

ESTTA Tracking number: **ESTTA444287**

Filing date: **12/02/2011**

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	Eat Good Stuff, Inc.		
Entity	Corporation	Citizenship	California
Address	11903 W. Olympic Boulevard Los Angeles, CA 90064 UNITED STATES		

Attorney information	Irving Keschner 21535 Hawthorne Boulevard Suite 385 Torrance, CA 90503 UNITED STATES irvkesch@aol.com Phone:310.543.5200		
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Registration Subject to Cancellation

Registration No	4034174	Registration date	10/04/2011
Registrant	Sunnyside Group LLC 303 Pennsylvania Avenue, SE Washington, DC 20003 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2007/12/11 First Use In Commerce: 2008/07/04 All goods and services in the class are cancelled, namely: Restaurant services
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	GOOD STUFF		
Goods/Services	Restaurant services		

Attachments	Scan_Doc0450.pdf (3 pages)(1404662 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	/Irving Keschner/
Name	Irving Keschner
Date	12/02/2011

2. Petitioner filed Service Mark Application No. 85/347,943 on June 16, 2011 for GOOD STUFF.

3. The examiner attorney in charge of the '943 application issued a notice on September 27, 2011 suspending action on the '943 application in view of Application Serial No. 85/220968, now the aforementioned '174 registration.

4. Petitioner, Good Stuff, is a related company to Good Stuff Burgers, the owner of Registration No. 1619133 for GOOD STUFF, cancelled under Section 8 since a renewal application was inadvertently not timely filed. The date of first use alleged in the '133 registration is June 28, 1979.

5. During the prosecution of the '968 application, registration thereof was refused in view of the '133 registration. Apparently counsel for registrant notified examiner that the '133 registration had been canceled and, as a result, the refusal was withdrawn and the GOOD STUFF EATERY mark was registered in due course.

6. The '174 registration alleges a date of first use in commerce as July 4, 2008, almost thirty (30) years after the first use set forth in the '943 application (and the '133 registration).

7. The GOOD STUFF mark for restaurant services has been continuously used by Petitioner, as a related company to Good Stuff Burgers, since June 28, 1979 and will be, as a result, damaged by Registration No. 4034174.

WHEREFORE, it is respectfully requested that this cancellation be sustained and Registration No. 4034174 be cancelled.

The cancellation fee in the amount of \$300.00 for one class is filed herewith. This paper is filed in duplicate.

Irving Keschner, attorney licensed by the State of California, has been appointed to transact all business on its behalf in connection with this Notice.

Dated this 2nd day of December , 2011.



Irving Keschner, Esq.
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Attorney for Petitioner
Eat Good Stuff Inc.