUCTIONS is nearly identical to Petitioner's mark BING CROSBY. On that basis, a likelihood of confusion exists between Petitioner's mark and Registrant's mark. Registrant does not have any legitimate rights to use or register BING CROSBY PRODUCTIONS.

8. Petitioner is the owner of U.S. Application Serial No. 78/903,728. Such application has been refused registration under 15 U.S.C. §1052(d) on the grounds that Petitioner's mark BING CROSBY is likely to be confused with Registrant's mark BING CROSBY PRODUCTIONS.

10. A duplicate copy of this Petition and the fee of \$300 is enclosed herewith.

WHEREFORE, Petitioner prays that U.S. Reg. No. 3,053,508 issued January 31, 2006,  
be canceled.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS

Dated: May 14, 2007

  
\_\_\_\_\_  
Jill M. Pietrini  
11355 West Olympic Blvd., 10th Floor  
Los Angeles, California 90064  
(310) 312-4000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, ATTN: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on this 14th day of May, 2007.

  
\_\_\_\_\_  
LaTrina Martin

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**United States Patent and Trademark Office**

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA, 22313-1451

If Undeliverable Return in Ten Days

**OFFICIAL BUSINESS**

**PENALTY FOR PRIVATE USE: \$300**

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92047558

BING CROSBY PRODUCTIONS, LLC  
SUITE 6040 WEST  
2425 OLYMPIC BOULEVARD  
SANTA MONICA, CA 904043567