

ESTTA Tracking number: **ESTTA490078**

Filing date: **08/21/2012**

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

Proceeding	92055812
Party	Plaintiff Central Park Conservancy, Inc.
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Attachments	Opp to Skateboarder MTD.pdf ( 14 pages )(79256 bytes ) Petition EX A.pdf ( 49 pages )(2026912 bytes )

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

CENTRAL PARK CONSERVANCY, INC.

Petitioner,

v.

SUSOIX LLC,

Applicant.

Cancellation No. 92055812

Registration No.: 4022850

Filing Date : March 1, 2011

Mark : **CENTRAL PARK  
SKATEBOARDER**

Classes : 035, 041

Registration Date: September 6, 2011

**CENTRAL PARK CONSERVANCY, INC.'S MEMORANDUM OF LAW IN  
OPPOSITION TO SUSOIX LLC'S PARTIAL MOTION TO DISMISS**

Petitioner Central Park Conservancy, Inc. ("CPC"), by and through its attorneys Weil, Gotshal & Manges LLP, respectfully submits this Memorandum of Law in Opposition to Susoix LLC's ("Susoix") Partial Motion to Dismiss dated August 6, 2012 ("Susoix Motion").

**PRELIMINARY STATEMENT**

Despite the repeated allegations in CPC's Petition for Cancellation ("Petition")<sup>1</sup> that Susoix's proposed "CENTRAL PARK SKATEBOARDER" mark with its accompanying "skateboard shaped map" of Central Park (the "Skateboarder Mark") clearly, and falsely, suggests a connection between Susoix and Central Park and is therefore unregistrable under Section 2(a) of the Lanham Act, Susoix alleges that CPC's false association claim under Section 2(a) should be dismissed for failure to state a claim. Susoix's Motion is based on the faulty premise that CPC has not adequately alleged that the Skateboarder Mark uses the "name of the institution or equivalent thereof" and that CPC has not adequately alleged that the Skateboarder

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<sup>1</sup> A copy of the Petition is annexed hereto as Exhibit A.

Mark points “uniquely and unmistakably” to Central Park and, through its status and position as the official manager of Central Park, to the CPC. *See* Susoix Motion at 1-2. Notably, Susoix does not address the two remaining elements of a false association claim as CPC’s Petition clearly pleads that Susoix is not connected with the institution and that the fame of Central Park and the CPC is such that, where the Skateboarder Mark would be used on its goods or services, a connection with the institution would be presumed. *See id.* at 1 n.1.

In order to withstand a motion to dismiss, a pleading need only allege such facts as would, if proved, establish that the petitioner is entitled to the relief sought. *See Petróleos Mexicanos v. Intermix S.A.*, 97 U.S.P.Q. 2d (BNA) 1403, 1404 (TTAB 2010); *Fair Indigo LLC v. Style Conscience*, 85 U.S.P.Q. 2d (BNA) 1536, 1538 (TTAB 2007); TBMP § 503.02 (3d ed. rev. 2012). Susoix’s motion should be denied because CPC has clearly met the threshold required to survive a motion to dismiss for failure to state a claim. Specifically, CPC has alleged such facts in its Petition establishing that: (1) CPC has standing to bring its claims and (2) CPC has valid grounds to petition to cancel the registration of the Skateboarder Mark under Section 2(a) of the Lanham Act. Accordingly, Susoix’s partial motion to dismiss must fail.

