

ESTTA Tracking number: **ESTTA399506**

Filing date: **03/23/2011**

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	Education Resources,LLC		
Entity	Limited Liability Company	Citizenship	Arizona
Address	2801 N. 31st Street Phoenix, AZ 85008 UNITED STATES		

Attorney information	SYLVIA MULHOLLAND Law Office of Sylvia Mulholland 5405 Wilshire Blvd. Suite 220 Los Angeles, CA 90036 UNITED STATES smulholland@mulholland-law.com Phone:323 330-9520		
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Registration Subject to Cancellation

Registration No	2147129	Registration date	03/31/1998
Registrant	Budwig, Patricia Green Starshine Theater! 8540 Georgetown Pike McLean, VA 22102 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 1994/08/01 First Use In Commerce: 1995/01/01 All goods and services in the class are cancelled, namely: educational services, namely, conducting classes and workshops for children, families and teachers in the fields of music, voice, songwriting, dance choreography, art, philosophy, musical recording techniques and dramatic arts; entertainment services, namely, live musical recitals or concerts and theater productions performed by secondary school children

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	STAR SHINE pdf.pdf (3 pages)(803601 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	/Sylvia Mulholland/
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Name	SYLVIA MULHOLLAND
Date	03/23/2011

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

In re Registration No. 2147129
Mark: STAR SHINE THEATER MUSIC IN
OUR HEARTS! & Design

Issued: March 3, 1998

Education Resources, LLC

Petitioner

vs.

Patricia Green Budwig

Registrant

PETITION FOR CANCELLATION

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Education Resources, LLC ("Petitioner"), having a principal place of business at 2801 N. 31st Street, Phoenix, Arizona 85008, believes that it is damaged by Registration No. 2147129, and hereby petitions to cancel the same under the provisions of 15 U.S.C §1064 (3).

As grounds for cancellation, Petitioner asserts that:

1. Petitioner is an Arizona Limited Liability Company which operates a number of charter schools under the trade name and trademark STARSHINE ACADEMY and under the trademark STARSHINE ACADEMY & Design in the United States and Africa.

2. To the best of Petitioner's knowledge, Patricia Green Budwig ("Registrant") is an individual having a principal place of business at 8540 Georgetown Pike, McLean, VA 22102.

3. Petitioner believes it will be damaged by the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design registration because Petitioner's trademark application for STARSHINE ACADEMY & Design, as Application No. 77/866361, in International Class 41, for "providing courses of instruction for students at the elementary, middle school levels and high school levels in the fields of mathematics, history, language arts and other subject matters, within charter school levels K-12", has been refused by the USPTO Examining Attorney, on the basis that Petitioner's Mark is confusing with Registrant's STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark.

Basis for cancellation-Abandonment

4. Upon information and belief, Registrant is not currently offering educational services or entertainment services under the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark.

5. Registrant has abandoned the STAR SHINE THEATER MUSIC IN OUR HEARTS! & Design Mark.

WHEREFORE, Petitioner prays that Registration No. 2147129 be canceled pursuant to 15 U.S.C §1064 (3) because the STARSHINE THEATER MUSIC IN OUR HEARTS! & Design Mark has been abandoned by Registrant, Patricia Green Budwig.

Dated: March 23, 2011

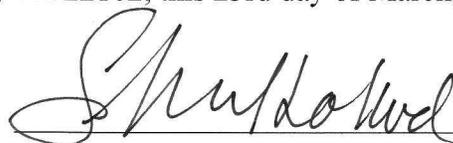
Respectfully submitted,

By  _____

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Facsimile: (323) 330-9506
Attorney for Petitioner Education
Resources, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition for Cancellation was served upon Registrant by mailing same via First Class Mail, postage prepaid, to Patricia Green Budwig, at 8540 Georgetown Pike, McLean, VA 22102, this 23rd day of March, 2011.

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Sylvia Mulholland