

ESTTA Tracking number: **ESTTA336097**

Filing date: **03/08/2010**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Harris Mobile Appearance Reconditioning Service, Inc. d/b/a Rockstars		
Entity	Corporation	Citizenship	Indiana
Address	3400 East 96th Street Suite 3424 Indianapolis, IN 46240 UNITED STATES		

Attorney information	Amy L. Wright Taft Stettinius & Hollister, LLP One Indiana Square Suite 3500 Indianapolis, IN 46204 UNITED STATES efstrademarks@taftlaw.com, awright@taftlaw.com Phone:317-713-3500		
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Registration Subject to Cancellation

Registration No	3176578	Registration date	11/28/2006
Registrant	Jones, Lance 3170 Lake Breeze Ave St. Cloud, FL 34771 UNITED STATES		

Goods/Services Subject to Cancellation

Class 037. First Use: 2005/04/18 First Use In Commerce: 2005/05/08 All goods and services in the class are cancelled, namely: Restoration in the field of automobiles
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Rockstars-Pet-Cancel.pdf (5 pages)(304091 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Amy L. Wright/
Name	Amy L. Wright
Date	03/08/2010

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

Harris Mobile Appearance Reconditioning Service, Inc. d/b/a Rockstars Petitioner Vs Lance Jones Respondent	Cancellation No. _____ Mark: ROCK STARS AND MUSCLE CARS Reg. No. 3176578 Reg. Date: November 28, 2006
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PETITION TO CANCEL U.S. REG. NO. 3176578 FOR NON-USE

Harris Mobile Appearance Reconditioning Service, Inc. d/b/a Rockstars, an Indiana corporation with a business address of 3400 East 96th Street, Suite 3424 Indianapolis, Indiana 46240 (the "Petitioner"), believes that it was, is and will continue to be damaged by the registration of the above identified trademark, and herein petitions to cancel same. As grounds therefore, Petitioner alleges as follows:

1. On February 10, 2010, Petitioner filed an application for registration of the mark ROCKSTARS in connection with the following services:

“Automobile body repair and finishing for others; Automobile cleaning; Automobile cleaning and car washing; Automobile customization services; Automobile detailing; Automobile greasing; Automobile lubrication; Automobile painting; Automobile pinstriping; Automobile polishing; Automobile repair and maintenance; Automobile undercoating services; Automobile washing; Providing a web site featuring information for automobile dealerships and customers about automobile exterior and interior coatings and protectants; Vehicle detailing; Anti-rust treatment for vehicles; Anti-rust treatment of vehicles; Car repair

and maintenance; Cleaning of land, air and sea vehicles, including, but not limited to, automobiles, boats, airplanes; Motor vehicle maintenance and repair; Painting in the field of automotive reconditioning; Repair and maintenance of vehicles; Repair or maintenance of two-wheeled motor vehicles; Repair, servicing and maintenance of vehicles and apparatus for locomotion by air; Vehicle cleaning; Vehicle greasing; Vehicle lubrication; Vehicle maintenance; Vehicle maintenance consultation; Vehicle painting; Vehicle polishing; Vehicle repair and maintenance; Vehicle repair consultation; Vehicle repair services; Vehicle undercoating services; Vehicle washing; Garage services, namely, repair of automobiles; Maintenance and repair of automobiles, boats and airplanes; interior and exterior detailing services, namely preservation, repair and reconditioning services for automobiles, boats and airplanes; Repair of automobiles; Repair or maintenance of automobiles”

in International Class 37, which was assigned U.S. Serial No. 77932401, as evidenced by the attached copy of the application record in Exhibit A.

2. Petitioner believes that upon review by an Examining Attorney with the USPTO, Application Serial No. 77932401 will be refused registration because its previous Application (Serial No. 77470194) for the identical mark in connection with identical services received an objection based on Lance Jones’s (the “Respondent”) Registration No. 3176578 (the "Registration") for the mark ROCKSTARS AND MUSCLE CARS (the "Mark") registered on November 28, 2006 in connection with “*Restoration in the field of automobiles*” in International Class 37, as evidenced by the attached copy of the registration record in Exhibit B.

3. Upon information and belief, Respondent is not using the Mark in interstate commerce in connection with the services recited in the Registration.

4. Upon information and belief, Respondent does not intend to resume use of the Mark in connection with the services recited in the Registration.

5. Based upon the foregoing, the continued registration of the Mark will cause injury and damage to Petitioner.

WHEREFORE, Petitioner requests that Registration No. 3176578 for the Mark be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Please apply any charges not covered, or any credits, to Deposit Account 501438.