### **FACTUAL AND PROCEDURAL BACKGROUND**

CPC has made its mission the restoration, management and enhancement of Central Park, in partnership with the public, for the enjoyment of present and future generations. Since its founding in 1980, CPC has served to operate and maintain Central Park under a contract with the City of New York (“City”) and the New York City Department of Parks and Recreation. Petition ¶ 7. As the official manager of Central Park, CPC is responsible for the day-to-day maintenance and operation of the Park. *Id.* at ¶ 8. Currently, ninety percent of Central Park’s maintenance operations staff is employed by CPC. *Id.* In fact, CPC’s employees and volunteers can be found throughout the park on a daily basis and its merchandise, bearing its marks and the

Central Park map, are available both online and through the Dairy Visitor Center and Gift Shop in Central Park. CPC also provides eighty-five percent of Central Park's annual Parkwide expense budget through its fundraising and investment revenue. *Id.* Through its promotional, advertising and fundraising efforts over the past three decades, CPC and its numerous registered marks have become widely recognized by the consuming public as being connected with Central Park and CPC is well-known as the organization in charge of maintaining Central Park. *Id.* at ¶¶ 7, 9. Susoix and its Skateboarder Mark have no affiliation with Central Park, the CPC or the City. *See id.* at ¶¶ 27, 30.

As outlined in the Petition, CPC currently owns, among others, the federal registrations of the mark "CENTRAL PARK CONSERVANCY" (Reg. Nos. 2261972, 2724447, 3760656, 4053473), on the Principal Register of the United States Patent and Trademark Office ("USPTO"). *Id.* at ¶ 1. The date of first use in commerce of this mark is 1980 and the date of initial registration is July 20, 1999, predating Susoix's "CENTRAL PARK SKATEBOARDER" application by over a decade. *Id.* The "CENTRAL PARK CONSERVANCY" mark is registered for assorted goods and services, including, but not limited to: paper goods, pet accessories, luggage, umbrellas, knapsacks, water bottles, barware, dinnerware, bathroom accessories, clothing, construction, repair and maintenance services, educational services, garbage removal services and recreational services, including providing facilities and instruction for assorted sports activities. *Id.* CPC has also registered or applied for registration for nearly a dozen additional marks containing the words "CENTRAL PARK" for a variety of goods and services (collectively, the "CPC Marks"). *Id.* at ¶ 2.<sup>2</sup> In connection with its daily operation and

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<sup>2</sup> Since the drafting of the Petition, CPC has filed applications to register the mark "CENTRAL PARK CONSERVANCY CENTRAL TO THE PARK" (Serial No. 85/666,526) for "charitable fundraising services for restoring, managing, and preserving Central Park" in International Class

fundraising efforts on behalf of Central Park, CPC offers for sale assorted merchandise under its marks and containing the map of Central Park, including, but not limited to, jewelry, ties, scarves, t-shirts, umbrellas, posters, beach towels, tote bags, water bottles, coffee sets and mugs. *Id.* at ¶ 10. Through CPC's substantial time, effort and expense, the CPC Marks have become famous trademarks and are widely recognized by the relevant consuming public so as to create enormous goodwill in the CPC Marks inuring to the benefit of CPC. *Id.* at ¶ 9.

Susoix identifies itself as a "small business dedicated to endurance sports that provide a sustainable means of transportation, namely, cycling, skateboarding, and longboarding." Susoix Motion at 2. Susoix is the record owner of the Skateboarder Mark, Registration Number 4022850, on the Principal Register of the USPTO and obtained registration on September 6, 2011 for "on-line wholesale and retail store services featuring apparel and sports equipment related to skateboarding, longboarding, cycling and other endurance sports" in International Class 035 and for "personal coaching services in the field of skateboarding, longboarding, cycling and other endurance sports" in International Class 041 pursuant to Section 1(a) of the Lanham Act. Petition ¶ 11. Susoix claimed that its first use of the mark in commerce commenced on March 1, 2011. *Id.* The Skateboarder Mark consists of the words "CENTRAL PARK SKATEBOARDER" and a "skateboard shaped map of 'Central Park' in New York City"

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36 and for "educational services, namely, conducting classes for teachers on ecology, geology, ornithology and the environment; and conducting classes for children in grades K through 12 on ecology, and the environment; conducting classes in professional development, namely, courses in team-building and problem-solving; conducting classes in environmental awareness for families; tour guide services; administrating and conducting training classes for volunteers in the fields of horticulture landscaping and park maintenance; recreational services, namely, providing facilities and instruction for basketball, sports/fitness, providing community events featuring a variety of activities, namely, science, history, education and art exhibitions and cultural festivals" in International Class 41 and the mark "CENTRAL PARK EFFECT" (Serial No. 85/683,208) for "charitable fundraising services for restoring, managing, and preserving Central Park" in International Class 36.

