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Filing date: **06/14/2010**

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

Proceeding	92049926
Party	Plaintiff Penthouse Digital Media Productions Inc.
Correspondence Address	Floyd A. Mandell, Esq. Katten Muchin Rosenman LLP 525 W. Monroe St. Chicago, IL 60661 UNITED STATES floyd.mandell@kattenlaw.com, lisa.shebar@kattenlaw.com, cathay.smith@kattenlaw.com
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Signature	/s/
Date	06/14/2010
Attachments	Petitioner's Amended Consolidated Petition to Counsel.pdf (19 pages)(148562 bytes)

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

PENTHOUSE DIGITAL MEDIA)	
PRODUCTIONS INC.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No. 92049926
)	
CLOUDSTREET, INC.)	
d/b/a ROXBURY ENTERTAINMENT,)	
)	
Registrant.)	

AMENDED CONSOLIDATED PETITION TO CANCEL

Petitioner, Penthouse Digital Media Productions Inc., a New York corporation having an address at 6800 Broken Sound Parkway, Suite 100, Boca Raton, Florida 33487, believes that it is and will be damaged by, and hereby petitions to cancel, the following three U.S. Trademark Registrations (collectively, the “Registrations”) for the mark ROUTE 66:

- U.S. Registration No. 3,189,543 “for pre-recorded DVD's and videocassettes featuring drama, action and adventure” in International Class 9 (the “DVD/Videocassette Registration”);
- U.S. Registration No. 3,194,255 for “entertainment services, namely, entertainment in the nature of an on-going television program in the field of drama, action and adventure; television production services” in International Class 41 (the “On-Going TV Program Registration”); and
- U.S. Registration No. 3,291,736 for “motion picture film series featuring drama, action and adventure” in International Class 9 (the “Motion Picture Film Series Registration”).

On information and belief, based on the TARR database of the United States Patent and Trademark Office (“Trademark Office”), the name and address of the current owner of the Registrations is Cloudstreet, Inc. d/b/a Roxbury Entertainment (“Registrant”), 201 Wilshire Boulevard, Second Floor, Santa Monica, California 90401, and the correspondent for the

Registrations is Paul D. Supnik, 9401 Wilshire Boulevard, Suite 1012, Beverly Hills, California 90212.

Petitioner's grounds for cancellation are as follows:

I. THE LAWSUIT

1. On June 12, 2008, Registrant sued Petitioner, Petitioner's parent FriendFinder Networks Inc. (f/k/a Penthouse Media Group Inc.), Petitioner's licensee Pulse Distribution LLC, and Does 1-10 in the United States District Court for the Central District of California, Case No. CV08-03872 (the "Lawsuit"), for an alleged violation of the Lanham Act, federal trademark infringement and other causes of action based on Petitioner's production, release and distribution in commerce of the adult entertainment motion picture titled PENTHOUSE: ROUTE 66.

2. In the Lawsuit, Registrant claims to be the current successor-in-interest to alleged ROUTE 66 trademark rights arising from the "Route 66" television series originally broadcast via the CBS television network from 1960-1964 starring actors Martin Milner, George Maharis, and later Glenn Corbette.

3. In the Lawsuit, Registrant has alleged that Petitioner, among others, unlawfully used "Route 66" as the title of an adult entertainment movie in violation of Registrant's claimed exclusive right to use such term in connection with the goods and services identified in the Registrations.

4. Because Registrant asserted the Registrations against Petitioner, its parent and its licensee in the Lawsuit, Petitioner is, and has been, harmed by the continued subsistence of the Registrations, including the evidentiary presumptions that such Registrations confer upon Registrant. In denying Registrant's motion to dismiss Petitioner's Counterclaims seeking to cancel the Registrations in the Lawsuit, the District Court Judge found that because the

Registrations were asserted in the Lawsuit, Petitioner has standing and has suffered damage if the Registrations were fraudulently procured, and thus the Petitioner has standing.

5. Although all of Registrant's claims were dismissed in the Lawsuit when the District Court granted Petitioner's motion for summary judgment, Registrant has appealed that decision to the Court of Appeals for the Ninth Circuit. Additionally, Petitioner's Counterclaims in the District Court, which seek damages under Lanham Act § 38 resulting from false registration, Lanham Act § 35(a) as the prevailing party in an exceptional case, and on other grounds, are currently stayed pending the resolution of this Cancellation Proceeding on the validity of the Registrations.

