

ESTTA Tracking number: **ESTTA428968**

Filing date: **09/06/2011**

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	Sony Pictures Television Inc.		
Entity	Corporation	Citizenship	Delaware
Address	10202 W. Washington Boulevard Culver City, CA 90232 UNITED STATES		

Attorney information	Peter K. Hahn Luce, Forward, Hamilton & Scripps, LLP 600 West Broadway, Suite 2600 San Diego, CA 92101 UNITED STATES phahn@luce.com, sedge@luce.com, clopez@luce.com Phone:619-699-2585		
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**Registration Subject to Cancellation**

Registration No	3869009	Registration date	11/02/2010
Registrant	Macatee, India 1728 Tamarron Drive Corona, CA 92883 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 2007/01/01 First Use In Commerce: 2007/01/01 All goods and services in the class are cancelled, namely: Entertainment services in the nature of an on-going reality based television program
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**Grounds for Cancellation**

Other	Failure to comply with Trademark Act Sections 1 and 2 -- Registrant has never used the registered mark in commerce.
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Attachments	Sony v Remodel Petiton Cancel.pdf ( 3 pages )(185793 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	/Peter K. Hahn/
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Name	Peter K. Hahn
Date	09/06/2011

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3 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
4 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
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6 In re Trademark Registration of:

7 Registration No.: 3,869,009  
8 Registered: November 2, 2010  
9 Mark: reMODEL and Design  
10 Registrant: India Macatee  
11

12 Sony Pictures Television Inc., ) CANCELLATION NO. \_\_\_\_\_  
13 )  
14 ) **PETITION FOR CANCELLATION OF**  
15 vs. ) **REGISTRATION**  
16 India Macatee )  
17 ) Respondent. )

18  
19 Petitioner: Sony Pictures Television Inc.  
20 Citizenship: a Delaware Corporation  
21 Address: 10202 W. Washington Boulevard  
22 Culver City, California 90232

23 Sony Pictures Television Inc. (hereinafter referred to as "Petitioner") believes that it will  
24 be damaged by the above-identified registration and hereby petitions for cancellation of the same.  
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1 The grounds for cancellation are as follows:

2 1. Petitioner is a Delaware corporation having its principal office at 10202 W.  
3 Washington Boulevard, Culver City, California 90232.

4 2. Upon information and belief, India Macatee (hereinafter referred to as  
5 "Registrant") is a United States individual, having a principle place of residence at 1728 Tamarron  
6 Drive, Corona, California 92883.

7 3. Petitioner is the owner of U.S. Trademark Application Serial No. 85/360,227 for  
8 the mark RE-MODELED ("Petitioner's Mark"). Petitioner intends to use Petitioner's Mark on or  
9 in connection with entertainment services in the nature of a reality television series ("Petitioner's  
10 Services").

11 4. Registrant has registered the mark reMODEL and Design ("Registrant's Mark"),  
12 Reg. No. 3,869,009, for "Entertainment services in the nature of an on-going reality based  
13 television program" ("Registrant's Services."), in Class 41.

14 5. Upon information and belief, and contrary to the statements made in the application  
15 to register Registrant's Mark, Registrant has never used Registrant's Mark in commerce on or in  
16 connection with Registrant's Services.

17 6. To the extent Registrant has not used Registrant's Mark in commerce on or in  
18 connection with Registrant's Services, Registrant has failed to comply with the requirements of  
19 Section 1 and 2 of the Trademark Act as is thus not entitled to registration of Registrant's Mark.

20 7. Registration by Registrant of Registrant's Mark gives Registrant *prima facie*  
21 exclusive rights to Registrant's Mark and thus interferes with Petitioner's right to use and register  
22 Petitioner's Mark for use in connection with Petitioner's Services.

23 In view of the foregoing, Petition hereby petitions the Board to cancel U.S. Trademark  
24 Registration No. 3,869,009 based on Registrant's failure to comply with the requirements of  
25 Section 1 and 2 of the Trademark Act.

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The required filing fee is being submitted herewith.

DATED: September 6, 2011.

Respectfully submitted,

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: 

PETER K. HAHN  
KATHY A. JORRIE  
Attorneys for Petitioner

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