that includes “a blue lake [and] a variety of white lines roughly corresponding to the roads and paths in Central Park.” *Id.* at ¶ 12. As indicated in CPC’s Petition, CPC alleges that Susoix’s proposed Skateboarder Mark should be cancelled because (1) the Skateboarder Mark is geographically deceptive and primarily geographically misdescriptive within the meaning of Section 2(e)(3) of the Lanham Act; (2) the Skateboarder Mark is highly similar to the CPC’s marks such that it is likely to cause confusion within the meaning of Section 2(d) of the Lanham Act; and (3) the Skateboarder Mark falsely suggests a connection with the institution Central Park and thus accordingly also falsely suggests a connection with the CPC under Section 2(a) of the Lanham Act. *Id.* at ¶¶ 14-32.

## **ARGUMENT**

### **I. LEGAL STANDARD ON A MOTION TO DISMISS BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Susoix’s motion fails because it cannot meet the extremely difficult threshold to succeed under TBMP § 503 and Fed. R. Civ. P. 12(b)(6). In order to survive a motion to dismiss, a “pleading need only allege such facts as would, if proved, establish that the petitioner [or opposer] is entitled to the relief sought.” *Petróleos Mexicanos*, 97 U.S.P.Q.2d at 1404. This requires only that (1) the petitioner or opposer has standing to maintain the proceeding, and (2) a valid ground exists for denying the registration sought (in the case of an opposition), or for canceling the subject registration (in the case of a cancellation proceeding). *See id.*; *Fair Indigo*, 85 U.S.P.Q.2d at 1538; TBMP § 503.02. The Trademark Trial and Appeal Board (the “Board”) must accept the petitioner’s allegations as true and the complaint must be construed in the light most favorable to the petitioner. *Petróleos Mexicanos*, 97 U.S.P.Q.2d at 1404-05. The complaint must contain sufficient factual matter which, accepted as true, states a claim to relief that is “plausible on its face.” TBMP § 503.02 (“To survive a motion to dismiss, a complaint

must ‘state a claim to relief that is plausible on its face.’”); *Corporacion Habanos S.A. v. Rodriguez*, 99 U.S.P.Q. 2d (BNA) 1873, 1874 (TTAB 2011) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). In the context of a cancellation or opposition proceeding, “a claim is plausible on its face when the petitioner pleads factual content that if proved, would allow the Board to conclude, or draw a reasonable inference that, the petitioner has standing and that a valid ground for cancellation [or opposition] exists.” *Corporacion Habanos*, 99 U.S.P.Q.2d at 1874. The opposer or petitioner “need only allege enough factual matter to suggest its claim is plausible and ‘raise a right to relief above the speculative level.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007)).

## **II. CPC CLEARLY HAS ALLEGED FACTS SUFFICIENT TO DEMONSTRATE THAT IT IS ENTITLED TO THE RELIEF SOUGHT AND, ACCORDINGLY, SUSOIX’S PARTIAL MOTION TO DISMISS MUST BE DENIED**

As detailed below, CPC clearly meets the Board’s requirements that (1) it has standing to bring its claims, and (2) it has sufficiently pled the elements for its claim of false association under Section 2(a) of the Lanham Act – a legally valid ground for cancellation of registration – based on CPC’s factual allegations as set forth in the Petition and which must be accepted as true. Susoix’s motion therefore should be denied.