By: /Amy Wright/
Amy L. Wright, Attorney for
Petitioner
Taft Stettinius & Hollister LLP
One Indiana Square, Suite 3500
Indianapolis, IN 46204-2023
Ph. (317) 713-3500
awright@taftlaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Petition to Cancel for Non-Use was served by First-Class Mail, postage prepaid, upon the following, on March 8, 2010:

Jones, Lance
3170 Lake Breeze Ave
St. Cloud, FL 34771

&

JENNIFER MEREDITH
MEREDITH & KEYHANI, PLLC
330 MADISON AVE FL 6
NEW YORK, NY 10017-5041

/Amy Wright/
Amy L. Wright
Taft, Stettinius & Hollister LLP
One Indiana Square, Suite 3500
Indianapolis, IN 46204
Telephone: (317) 713-3500

Exhibit A

Trademark Electronic Search System (TESS) - Windows Internet Explorer

uspto.gov

File Edit Favorites Trademark Electronic Search System (TESS)

TARR Status ASSIGN Status TUR TTAB Status (Use the "Back" button of the Internet Browser to return to TESS)

ROCKSTARS

Word Mark ROCKSTARS

Goods and Services IC 037 US 100 103 106 G & S. Automobile body repair and finishing for others. Automobile cleaning. Automobile cleaning and car washing. Automobile customization services. Automobile detailing. Automobile greasing. Automobile lubrication. Automobile painting. Automobile pinstripping. Automobile polishing. Automobile repair and maintenance. Automobile undercoating services. Automobile washing. Providing a web site featuring information for automobile dealerships and customers about automobile exterior and interior coatings and protectants. Vehicle detailing. Anti-rust treatment for vehicles. Anti-rust treatment of vehicles. Car repair and maintenance. Cleaning of land, air and sea vehicles, including, but not limited to, automobiles, boats, airplanes. Motor vehicle maintenance and repair. Painting in the field of automotive reconditioning. Repair and maintenance of vehicles. Repair or maintenance of two-wheeled motor vehicles. Repair, servicing and maintenance of vehicles and apparatus for locomotion by air. Vehicle cleaning. Vehicle greasing. Vehicle lubrication. Vehicle maintenance. Vehicle maintenance consultation. Vehicle painting. Vehicle polishing. Vehicle repair and maintenance. Vehicle repair consultation. Vehicle repair services. Vehicle undercoating services. Vehicle washing. Garage services, namely, repair of automobiles. Maintenance and repair of automobiles, boats and airplanes; interior and exterior detailing services, namely, preservation, repair and reconditioning services for automobiles, boats and airplanes. Repair of automobiles. Repair or maintenance of automobiles. FIRST USE: 20070801 FIRST USE IN COMMERCE: 20070801

Standard Characters Claimed

Mark Drawing (4) STANDARD CHARACTER MARK

Code

Serial Number 77932401

Filing Date February 10, 2010

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Harris Mobile Appearance Reconditioning Service, Inc. DBA Rockstars CORPORATION INDIANA 3400 East 96th Street, Suite 3424 Indianapolis INDIANA 46240

Attorney of Record Amy Wright

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE ONLY SEARCH LOG TOP HELP

Done Internet 100%

Exhibit B

http://tportal.uspto.gov/external/PA_1_0_LT/OpenServletWindow?serialNumber=78736822&scanDate=2 - Windows Internet Explorer
http://tportal.uspto.gov/external/PA_1_0_LT/OpenServletWindow?serialNumber=78736822&scanDate=2006112824380&DocDesc=Registration+Certificate&docType=ORC¤tPage=1&rowNum=1&rowCour
Name: Create Date: 28-NOV-2006

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Int. Cl.: 37
Prior U.S. Cls.: 100, 103 and 106
United States Patent and Trademark Office Reg. No. 3,176,578
Registered Nov. 28, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

ROCK STARS AND MUSCLE CARS

JONES, LANCE (UNITED STATES INDIVIDUAL)
3170 LAKE BREEZE AVE
ST. CLOUD, FL 34771

FOR: RESTORATION IN THE FIELD OF AUTO-
MOBILES, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 4-18-2005; IN COMMERCE 5-8-2005.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

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

SER. NO. 78-736,822. FILED 10-20-2005.

ANDREA SAUNDERS, EXAMINING ATTORNEY

8.50 x 11.00 in 1 of 1 105%

Done Intern