

ESTTA Tracking number: **ESTTA205997**

Filing date: **04/21/2008**

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

Proceeding	92047757
Party	Plaintiff Karen B. Donovan
Correspondence Address	David H.E. Bursik 401 Hamburg Turnpike, Suite 210 Wayne, NJ 07470 UNITED STATES dheb@bursik.com
Submission	Testimony For Plaintiff
Filer's Name	David H.E. Bursik, Esq.
Filer's e-mail	dheb@bursik.com
Signature	/David H.E. Bursik, Esq./
Date	04/21/2008
Attachments	Submission of Evidence of Registration Files and Pleadings.pdf (7 pages) (1841748 bytes)

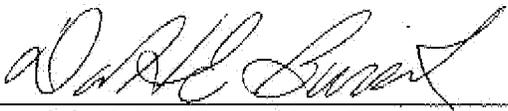
B3. Declaration of Courtney L. Bishop, dated October 25, 2000 and submitted with trademark registration application Serial Number 76/155250 and resulting in Trademark Registration No. 2,791,896.

B4. Declaration of Courtney L. Bishop, dated August 9, 2001 and submitted with trademark registration application Serial Number 76/297,098 and resulting in Trademark Registration No. 2,701,247.

C) PLEADINGS:

C1. Answer To Petition For Cancellation filed by Registrant Bishop at Paragraph 8 admitting residency in the State of Indiana at all times relevant hereto.

Date: April 21, 2008


David H.E. Bursik, Esq.
401 Hamburg Turnpike, Suite 210
Wayne, New Jersey 07470
Tel. 1-973-904-1040
Fax. 1-973-904-1050
Email-dheb@bursik.com
Attorney for Petitioner

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,791,896

Registered Dec. 9, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



BISHOP, COURTNEY L. (UNITED STATES INDIVIDUAL)

**30 E. GEORGIA ST., STE. #208
INDIANAPOLIS, IN 46204**

FOR: RETAIL STORE AND/OR ON-LINE COMPUTERIZED ORDERING SERVICES FEATURING BICYCLES, BICYCLE EQUIPMENT, BICYCLE CLOTHING, SHOES, AND APPAREL; PROMOTING BICYCLE SPORTS, BICYCLE COMPETITIONS AND/OR EVENTS OF OTHER, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 9-1-1991; IN COMMERCE 5-15-1992.

THE NAME OF THE MARK DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SN 76-155,250, FILED 10-30-2000.

ZACHARY BELLO, EXAMINING ATTORNEY

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 2,701,247

Registered Mar. 25, 2003

**SERVICE MARK
PRINCIPAL REGISTER**



**BISHOP, COURTNEY L. (UNITED STATES IN-
DIVIDUAL)
30 EAST GEORGIA ST., STE. #208
INDIANAPOLIS, IN 46204**

**FOR: FINANCIAL AND INSURANCE UNDER-
WRITING SERVICES PERTAINING TO FUND
RAISING ASSOCIATIONS, FOUNDATIONS,
CHARITABLE NOT FOR PROFIT ORGANIZA-
TIONS COVERING ACTIVITIES HELD WITHIN
THE NORMAL SCOPE OF OPERATIONS FOR**

**THESE ORGANIZATIONS, NAMELY, FUNDRAI-
SERS, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).**

FIRST USE 6-1-2000; IN COMMERCE 6-1-2002.

**"MAJOR TAYLOR" DOES NOT REPRESENT A
LIVING INDIVIDUAL.**

SN 76-297,098, FILED 8-10-2001.

ZACHARY BELLO, EXAMINING ATTORNEY

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; that said mark is in use in the type of commerce specified in this application; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles accompanying this application show said mark as actually used in connection with the goods/services; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: _____

Courtney L. Bishop

Date: *OCT 25, 2000*

Courtney L. Bishop

telephone number: 3179720500

TRADEMARK/SERVICE MARK APPLICATION-PRINCIPAL REGISTER

Mark: MAJOR TAYLOR
Class No.: 036

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

Applicant:

Courtney L. Bishop, a citizen of THE U.S.A.
30 East Georgia St., Ste. #208
Indianapolis, IN 46204
Telephone No.: 3179720500
Fax No.: 3179724087
E-mail Address: majrtaylor@aol.com

The above identified applicant has a bona fide intention to use in commerce the mark shown in the accompanying drawing in connection with the following goods/services:

Financial and insurance services pertaining to Fund Raising Associations, Foundations, Charitable not for profit organizations. Covering activities held within the normal scope of operations for these organizations (e.g. fundraisers)

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946.

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: _____

Courtney L. Bishop

Date: _____

Aug 9, 2001

Courtney L. Bishop
telephone number: 317.590.1086

5. Registrant denies the averments of paragraph 5 of the Petition for Cancellation.

6. Registrant denies the averments of paragraph 6 of the Petition for Cancellation.

WHEREFORE, Registrant prays that the Petition for Cancellation be denied, and that Petitioner take nothing by way of the Petition for Cancellation herein.

COUNT 2

7. Registrant incorporates his Answers to the averments of paragraphs 1-6 of the Petition for Cancellation as if fully set forth herein.

8. Registrant admits the averment of paragraph 8 of the Petition for Cancellation that at all times relevant hereto Registrant has been a resident of the State of Indiana.

9. Registrant denies the averments of paragraph 9 of the Petition for Cancellation.

10. Registrant denies the averments of paragraph 10 of the Petition for Cancellation.

11. Registrant denies the averments of paragraph 11 of the Petition for Cancellation.

WHEREFORE, Registrant prays that the Petition for Cancellation be denied, and that Petitioner take nothing by way of the Petition for Cancellation herein.

AFFIRMATIVE DEFENSES

1. The grounds for cancellation set forth in the Petition for Cancellation are barred by the equitable doctrines of unclean hands, laches, acquiescence and estoppel.

2. The ground for cancellation averred in the Petition for Cancellation based upon Petitioner's asserted right of publicity arising under the statutory laws of the State of Indiana is time-barred by the applicable Indiana Statute of Limitations, and therefore cannot be a ground for cancellation upon which Petitioner may rely herein.