### **A. CPC Has Standing to Bring Its Petition to Cancel Susoix’s Registration**

In order to demonstrate standing in an opposition or cancellation proceeding, all that is required is that a party “allege facts sufficient to show a ‘real interest’ in the proceeding, and a ‘reasonable basis’ for its belief that it would suffer some kind of damage if the mark is registered.” TBMP § 309.03(b); *see also Ritchie v. Simpson*, 170 F.3d 1092, 1095 (Fed. Cir. 1999) (noting that rather than being a “mere intermeddler[.]” . . . “the opposer [or petitioner] must have a direct and personal stake in the outcome of the opposition [or cancellation]”). Here, CPC has sufficiently pled that it has a direct interest in the outcome of the instant matter and will be

damaged by the continued registration of Susoix's Skateboarder Mark as it currently operates and manages Central Park, has numerous applications for marks and registrations of marks that include the words "Central Park" and offers goods and services under these marks. *See* Petition ¶¶ 1-10. Moreover, Susoix does not dispute that CPC has a direct and personal stake in the outcome of the petition for cancellation. *See generally* Susoix Motion. The Board has also indicated that a party has standing, in the context of a Section 2(a) claim, by virtue of who it is, that is, its "identity." *See Petróleos Mexicanos*, 97 U.S.P.Q.2d at 1405 (citing *Estate of Biro v. Bic Corp.*, 18 U.S.P.Q.2d (BNA) 1382, 1385 (TTAB 1991)). The Board has acknowledged that there is a connection between an entity and an institution where there is an "actual commercial connection" between the entity and the institution. *See In re Los Angeles Police Revolver & Athletic Club Inc.*, 69 U.S.P.Q. 2d (BNA) 1630, 1634 (TTAB 2003). Accordingly, CPC is more than a "mere intermeddler" and instead has standing due to its direct interest in the outcome of this proceeding and its commercial connection to Central Park through its agreement with the City. *See* Petition ¶¶ 7-10.

**B. CPC Has Sufficiently Alleged its Claim that the Skateboarder Mark Falsely Suggests an Association with an Institution**

Having established standing, in order to survive a motion to dismiss, CPC's Petition must only contain sufficient factual matter which, accepted as true, states a claim for false suggestion of a connection with a well-known institution that is "plausible on its face." *See* TBMP § 503.02. The Board has established that the following is required for a pleading of false suggestion of a connection under Section 2(a) of the Lanham Act: (1) the mark sought to be registered is the same as, or a close approximation of, the name or identity previously used by another person or institution; (2) the mark would be recognized as such, in that it points uniquely and unmistakably to that person or institution; (3) the person or institution identified in the mark

is not connected with the goods sold or services performed by applicant under the mark; and (4) the fame or reputation of the named person or institution is of such a nature that a connection with such person or institution would be presumed when applicant's mark is used on its goods and/or services. *Petróleos Mexicanos*, 97 U.S.P.Q.2d at 1404-05 (citing *Univ. of Notre Dame du Lac v. J.C. Gourmet Food Imps. Co.*, 703 F.2d 1372, 217 U.S.P.Q. (BNA) 505, 508-510 (Fed. Cir. 1983) and *Buffet v. Chi-Chi's, Inc.*, 226 U.S.P.Q. (BNA) 428, 429 (TTAB 1985)). In its Petition, CPC sufficiently pled all four of the required elements for a Section 2(a) claim and facts supporting the same, and thus, CPC's claim is legally sufficient and withstands this motion to dismiss. See Petition ¶¶ 1-12, 27-31.

Notably, Susoix has not challenged the sufficiency of the Petition regarding the third and fourth elements of a Section 2(a) claim in its partial motion to dismiss. See Susoix Motion at 1 n.1. Such attempt would clearly fail as CPC has adequately pled that CPC and Central Park are not associated with Susoix, Petition ¶¶ 27, 30, and that the fame or reputation of Central Park is of such a nature that a connection with Central Park would be presumed when the Skateboarder Mark is used on its skateboards, longboards, cycling equipment and/or personal coaching services, *id.* at ¶¶ 1-2, 7-12. The remaining two elements, that the Skateboarder Mark is the same as, or a close approximation of, Central Park and that the Skateboarder Mark points uniquely and unmistakably to Central Park and, through its actual commercial relationship with Central Park and the City, the CPC, will be discussed below.