II. THE REGISTRATIONS

6. Registrant applied for the use-based On-Going TV Program Registration on July 6, 2005; Registrant filed a Statement of Use for the Motion Picture Film Series Registration on May 22, 2007; and Registrant filed an Amendment to Allege Use for the DVD/Videocassette Registration on July 14, 2006.

7. The Registrations provide Registrant with certain benefits, including, without limitation: (a) *prima facie* evidence that trademark rights in the ROUTE 66 mark are valid; (b) *prima facie* evidence that the Registrant is the exclusive owner of the ROUTE 66 mark; and (c) the possibility to recover treble damages and attorneys' fees from an adjudicated infringer of the Registrations.

III. THE REGISTRATIONS SHOULD BE CANCELLED

A. The Motion Picture Film Series Registration Should be Cancelled

i. The Motion Picture Film Series Registration Should be Cancelled For Fraudulent Procurement Because There Was No Motion Picture “Series”

8. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 7 of this Amended Consolidated Petition to Cancel.

9. Registrant committed fraud on the Trademark Office in the prosecution of the application underlying the Motion Picture Film Series Registration because Registrant knew that it had not used the ROUTE 66 mark on a motion picture film series as of the date that Registrant filed its Statement of Use. Specifically, Registrant falsely represented that it “is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance,” with knowledge that such statement was false, with the intent of deceiving the Trademark Office into issuing the Motion Picture Film Series Registration to which Registrant was not entitled.

10. On May 22, 2007, Registrant submitted a Statement of Use to the Trademark Office in which Registrant represented to the Trademark Office that it was using the ROUTE 66 mark in commerce on or in connection with a “motion picture film series.” Registrant made this representation to induce the Trademark Office to issue a registration.

11. When Registrant made this representation, Registrant knew that it had not used the ROUTE 66 mark on or in connection with a motion picture film series. Registrant’s President was the Fed. R. Civ. P. 30(b)(6) representative on this subject in the Lawsuit, as well as legal counsel, and the signatory for the applications underlying the Registrations (hereinafter, “Hallam”). At his deposition, Hallam admitted that he was not aware, for a fact, that there was a

series of films, and has explicitly admitted that Registrant is not in possession of any individual films comprising a series. Furthermore, Registrant has testified that Petitioner's actions, as complained of in the Lawsuit, have allegedly *prevented* Registrant from making a motion picture film. Nevertheless, on May 22, 2007, Hallam signed and submitted, on behalf of Registrant, a Statement of Use falsely representing that Registrant was using the ROUTE 66 mark for motion picture film series.

12. Hallam's background as a lawyer, his knowledge of trademark law, and his direct knowledge of Registrant's claimed rights evidence Registrant's bad faith intent to deceive the Trademark Office and demonstrate that the false statements surrounding the Registrations were not innocent mistakes. Specifically, Hallam claims in statements filed in the Lawsuit that he is a 1981 graduate of Harvard Law School, a former managing partner at Rosenfeld, Meyer and Susman, a law firm that specialized in intellectual property law, and that Hallam specialized in intellectual property law, including federal trademark and copyright matters, for more than 25 years. Hallam also claims to have been integrally involved in the acquisition of Registrant's rights in ROUTE 66 and the development, production, marketing, advertising, licensing, distribution and sales of Registrant's various entertainment products featuring the ROUTE 66 mark, and Hallam was personally involved in seeking protection for Registrant's ROUTE 66 mark and all of the Registrations. These facts support the conclusion that Hallam had full knowledge of his obligations to state the truth in his declarations supporting the Registrations, knowledge that he was untruthful, and further support that Hallam intended to deceive the Trademark Office into issuing the Motion Picture Film Series Registration when Hallam signed and submitted, on behalf of Registrant, the false Statement of Use. Indeed, Hallam's credibility

was called into question in the Lawsuit as the Magistrate Judge in that case sanctioned him and issued an order stating that Hallam was “disingenuous” in his assertions to the District Court.

13. Because the title of a single creative work may not be registered as a trademark unless the title has been used on a series of creative works, Registrant knowingly made the false statement that it had used the ROUTE 66 mark on a “series” of motion picture films with the intent of deceiving the Trademark Office into issuing the Motion Picture Film Series Registration to which it was not entitled.

ii. The Motion Picture Film Series Registration Should Be Cancelled For Fraudulent Procurement Because Registrant Intentionally Deceived The Trademark Office As The Goods Are Not On “Film”

14. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 13 of this Amended Consolidated Petition to Cancel.

