

ESTTA Tracking number: **ESTTA160762**

Filing date: **09/05/2007**

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

Proceeding	92047847
Party	Plaintiff Starbucks Corporation d/b/a Starbucks Coffee Company and Starbucks U.S. Brands, LLC
Correspondence Address	Julia Anne Matheson Finnegan, Henderson, Farabow, Garrett and Dunner, LLP, 901 New York Avenue, N.W. Washington, DC 20001 UNITED STATES docketing@finnegan.com, andrew.pittman@finnegan.com, julia.matheson@finnegan.com
Submission	Withdrawal of Cancellation
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Filer's e-mail	docketing@finnegan.com, julia.matheson@finnegan.com, andrew.pittman@finnegan.com
Signature	/Julia Anne Matheson/
Date	09/05/2007
Attachments	Withdrawal of Cancellation Proceeding.PDF (6 pages)(362069 bytes)

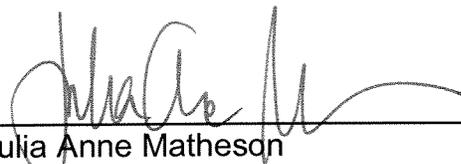
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

STARBUCKS U.S. BRANDS, LLC)
and STARBUCKS CORPORATION D/B/A)
STARBUCKS COFFEE COMPANY,)
) Cancellation No. 92047847
Petitioners,)
)
v.) Mark: EARS 2 HEAR MUSIC &
) Design
EARS 2 HEAR MUSIC, Inc.,) Reg. No. 2598291
) Issued: July 23, 2002
Registrant.)
)
)
)

WITHDRAWAL OF CANCELLATION PROCEEDING

Petitioners Starbucks U.S. Brands, LLC and Starbucks Corporation d/b/a Starbucks Coffee Company hereby withdraws the above-referenced cancellation without prejudice under 37 CFR § 2.106(c).

Respectfully submitted,



Julia Anne Matheson
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Starbucks U.S. Brands, LLC and Starbucks
Corporation d/b/a Starbucks Coffee Company

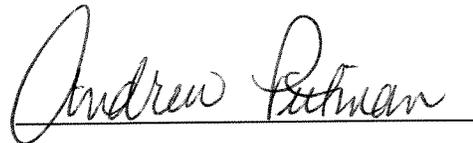
Dated: September 5, 2007

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing WITHDRAWAL OF CANCELLATION WITH PREJUDICE was served by facsimile and regular mail on this 5th day of September, 2007, upon counsel for Registrant at the address set forth below:

Donna MP Wilson
Law Offices of Donna MP Wilson
14001 Tollison Drive
Bowie, Maryland 20720

Counsel for Ears 2 Hear Music, Inc.



The United States of America



CERTIFICATE OF REGISTRATION PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



A handwritten signature in cursive script, appearing to read "James Profane".

Director of the United States Patent and Trademark Office

Requirements for Maintaining a Federal Trademark Registration

SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058, upon the expiration of the following time periods:

- i) At the end of 6 years following the date of registration.
- ii) At the end of each successive 10-year period following the date of registration.

Failure to file a proper Section 8 Affidavit at the appropriate time will result in the cancellation of the registration.

SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. §1059, at the end of each successive 10-year period following the date of registration.

Failure to file a proper Application for Renewal at the appropriate time will result in the expiration of the registration.

No further notice or reminder of these requirements will be sent to the Registrant by the Patent and Trademark Office. It is recommended that the Registrant contact the Patent and Trademark Office approximately one year before the expiration of the time periods shown above to determine the requirements and fees for the filings required to maintain the registration.

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 2,598,291

Registered July 23, 2002

TRADEMARK
PRINCIPAL REGISTER

The logo for EARS 2 HEAR MUSIC is presented in a bold, black, sans-serif font. The words "EARS" and "2 HEAR" are stacked vertically within a black rectangular background. Below this background, the word "MUSIC" is written in a larger, bold, black font.

EARS 2 HEAR MUSIC, INC. (MICHIGAN CORPORATION)
17011 HILTON
SOUTHFIELD, MI 48075

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUSIC", APART FROM THE MARK AS SHOWN.

FOR: MUSICAL SOUND RECORDINGS RECORDED ON COMPACT DISCS AND AUDIO CASSETTE TAPES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

SN 75-526,761, FILED 7-28-1998.

FIRST USE 11-23-1998; IN COMMERCE 11-23-1998.

DAVID TAYLOR, EXAMINING ATTORNEY