Susoix contends that Central Park is not an institution under Section 2(a) of the Lanham Act. Susoix Motion at 3-4, 9-10. However, this position is unsupported. It is well-established that the Board has broadly construed the term "institution." See, e.g., *In re N. Am. Free Trade Ass'n*, 43 U.S.P.Q. 2d (BNA) 1282, 1285-86 (TTAB 1997) (finding that the North American

Free Trade Agreement constituted an institution and noting that the “legislative history . . . indicates that the reference to an ‘institution’ in Section 2(a) was designed to have an expansive scope.”); TMEP § 1203.3(e) (8th ed. rev. 2011). As the Board may take judicial notice of dictionary definitions, *see In re N. Am. Free Trade*, 43 U.S.P.Q. 2d at 1286, a review of these definitions clearly supports the contention that Central Park qualifies as an institution. For example, Black’s Law Dictionary (9th ed. 2009) defined an institution as “[a]n established organization, esp. one of a public character.” Similarly, the Oxford Advanced American Dictionary defines an institution as “a large important organization that has a particular purpose.” *See* <http://oaadonline.oxfordlearnersdictionaries.com/dictionary/institution>. Central Park, which has its own employees, police force, rules and regulations through the New York City Department of Parks and Recreation, and provides recreational services to the general public, clearly falls within that definition and is therefore protected as an institution under Section 2(a).<sup>3</sup>

As Central Park is an institution, the CPC need only “allege enough factual matter to suggest its claim is plausible” as to the elements at issue, that the Skateboarder Mark is the same as, or a close approximation of, Central Park and that the Skateboarder Mark points uniquely and unmistakably to Central Park. *See Corporacion Habanos*, 99 U.S.P.Q.2d at 1874. Susoix does not dispute that its Skateboarder Mark consists of the name “Central Park”, in fact, Susoix freely acknowledges that “the Skateboarder Mark does include the words ‘Central Park,’ which is [the] term for[] the park.” *See* Susoix Motion at 9. The CPC has sufficiently pled that the Skateboarder Mark consists of the words “Central Park.” Petition ¶ 12. CPC has also clearly and adequately pled that the Skateboarder Mark points “uniquely and unmistakably” to Central

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<sup>3</sup> A more in-depth discussion of Central Park’s standing as an institution may be found in Petitioner City of New York’s Memorandum of Law in Opposition to Susoix’s Partial Motion to Dismiss, Cancellation No. 92055800, filed on August 14, 2012.

Park. *See id.* at ¶¶ 7-9, 12, 27-31. Susoix does not attempt to mask its intent to refer to Central Park in the Skateboarder Mark, noting that the design mark includes a “skateboard shaped map of ‘Central Park’ in New York City” that includes a “blue lake [and] a variety of white lines roughly corresponding to the roads and paths in ‘Central Park’.” *Id.* at ¶ 12. Accordingly, CPC’s Petition is sufficiently plausible on its face, as viewed in the required light most favorable to the non-moving party, to state a claim under Section 2(a). *See id.* at ¶¶ 7-9, 12, 29-32; *Corporacion Habanos*, 99 U.S.P.Q.2d at 1874.

Should the Board conclude that Central Park itself is not an institution, CPC’s Section 2(a) claim would still stand due to CPC’s actual commercial relationship with the City and Central Park. Susoix does not dispute that CPC itself is an institution within the meaning of Section 2(a). *See* Susoix Motion at 3-4. Susoix instead takes issue with whether the name of the institution is utilized in the mark and whether the mark “uniquely and unmistakably” points to the institution. Susoix’s main contention, that the lack of the word “Conservancy” in its Skateboarder Mark means that the Skateboarder Mark is not the same as or a close approximation of the CPC, *see id.* at 5-8, has been expressly rejected by the Board.