15. Registrant committed fraud on the Trademark Office in the prosecution of the application underlying the Motion Picture Film Series Registration because Registrant purposefully failed to amend its application to disclose, in response to a May 15, 2006 Trademark Office Action (the “Office Action”), that the alleged “motion picture film series” is not on “film” but is on some other medium, with the intent of deceiving the Trademark Office into issuing the Motion Picture Film Series Registration to which it was not entitled.

16. On May 18, 2006, the Trademark Office issued an Office Action to Registrant stating, in relevant part:

Applicant has described its Class 9 goods as follows: “Series of motion pictures featuring drama, action and adventure.” There is no indication in this description as to the physical nature of the goods, making the description indefinite.

The examining attorney suggests the following: “Motion picture film series featuring drama, action, and adventure.” ***If the actual***

goods are not on “film” but some other medium, applicant must amend accordingly.

A copy of this Office Action is attached hereto as **Exhibit A** (emphasis added).

17. Despite the Trademark Office’s explicit instruction in the Office Action, Registrant failed to amend the description of goods to state that its motion picture was not on “film” but rather on another medium, and Registrant submitted a Statement of Use on May 22, 2007 in which Registrant falsely represented to the Trademark Office that it was using the ROUTE 66 mark in commerce on or in connection with a “motion picture film series.”

18. When Registrant made this representation, and failed to amend its application in response to the Office Action, Registrant knew that the Trademark Office ordered Registrant to disclose if the motion picture was not on film, and knew that its alleged motion picture was not on “film” but rather that it was on some other medium. Indeed, Registrant has admitted that its alleged motion picture was on DVD, not “on film.”

19. Registrant knowingly and purposefully failed to amend its application, and made the false material statement that it was using the ROUTE 66 mark in commerce on or in connection with a motion picture film series with the intent of deceiving the Trademark Office into issuing the Motion Picture Film Series Registration to which it was not entitled.

iii. The Motion Picture Film Series Registration Should Be Cancelled For Nonuse

20. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 19 of this Amended Consolidated Petition to Cancel.

21. As of the filing date of Registrant’s Statement of Use for the Motion Picture Film Series Registration, Registrant had not used the ROUTE 66 mark on or in connection with a motion picture film series.

22. As of the filing date of the Statement of Use, Registrant had not used the ROUTE 66 mark on or in connection with a “series” of motion picture films, and the title of a single creative work cannot be registered unless the title has been used on a “series” of creative works.

23. As of the filing date of the Statement of Use, Registrant had not used the ROUTE 66 mark on or in connection with motion picture “film” series, as the medium of the alleged motion picture was not film, but some other medium.

24. Any use of Registrant’s ROUTE 66 mark prior to filing its Statement of Use was not in fact a *bona fide* use in the ordinary course of commerce, making the Motion Picture Film Series Registration void *ab initio*.

25. For an application under Section 1(b), a mark must be in use in commerce as of the filing date of a statement of use and as of the registration date to be entitled to registration.

26. Registrant was not using the ROUTE 66 mark in connection with motion picture film series as of the filing date of the Statement of Use or as of the date the Motion Picture Film Series Registration was registered.

27. Registrant was not entitled to obtain a registration for the ROUTE 66 mark because the Statement of Use falsely indicated that the mark was in use in commerce for a motion picture film series when it was not.

28. The Motion Picture Film Series Registration should be cancelled for nonuse because the mark ROUTE 66 was not used by Registrant in connection with a motion picture film series as of the filing date of the Statement of Use or as of the registration date.

B. The DVD/Videocassette Registration Should Be Cancelled

i. The DVD/Videocassette Registration Should Be Cancelled For Fraudulent Procurement

29. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 28 of this Amended Consolidated Petition to Cancel.

30. Registrant committed fraud on the Trademark Office in the prosecution of the application underlying the DVD/Videocassette Registration because Registrant knew that it had not used the ROUTE 66 mark on DVDs as of the date that Registrant filed its Amendment to Allege Use. Specifically, Registrant falsely represented that it “is using the mark in commerce ... on or in connection with the identified goods and/or services,” with the knowledge that such representation was false, with the intent of deceiving the Trademark Office into issuing the DVD/Videocassette Registration to which it was not entitled.

31. On July 14, 2006, Registrant filed an Amendment to Allege Use, in which Registrant represented to the Trademark Office that it was using the ROUTE 66 mark in commerce on or in connection with “pre-recorded DVD's and videocassettes featuring drama, action and adventure.” Registrant made this representation to induce the Trademark Office to issue a registration.

