

ESTTA Tracking number: **ESTTA438439**

Filing date: **10/28/2011**

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	Stiletto Spy School LLC		
Entity	Limited Liability Company	Citizenship	Nevada
Address	250 E. 54th Street 11C New York, NY 10022 UNITED STATES		

Attorney information	JungJin Lee Lee, Lee & Associates, P.C. 2531 Jackson Rd. Ste 234 Ann Arbor, MI 48103 UNITED STATES jj@llapc.com Phone:866-400-2507
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Registration Subject to Cancellation

Registration No	3717747	Registration date	12/01/2009
Registrants	Liddy, John 8535 Santa Monica Blvd West Hollywood, CA 90069 UNITED STATES Ferguson, Sascha 8535 Santa Monica Blvd West Hollywood, CA 90069 UNITED STATES		

Goods/Services Subject to Cancellation

Class 041. First Use: 2003/01/08 First Use In Commerce: 2003/01/08 All goods and services in the class are cancelled, namely: Physical fitness training services; Physical fitness instruction; Special event planning; Martial arts instruction; Self defense instruction; Educational services, namely, providing workshops in the fields of exercise; Education services, namely, providing classes, seminars, workshops in the fields rock climbing; Party planning, namely, arranging and conducting corporate events

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SPYSCHOOL.PETITION.CANCELLATION.v.FINAL.pdf (6 pages)(724425 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	/jjl/
Name	JungJin Lee
Date	10/28/2011

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

Stiletto Spy School, LLC)	
Petitioner,)	Cancellation No. _____
)	In the Matter of
v.)	Registration No. 3717747
)	Filed: December 18, 2008
Sascha Ferguson and John Liddy)	Mark: SPYSCHOOL
Respondents.)	Published: September 15, 2009
)	Registered: December 1, 2009

PETITION FOR CANCELLATION

Petitioner, Stiletto Spy School, LLC (Petitioner), a Nevada Limited Liability Company, having its principal place of business at 11C 250 E. 54th Street New York NEW YORK 10022, believes it will be damaged by Registration No. 3717747 (Registration) and hereby Petitions to cancel said Registration. The Registration is owned by Individuals, Sascha Ferguson and John Liddy, (Respondents), having their principal place of business 8535 Santa Monica Blvd West Hollywood CALIFORNIA 90069 and was filed on December 18, 2008, for the mark SPYSCHOOL, in International Class 041 for “Physical fitness training services; Physical fitness instruction; Special event planning; Martial arts instruction; Self defense instruction; Educational services, namely, providing workshops in the fields of exercise; Education services, namely, providing classes, seminars, workshops in the fields rock climbing; Party planning, namely, arranging and conducting corporate events,” and claimed first use as early as January 08, 2003.

As grounds for this Petition, it is alleged that:

1. At least as early as July 2007, Petitioner began using the name "STILETTO SPY SCHOOL" for Educational services, namely, providing workshops, classes, seminars in the fields of exercise, self-defense and physical fitness instruction; Instruction in the field of self defense; Martial arts instruction; Physical fitness instruction; Physical fitness training services; Special event planning for social entertainment purposes.
2. Petitioner applied for a registered federal trademark for "STILETTO SPY SCHOOL" for "Educational services, namely, providing workshops, classes, seminars in the fields of exercise, self-defense and physical fitness instruction; Instruction in the field of self defense; Martial arts instruction; Physical fitness instruction; Physical fitness training services; Special event planning for social entertainment purposes," on October 15, 2010, serial no. 85153481.
3. Petitioner received an office action on February 01, 2011, stating that the application was being denied for the likelihood of confusion with the Respondents' registration no. 3717747, for "Physical fitness training services; Physical fitness instruction; Special event planning; Martial arts instruction; Self defense instruction; Educational services, namely, providing workshops in the fields of exercise; Education services, namely, providing classes, seminars, workshops in the fields rock climbing; Party planning, namely, arranging and conducting corporate events," which was filed on December 18, 2008 and registered on December 1, 2009.
4. Based upon information and belief, Registrant has abandoned use of their mark (See Exhibits A & B)
5. Respondent's mark, when applied to Respondent's services, is likely to cause confusion in the marketplace with the "STILETTO SPY SCHOOL" mark of Petitioner, because the marks and services are similar.

Wherefore, Petitioner hereby requests that Registration No. 3717747 be canceled.

The fee of \$300 is enclosed.

Petitioner hereby appoints the law firm of Lee, Lee & Associates, P.C., and its members, all attorneys licensed to practice in Michigan, to act as attorneys for Petitioner with full power to prosecute this Cancellation and to transact all relevant business with the United States Patent and Trademark Office and to Receive all official communications in connection with this Cancellation.

Dates this 28th day of October, 2011.

Respectfully Submitted,

Stiletto Spy School, LLC.

By: JungJin Lee/
JungJin Lee, Esq.
Attorney for Petitioner

Lee, Lee & Associates, P.C.
2531 Jackson Road, Suite 234
Ann Arbor, MI 48103
Tel: 866-400-2507
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Email: jj@llapc.com

I certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).

Date: October 28, 2011

JungJin Lee /
JungJin Lee

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2011, a true and correct copy of the foregoing Petition for

Cancellation was served upon:

Owners

Sascha Ferguson and John Liddy
8535 Santa Monica Blvd West Hollywood CALIFORNIA 90069

And,

Attorney of Record

Josh Gerben, Esq.
Gerben Law Firm, PLLC
Suite 500
1155 Connecticut Ave NW
Washington
District of Columbia
United States
20036
2022942287
trademark@gerbenlaw.com

By First Class Mail addressed to the address listed above.

Date: October 28, 2011

/ JungJin Lee /
JungJin Lee

Exhibit A

LOS ANGELES · SEPTEMBER 15, 2004

Spy Hard

Spy School

How do you feel after a [workout](#)? Shaken? Stirred?

More like neither. These days your monotonous gym grind makes you want to jump off a cliff.

So jump you shall. And rappel, fight, and fire a gun.

Your mission, should you choose to accept it: Spy School, an exercise regimen-cum-adventure camp that teaches you everything a good operative should know, while giving you a Bond-worthy body and a butt-kicking 'tude.

The two-month program begins at Absolution, a loft-style spy playground without a single weight or piece of cardio equipment. (Feel free to cheer.) There, instructors turn timid rookies into daring assassins with the espionage essentials: Learn to take out an assailant, scale a building, rappel off a 30-foot cliff, sharpshoot, seduce even the toughest rival, and, of course, change your identity with wigs and makeup.

If anyone should recognize you, just tell them you're on assignment. (And then gloat while they wonder why you look so good.)

Mission accomplished.

[Spy School at Absolution, 8535 Santa Monica Boulevard, at La Cienega Boulevard \(310-657-7878 or \[absolution-la.com\]\(#\)\).](#)

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Exhibit B

The screenshot shows a web browser window displaying the Yelp page for 'Absolution - CLOSED' in West Hollywood, CA. The browser's address bar shows the URL 'http://www.yelp.com/biz/absolution-west-hollywood'. The page features the Yelp logo, a search bar with 'San Francisco, CA' entered, and navigation links like 'Welcome', 'About Me', and 'Write a Review'. A promotional banner for the Nissan Versa is visible. The business profile includes the name 'Absolution - CLOSED', a 4-star rating, and address '8535 Santa Monica Blvd, West Hollywood, CA 90069'. A map shows the location on Santa Monica Blvd. A review by Hannah T. from 9/11/2007 is displayed, describing an aerial arts class. The right sidebar contains 'Browse Nearby' and 'Deals Nearby' sections.