Just as an applicant cannot take another’s name and add matter to it to avoid a refusal of false suggestion under Section 2(a), *an applicant cannot take a significant element of the name of another and avoid a refusal by leaving one or more elements behind*, provided that that which has been taken still would be unmistakably associated with the other person.

*In re White*, 73 U.S.P.Q. 2d (BNA) 1713, 1719 (TTAB 2004) (affirming refusal to register “APACHE” for cigarettes under Section 2(a)) (emphasis added). In *White*, the Board rejected an applicant’s claim that because none of the federally-recognized Apache tribes goes by the name Apache alone, “APACHE” per se cannot be found to be the name or equivalent thereof of these

tribes. *Id.* Under *White*, Susoix clearly cannot take “Central Park,” a significant element of a name of another, and avoid refusal by simply leaving “Conservancy” behind. *Id.*

The Board has also found that even more attenuated marks meet the requirement that the mark consist of the name of or a close approximation of the name of an institution. For example, in *In re Cotter & Co.*, the Board affirmed the refusal of registration of “WESTPOINT” as a mark for firearms under Section 2(a) noting that although “West Point is not an official designation for the United States Military Academy but, rather, is a city in the state of New York,” use of the mark “WESTPOINT” did falsely suggest a connection with the institution. 228 U.S.P.Q. (BNA) 202, 203-205 (TTAB 1985). The Board also held that the mark “BAMA” was the close approximation of the name of the institution the University of Alabama and cancelled the registration of “BAMA” for shoes, slippers, and socks under Section 2(a). *See Board of Trustees of the University of Alabama v. BAMA-Werke Curt Baumann*, 231 U.S.P.Q. (BNA) 408, 410 (TTAB 1986). Therefore, while Susoix suggests that the Petition fails to state a claim because the Skateboarder Mark “does not include the name of the Central Park Conservancy, Inc. or an equivalent thereof,” Susoix Motion at 7<sup>4</sup>, such inclusion of the full CPC name is not required in

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<sup>4</sup> The cases cited by Susoix in support of its allegation that the Skateboarder Mark does not resemble the name of the Conservancy are easily distinguishable as cases where there was no connection between the proposed mark and the name of the institution. *See McDonnell Douglas Corp. v. Nat’l Data Corp.*, 228 U.S.P.Q. (BNA) 45, 48 (TTAB 1985) (noting that the mark sought to be canceled, “DATASTAT” “does not remotely resemble petitioner’s corporate name, McDonnell Douglas”); *Am. Speech-Language-Hearing Ass’n v. Nat’l Hearing Aid Soc’y*, 224 U.S.P.Q. (BNA) 798, 803 (TTAB 1984) (noting that proposed mark containing the words “‘CERTIFIED HEARING AID AUDIOLOGIST’ together with respondent’s name, ‘NATIONAL HEARING AID SOCIETY’ . . . does not even remotely resemble petitioner’s present name, the American Speech-Language Hearing Association”). Moreover, the Board’s decision in one of the cited cases is a poor basis for comparison as the Board acknowledged that the opposer had given up on its Section 2(a) claim. *See United States Olympic Comm. v. Olymp-Herrenwaschefabriken Bezner GmbH & Co.*, 224 U.S.P.Q. (BNA) 497, 499 n.2 (TTAB 1984) (noting that opposer’s brief was confined primarily to Section 2(d), on which grounds the

order to state a claim under Section 2(a). Accordingly, CPC’s Petition, which indicates that the Skateboarder Mark includes the words “Central Park” and that such mark falsely suggests a connection with the CPC, is sufficiently plausible on its face, as viewed in the required light most favorable to the non-moving party, to state a claim under Section 2(a). *See* Petition ¶¶ 7-9, 12, 27-31; *Corporacion Habanos*, 99 U.S.P.Q.2d at 1874 (noting that the Board must construe the complaint in the light most favorable to the petitioner and that the petitioner need only allege enough factual matter to “suggest its claim is plausible”).