32. When Registrant made this representation on July 14, 2006, Registrant knew that it had not used the ROUTE 66 mark on or in connection with DVDs. Indeed, the distributor of Registrant’s DVDs, Infinity Entertainment Group, testified at a deposition in the Lawsuit that its involvement in distributing DVDs for sale in interstate commerce did not begin until 2007. In addition, the president and founder of the marketing company that Registrant employs, Greenleaf + Associates, admitted that its involvement in the sales of Registrant’s DVDs did not begin until the summer of 2007. Moreover, Greenleaf + Associates created a press release in October 2007

to promote the DVD release for Registrant. Notably, that press release stated that the “Route 66” television show was “coming to DVD for the first time ever on October 23, [2007].” Furthermore, Amazon.com lists the release date of Registrant’s first DVD, “Best of Route 66,” as May 1, 2007 – almost a year after Registrant submitted its Amendment of Use.

33. Registrant knowingly made the false material statement that it was using the ROUTE 66 mark in commerce on or in connection with “pre-recorded DVDs” as of July 14, 2006 with knowledge that such statement was false, and with the intent of deceiving the Trademark office into issuing the DVD/Videocassette Registration to which it was not entitled.

ii. The DVD/Videocassette Registration Should Be Cancelled For Nonuse

34. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 33 of this Amended Consolidated Petition to Cancel.

35. As of the filing date of Registrant’s Amendment to Allege Use for the DVD/Videocassette Registration, Registrant had not used the ROUTE 66 mark in commerce on or in connection with pre-recorded DVDs.

36. Registrant was not using the ROUTE 66 mark in commerce in connection with pre-recorded DVDs as of the filing date of the Amendment to Allege Use or as of the registration date and, therefore, Registrant was not entitled to obtain the DVD/Videocassette Registration, making the DVD/Videocassette Registration void *ab initio*.

37. In the alternative, any use of Registrant’s ROUTE 66 mark prior to filing its Amendment to Allege Use was not in fact a *bona fide* use in the ordinary course of commerce, making the DVD/Videocassette Registration void *ab initio*.

38. The DVD/Videocassette Registration should be cancelled for nonuse because the term ROUTE 66 was not used by Registrant in commerce in connection with DVDs as of the

filing date of the Amendment to Allege Use on July 14, 2006 or as of the registration date on December 26, 2006. In the alternative, “DVDs” should be deleted from the DVD/Videocassette Registration for nonuse.

iii. The DVD/Videocassette Registration Should Be Cancelled For Abandonment Or, In The Alternative, Partially Cancelled Pursuant To Section 18

39. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 38 of this Amended Consolidated Petition to Cancel.

40. On information and belief, Registrant has abandoned the DVD/Videocassette Registration because Registrant (including its predecessors-in-interest) ceased using for more than three (3) consecutive years the ROUTE 66 mark in connection with the goods identified in the DVD/Videocassette Registration, constituting *prima facie* evidence of abandonment of the ROUTE 66 mark for such goods.

41. In the alternative, Petitioner seeks a partial cancellation of the DVD/Videocassette Registration on the ground that Registrant has abandoned use of the ROUTE 66 mark on or in connection with “videocassettes.” On information and belief, Registrant has abandoned use of the ROUTE 66 mark on or in connection with “videocassettes” since Registrant (including its predecessors-in interest) ceased using for more than three (3) consecutive years the ROUTE 66 mark in connection with videocassettes, constituting *prima facie* evidence of abandonment of the ROUTE 66 mark for videocassettes.

C. The On-Going TV Program Registration Should Be Cancelled

i. The On-Going TV Program Registration Should Be Cancelled For Fraudulent Procurement

42. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 41 of this Amended Consolidated Petition to Cancel.

43. Registrant committed fraud on the Trademark Office in the prosecution of the application underlying the On-Going TV Program Registration because Registrant knew that it was not rendering the claimed services when it filed the use-based application. Specifically, Registrant falsely represented that it “is using the mark in commerce ... on or in connection with the identified goods and/or services,” with the knowledge that such representation was false, with the intent of deceiving the Trademark Office into issuing the On-Going TV Program Registration to which it was not entitled.

44. On July 6, 2005, Registrant filed a use-based application in which Registrant represented to the Trademark Office that it was using the ROUTE 66 mark in commerce on or in connection with a television series and television production services. Registrant made this representation to induce the Trademark Office to issue a registration.

