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Filing date: **08/26/2010**

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	Lynn Jacobsen		
Entity	Individual	Citizenship	UNITED STATES
Address	5 Ashford Place Bluffton, SC 29910 UNITED STATES		

Attorney information	Ronald S. Bienstock Bienstock & Michael, P.C. 411 Hackensack Avenue Hackensack, NJ 07601 UNITED STATES ip@musicesq.com Phone:201-525-0300		
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Registration Subject to Cancellation

Registration No	3216316	Registration date	03/06/2007
Registrant	Grier, Michael Sinque 306 A West Sylvania Ave, Suite 32 Neptune City, NJ 07753 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2005/02/01 First Use In Commerce: 2005/02/01 All goods and services in the class are cancelled, namely: Entertainment services, namely live musical performances; fan club services; providing a web site featuring information relating to live musical performances, prerecorded music, and concerts via the Internet; music production services

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	PetitionForCancellation.pdf (6 pages)(568714 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	/thesuit/
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Name	Ronald S. Bienstock
Date	08/26/2010

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

In the Matter of Trademark Registration No. 3,216,316
For the Trademark: Slave Hall of Fame
Registered on March 6, 2007

LYNN JACOBSEN)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
MICHAEL SINQUE GRIER)	
)	
Registrant.)	
)	

PETITION FOR CANCELLATION

Lynn Jacobsen (“Petitioner”), an individual residing at 5 Ashford Place, Bluffton, South Carolina 29910, believes she will be damaged by U.S. Registration No. 3,216,316 in International Class 41 (the “Registration”), and hereby petitions to cancel the same under the provisions of 15 U.S.C. § 1064(3).

According to the current registration records, the owner of the Registration is Michael Sinque Grier (“Registrant”), an individual having an address at 306 A West Sylvania Avenue, Suite 32, Neptune City, New Jersey 07753

As grounds for cancellation, Petitioner alleges as follows:

1. On September 16, 2004, Registrant filed an application to register the mark “Slave Hall of Fame” as a standard character mark under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

2. Based on the application, Registrant obtained Registration, which issued on March 6, 2007 for the term “Slave Hall of Fame.”

3. The Registration issued for goods and services for use on “[p]honographic records, pre-recorded audio tape cassettes, pre-recorded compact discs, pre-recorded video cassettes and pre-recorded video discs featuring television and radio programs, and all featuring music performances” in International Class 9.

4. Additionally, the Registration issued for goods and services for use on “[c]lothing, namely, T-shirts, sweatshirts, tank tops, baseball jerseys, football jerseys, basketball jerseys, shorts, pants, sweatpants, jackets, wristbands, headbands, baby doll shirts, underwear, caps, and infant wear” in International Class 25.

5. Furthermore, the Registration issued for goods and services for use on “[e]ntertainment services, namely live musical performances; fan club services; providing a web site featuring information relating to live musical performances, prerecorded music, and concerts via the Internet; music production services” in International Class 41.

**FIRST BASIS OF CANCELLATION:
REGISTRANT HAS ABANDONED THE “SLAVE HALL OF FAME”
REGISTRATION AS A RESULT OF NONUSE**

6. Upon information and belief, Registrant has abandoned all rights he may have had in the “Slave Hall of Fame” trademark and in the Registration by not using this mark in the United States in connection with goods and/or services in International Class 41.

7. Upon information and belief, Registrant’s nonuse of the “Slave Hall of Fame” trademark in United States’ commerce for at least three years is prima facie evidence of abandonment of the registration under 15 U.S.C. § 1127.

8. Upon information and belief, since Registrant has not been using the “Slave Hall of Fame” trademark in United States commerce, the mark has no capacity as a source indicator of Registrant’s goods and/or services.

9. Upon information and belief, Registrant intends not to resume bona fide use of the Registered Mark in the ordinary course of trade.

10. Upon information and belief, Registrant’s nonuse of the “Slave Hall of Fame” trademark in United States’ commerce is grounds for cancellation of the Registration under 15 U.S.C. § 1064.

**SECOND BASIS OF CANCELLATION:
REGISTRANT’S “SLAVE HALL OF FAME” REGISTRATION RESULTED
FROM FRAUD PERPETRATED UPON THE USPTO**

11. Upon information and belief, Registrant’s statement that he was using his trademark in commerce for all of the goods and/or services specified in the Registration since February 1, 2005 was erroneous and false.

12. Upon information and belief, Registrant misrepresented the nature of his use of the “Slave Hall of Fame” trademark in commerce at the time he submitted his sworn Statement of Use and continued to prosecute his trademark application.

13. In support of his Statement of Use, Registrant enclosed actual specimens bearing the “Slave Hall of Fame” trademark allegedly used in commerce. Upon information and belief, the specimens attached were not being used in commerce.

14. Upon information and belief, Registrant knew such material statements were false when making them and/or reasonably should have known that such statements were false.

15. Upon information and belief, said material false statements were made with the intent to induce authorized agents of the USPTO to grant the registration that is the subject of this cancellation proceeding, and reasonably relying upon the truth of said false statements, the USPTO did in fact grant such registration to Registrant.

16. The USPTO would not have allowed Registration to remain valid absent Registrant’s knowingly false statements and false specimens.

17. Registrant’s fraud perpetrated upon the USPTO to obtain the “Slave Hall of Fame” trademark in United States’ commerce is grounds for cancellation of the Registration in accordance with 15 U.S.C. § 1064.

WHEREFORE, Petitioner respectfully requests that this petition be granted and Registration No. 3,216,316 for use with goods and/or services in International Class 41 be cancelled pursuant to 15 U.S.C. §§ 1064(3) because: (1) the "Slave Hall of Fame" trademark has been abandoned by Registrant and/or (2) because the Registration has been maintained via fraudulent representations to the Trademark Office.

Dated: August 26, 2010
Hackensack, New Jersey

Respectfully submitted,

By: _____
Ronald S. Bienstock, Esq.
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Continental Plaza
411 Hackensack Avenue, 7th Floor
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Telephone: (201) 525-0300
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

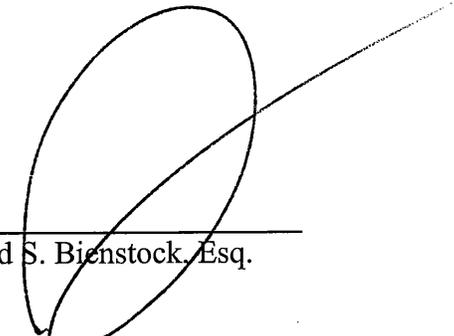
The undersigned attorney hereby certifies that a true and complete copy of the foregoing Petition for Cancellation has been served, via United States Postal Service first-class mail, certified, postage pre-paid, on this 26th day of August, 2010, on:

Eliot Loshak, Esq.
Suite 401
1650 Broadway
New York, NY 10019

ATTORNEY FOR REGISTRANT

Michael Sinque Grier
306 A West Sylvania Ave.
Suite 32
Neptune City, NJ 07753

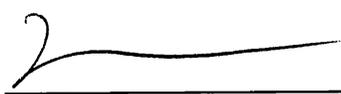
REGISTRANT



Ronald S. Bienstock, Esq.

CERTIFICATE OF FILING

I hereby certify that this correspondence, including all enclosures and attachments, is being transmitted to the United States Patent and Trademark Office, Trademark Trial and Appeal Board, via the TTAB's ESTTA procedure on August 26, 2010.



Brent M. Davis, Esq.