

ESTTA Tracking number: **ESTTA385952**

Filing date: **12/29/2010**

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	Tara Gentile		
Entity	Individual	Citizenship	UNITED STATES
Address	21550 Oxnard Street Suite 200 Woodland Hills, CA 91367 UNITED STATES		

Attorney information	Mishawn L. Nolan Stone, Rosenblatt & Cha 21550 Oxnard Street Suite 200 Woodland Hills, CA 91367 UNITED STATES ip@srclaw.com Phone:818-999-2232		
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Registration Subject to Cancellation

Registration No	3157396	Registration date	10/17/2006
Registrant	Rosenthal Heavy Industries 444 CENTRAL PARK WEST APT # 14A NEW YORK, NY 10025 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2005/07/30 First Use In Commerce: 2005/08/30 All goods and services in the class are cancelled, namely: Entertainment in the nature of on-going television programs in the field of cooking, food and comedy; entertainment services, namely providing television and radio programs in the field of cooking, food and comedy via television, radio and the global computer network, mobile phones, personal digital assistants, and portable, handheld digital electronic devices for recording, playing and receiving music and other data broadcasts; and providing live appearances by a professional entertainer
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation - Attachment.pdf (2 pages)(8960 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	/Mishawn L. Nolan/
Name	Mishawn L. Nolan
Date	12/29/2010

PETITION FOR CANCELLATION

Tara Gentile, believing that she will be damaged by United States Registration No. 3157396 for the mark Stand-Up Cooking in Class 41, issued October 17, 2006, and owned by Rosenthal Heavy Industries, Ltd., a New York corporation, hereby petitions for cancellation of Registration No. 3157396.

The grounds for cancellation are as follows:

1. Petitioner, Tara Gentile, is a citizen of the United States with an address of 21550 Oxnard Street, Suite 200, Woodland Hills, CA 91367.
2. Petitioner is the owner of United States Trademark Application, Serial No. 85112730, filed August 20, 2010, for the mark "THE STANDUP GOURMET," providing on-line information in various areas in Class 41 ("Petitioner's Application").
3. Petitioner's Application has been refused registration under Trademark Section 2(d) on the basis of Registration No. 3157396.
4. On information and belief, Registrant has abandoned the STAND-UP COOKING mark for "Entertainment in the nature of on-going television programs in the field of cooking, food and comedy; entertainment services, namely providing television and radio programs in the field of cooking, food and comedy, via television, radio and the global computer network, mobile phones, personal digital assistants, and portable, handheld digital electronic devices for recording, playing, and receiving music and other data broadcasts; and providing live appearances by a professional entertainer," filed in Class 41, in that its use has been discontinued with intent not to resume such use.
5. Upon information and belief, Registrant is not currently using the STAND-UP COOKING mark and has not used such mark for at least three years and possibly longer as a trademark designating the source of "Entertainment in the nature of on-going television programs in the field of cooking, food and comedy; entertainment services, namely providing television and radio programs in the field of cooking, food

and comedy, via television, radio and the global computer network, mobile phones, personal digital assistants, and portable, handheld digital electronic devices for recording, playing, and receiving music and other data broadcasts; and providing live appearances by a professional entertainer.”

6. Petitioner is damaged and will continue to be damaged because Registration No. 3157396 is a bar to Petitioner’s ability to register its mark, “The STANDUP GOURMET,” in Class 41.

7. To the best of Petitioner’s knowledge, the current owner of Registration No. 3157396, “The STANDUP GOURMET,” is: Rosenthal Heavy Industries, Ltd., a New York corporation, 444 Central Park West, Apt. #14A, New York, NY 10025.

WHEREFORE, Petitioner requests that Registration No. 3157396 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

The filing fee in the amount of \$300.00 has been paid concurrently within the filing of this Petition for Cancellation.