45. When Registrant made this representation, Registrant knew that its predecessors-in-interest had abandoned use of the ROUTE 66 mark for a television program as of the time Registrant filed the underlying application on July 6, 2005, and that Registrant was not rendering the claimed services. Indeed, public records show that Registrant’s “ROUTE 66” television series was not televised in commerce between its initial run cancellation in 1964 and 1985, between 1987 and 1993, and as of the date Registrant filed the underlying use-based application. Despite discovery requests in the Lawsuit, no evidence was produced by Registrant which contradicts these facts. Furthermore, Registrant itself took the position that its predecessor-in-interest to the ROUTE 66 mark had abandoned the mark since Registrant testified that it obtained its rights to the television series based on a reversion of rights that occurred when its predecessor-in-interest failed to continuously use the mark in commerce for an extended period of time in the late 1990s or early 2000s.

46. Additionally, when Registrant made these false representations to the Trademark Office, it also knew that it was not rendering any “television production services” in connection with the ROUTE 66 mark as of the time Registrant filed the underlying use-based application.

47. Registrant knowingly made the false material statements that it was using the ROUTE 66 mark for a television series or for television production services with the intent of deceiving the Trademark Office into issuing the On-Going TV Program Registration to which it was not entitled.

ii. The On-Going TV Program Registration Should Be Cancelled For Abandonment

48. Petitioner realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 47 of this Amended Consolidated Petition to Cancel.

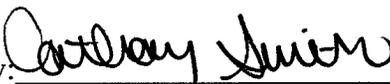
49. On information and belief, Registrant has abandoned the On-Going TV Program Registration because Registrant (including its predecessors-in-interest) ceased using for more than three (3) consecutive years the ROUTE 66 mark in connection with the services identified in the On-Going TV Program Registration, constituting *prima facie* evidence of abandonment of the ROUTE 66 mark for such services.

50. Once a mark has become abandoned, a party cannot cure that abandonment by subsequently making use. A subsequent readoption of a mark is in the nature of a new first use of that mark.

WHEREFORE, based on the foregoing grounds, individually and collectively, Petitioner respectfully requests that the Trademark Trial and Appeal Board cancel the Registrations in their entirety.

Date: June 14, 2010

Respectfully submitted,

By: 

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Exhibit A

*Penthouse Digital Media Productions Inc. v. Cloudstreet, Inc. d/b/a
Roxbury Entertainment, Cancellation No. 92049926*

Petitioner's Exhibit to Amended Consolidated Petition to Cancel

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/664154

APPLICANT: CLOUDSTREET, INC. dba Roxbury Entertainm
ETC.

78664154

CORRESPONDENT ADDRESS:

PAUL D. SUPNIK
LAW OFFICE OF PAUL D. SUPNIK
9601 WILSHIRE BLVD STE 828
BEVERLY HILLS, CA 90210-5210

RETURN ADDRESS:

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

MARK: ROUTE 66

CORRESPONDENT'S REFERENCE/DOCKET NO: 2226-11

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/664154

This letter responds to the applicant's communication filed on 4-14-06. The petition to divide has been granted. However, there is a small amendment to the goods description that needs be made before the application is approved.

CLASSIFICATION REQUIREMENT OF CLASS 9

Applicant has described its Class 9 goods as follows: "Series of motion pictures featuring drama, action and adventure." There is no indication in this description as to the physical nature of the goods, making

the description indefinite.

The examining attorney suggests the following: "Motion picture film series featuring drama, action, and adventure." If the actual goods are not on "film" but some other medium, applicant must amend accordingly.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netathtml/tidm.html>.

INFORMAL COMMUNICATIONS

The most expeditious way to resolve goods descriptions and disclaimer issues is by e-mail which allows for informal discussions between applicant and examining attorney. The examining attorney's personal contact numbers are:

Tel. 703-308-9114 Ext. 433

Fax: 703-746-6267

E-Mail: jill.alt@uspto.gov

The contact information is meant for informal correspondence only; for questions or trial runs. The formal response to an Office action must be made through the Office TEAS system at www.uspto.gov.

/Jill C. Alt/
Trademark Attorney
Law Office 114
Tel. (571) 272-9444
Fax: (571)273-9444

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

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

PENTHOUSE DIGITAL MEDIA)	
PRODUCTIONS INC.,)	
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Petitioner,)	
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v.)	Cancellation No. 92049926
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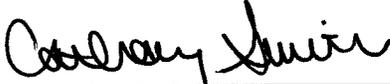
CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June, 2010, I caused a true and correct copy of the foregoing to be served upon:

Mr. Paul D. Supnik
9401 Wilshire Boulevard, Suite 1250
Beverly Hills, CA 90212

Mr. Kirk M. Hallam
201 Wilshire Blvd, 2nd Floor
Santa Monica, CA 90401

via First Class Mail, postage prepaid.



Cathay Y. N. Smith