

ESTTA Tracking number: **ESTTA216203**

Filing date: **06/06/2008**

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

Proceeding	92047976
Party	Plaintiff Kathleen Hiraga
Correspondence Address	Don Thornburgh Don Thornburgh Law Corporation 466 Foothill Boulevard, Suite 220 La Canada Flintridge, CA 91011 UNITED STATES uspto@donthornburgh.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Don Thornburgh
Filer's e-mail	uspto@donthornburgh.com
Signature	/don thornburgh/
Date	06/06/2008
Attachments	Petitioner's Notice of Reliance 06.06.2008.pdf (8 pages)(1177035 bytes)

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

_____)	
Kathleen Hiraga,)	Cancellation No. 92047976
)	
Petitioner,)	Reg. No.: 3,125,129
)	Serial No.: 78/608724
v.)	Mark: GARDEN ORGANICS
)	Filed: April 14, 2005
Sylvester J. Arena,)	Registered: August 1, 2006 (Supplemental)
)	
Respondent)	
_____)	

Petitioner's Notice of Reliance

Pursuant to 37 C.F.R. § 2.122(e), Petitioner hereby makes of record in this proceeding that attached documents obtained from the internet archive of web pages located at www.web.archive.org, as follows:

http://web.archive.org/web/*/http://arenaroses.com – archive / site update summary

www.arenaroses.com – home page – archive date 12/01/2003

www.arenaroses.com – online shopping page – archive date 12/01/2003

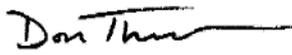
www.arenaroses.com – home page – archive date 01/05/2005

www.arenaroses.com – online shopping page – archive date 01/05/2005

Copies of these documents are attached hereto as Exhibit A. Petitioner intends to rely upon these documents to show that Respondent had not used the mark on Respondent's website as of the dates of the documents, contrary to Respondent's allegations.

Respectfully submitted,

Date: June 6, 2008

By: 

Don Thornburgh – Attorney for Petitioner
Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, California 91011
Tel: (818) 790-6547
Fax: (818) 790-6548

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

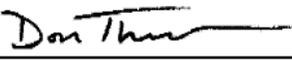
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)	
Respondent)	
)	
_____)	

CERTIFICATE OF SERVICE AND MAILING

It is hereby certified that a copy of the foregoing Petitioner's Notice of Reliance is being deposited with the United States Postal Service, first-class postage prepaid, in an envelope addressed to:

Sylvester J. Arena
2070 West Highway 46
Paso Robles, CA 93446

Executed this 6th day of June, 2008, at La Cañada Flintridge, California.



Don Thornburgh

EXHIBIT A



Enter Web Address: All [Adv. Search](#) [Compare Archive Pages](#)

Searched for <http://arenaroses.com>

321 Results

Note some duplicates are not shown. [See all.](#)

* denotes when site was updated.

Material typically becomes available here 6 months after collection. [See FAQ.](#)

Search Results for Jan 01, 1996 - Dec 08, 2007

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
0 pages	0 pages	0 pages	0 pages	4 pages	10 pages	13 pages	20 pages	28 pages	161 pages	38 pages	8 pages
				Oct 17, 2000 * Nov 10, 2000 Dec 10, 2000 * Dec 12, 2000	Mar 02, 2001 Mar 31, 2001 * Apr 01, 2001 * Apr 05, 2001 * May 15, 2001 May 28, 2001 Jun 07, 2001 Jul 08, 2001 Jul 20, 2001 Nov 29, 2001	Jan 22, 2002 * Mar 29, 2002 * Mar 31, 2002 * May 30, 2002 * Jun 03, 2002 Jun 06, 2002 Jul 26, 2002 Aug 02, 2002 * Sep 21, 2002 Sep 26, 2002 Nov 21, 2002 * Nov 26, 2002 Nov 30, 2002 *	Jan 30, 2003 * Feb 02, 2003 * Feb 20, 2003 Apr 03, 2003 * Apr 08, 2003 * Apr 23, 2003 Apr 25, 2003 * May 24, 2003 * May 25, 2003 May 25, 2003 * Jun 21, 2003 Jul 21, 2003 Jul 21, 2003 Aug 01, 2003 * Sep 24, 2003 * Oct 01, 2003 * Oct 02, 2003 * Dec 01, 2003 * Dec 02, 2003 * Dec 26, 2003 Dec 27, 2003 *	Feb 03, 2004 * Feb 20, 2004 * Mar 27, 2004 * Apr 10, 2004 * Apr 20, 2004 * May 25, 2004 * Jun 07, 2004 * Jun 08, 2004 * Jun 16, 2004 * Jul 01, 2004 * Jul 26, 2004 * Jul 26, 2004 * Jul 30, 2004 * Aug 12, 2004 * Aug 15, 2004 * Aug 28, 2004 * Sep 01, 2004 * Sep 04, 2004 * Sep 25, 2004 * Sep 26, 2004 * Sep 29, 2004 * Oct 15, 2004 * Oct 21, 2004 * Nov 14, 2004 * Nov 27, 2004 * Dec 04, 2004 * Dec 28, 2004 * Dec 31, 2004 *	Jan 05, 2005 * Jan 10, 2005 * Jan 17, 2005 * Feb 01, 2005 * Feb 04, 2005 * Feb 04, 2005 * Feb 07, 2005 * Feb 07, 2005 * Feb 07, 2005 * Feb 10, 2005 * Feb 11, 2005 * Feb 19, 2005 * Feb 19, 2005 * Mar 01, 2005 * Mar 03, 2005 * Mar 04, 2005 * Mar 06, 2005 * Mar 11, 2005 * Mar 13, 2005 * Mar 15, 2005 * Mar 16, 2005 * Mar 16, 2005 * Mar 18, 2005 * Mar 23, 2005 * Mar 25, 2005 * Mar 25, 2005 * Mar 30, 2005 * Mar 31, 2005 * Apr 01, 2005 * Apr 04, 2005 * Apr 06, 2005 * Apr 09, 2005 * Apr 10, 2005 * Apr 11, 2005 * Apr 13, 2005 * Apr 14, 2005 * Apr 14, 2005 * Apr 15, 2005 * Apr 16, 2005 * Apr 17, 2005 *	Jan 01, 2006 * Jan 01, 2006 * Jan 02, 2006 * Jan 02, 2006 * Jan 03, 2006 * Jan 03, 2006 * Jan 04, 2006 * Jan 10, 2006 * Jan 30, 2006 * Jan 31, 2006 * Jan 31, 2006 * Feb 02, 2006 * Feb 02, 2006 * Feb 02, 2006 * Feb 07, 2006 * Feb 20, 2006 * Feb 22, 2006 * Apr 02, 2006 * Apr 03, 2006 * Apr 22, 2006 * Apr 24, 2006 * May 06, 2006 * May 17, 2006 * May 21, 2006 * Jun 10, 2006 * Jun 12, 2006 * Jun 15, 2006 * Jun 28, 2006 * Jul 01, 2006 * Jul 07, 2006 * Jul 08, 2006 * Jul 12, 2006 * Jul 19, 2006 * Jul 20, 2006 * Aug 04, 2006 * Aug 13, 2006 * Aug 24, 2006 * Aug 30, 2006 * Oct 14, 2006	Feb 09, 2007 * Feb 16, 2007 Mar 15, 2007 Apr 04, 2007 May 24, 2007 Jul 05, 2007 Aug 11, 2007 Aug 22, 2007



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