Susoix posits that CPC cannot adequately plead that the Skateboarder Mark points “uniquely and unmistakably” to the CPC based upon its false assumption that the Skateboarder Mark does not contain the name or equivalent thereof of the CPC. *See* Susoix Motion at 6, 8. Based on Susoix’s conclusion that the Skateboarder Mark does not contain the CPC name, Susoix attempts to conflate CPC’s separate and distinct claims under Sections 2(a) and 2(d) of the Lanham Act. *See id.* at 8-9. However, as discussed above, CPC has sufficiently pled that the Skateboarder Mark contains the CPC’s name or equivalent thereof. Further, as previously discussed, *see infra* p. 10, CPC has adequately and sufficiently plead that the Skateboarder Mark points “uniquely and unmistakably” to Central Park and, through its commercial relationship to Central Park and the City, to the CPC. *See* Petition ¶¶ 7-9, 12, 27-31. Accordingly, even if the Board fails to conclude that Central Park is an institution, CPC’s Petition is sufficiently plausible on its face, as viewed in the required light most favorable to the non-moving party, to state a claim under Section 2(a). *See Corporacion Habanos*, 99 U.S.P.Q.2d at 1874.

## **CONCLUSION**

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registration was refused, and that it “appears that opposer is not pressing its Section 2(a) ground with any conviction”).

For the reasons specified above, Petitioner CPC has shown that it has standing and has pled legally sufficient allegations for its claim that the Skateboarder Mark falsely suggests a connection with an institution, here, Central Park and, through its actual commercial relationship with Central Park and the City, the CPC. CPC thus respectfully requests that the Board deny Susoix's Partial Motion to Dismiss in its entirety.

Respectfully Submitted,

Dated: August 21, 2012

By: /s/ Randi W. Singer

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*Attorneys for Petitioner Central Park Conservancy,  
Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the Opposition to Partial Motion to Dismiss was sent by email to the following on August 21, 2012:

Stuart Gillespie  
215 Walter St. NE  
Albuquerque, New Mexico 87102  
stugillespie1@gmail.com

/s/ Jessica L. Costa

# EXHIBIT A

ESTTA Tracking number: **ESTTA482080**

Filing date: **07/06/2012**

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	Central Park Conservancy, Inc.		
Entity	Corporation	Citizenship	New York
Address	14 East 60th Street New York, NY 10022 UNITED STATES		

Attorney information	Jessica Costa Weil, Gotshal & Manges LLP 767 Fifth Avenue New York, NY 10153 UNITED STATES TRADEMARK@weil.com Phone:2123108000		
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**Registration Subject to Cancellation**

Registration No	4022850	Registration date	09/06/2011
Registrant	SUSOIX LLC 85 8th Avenue Apt. # 5B New York, NY 10011 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 035. First Use: 2011/03/01 First Use In Commerce: 2011/03/01 All goods and services in the class are cancelled, namely: On-line wholesale and retail store services featuring apparel and sports equipment related to skateboarding, longboarding, cycling, and other endurance sports
Class 041. First Use: 2011/03/01 First Use In Commerce: 2011/03/01 All goods and services in the class are cancelled, namely: Personal coaching services in the field of skateboarding, longboarding, cycling, and other endurance sports

**Grounds for Cancellation**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is primarily geographically deceptively misdescriptive	Trademark Act section 2(e)(3)

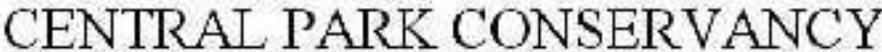
**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	2261972	Application Date	05/30/1997
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Registration Date	07/20/1999	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK CONSERVANCY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 037. First use: First Use: 1980/00/00 First Use In Commerce: 1980/00/00 construction, repair, maintenance of buildings, bridges, arches, walls and bodies of water; cleaning services, namely, removal of snow, graffiti and garbage from buildings, walks, walkways, and the like; preservation of the historic design, material and fabrication of buildings, bridges, arches and walls</p> <p>Class 039. First use: First Use: 1980/00/00 First Use In Commerce: 1983/04/00 garbage pickup</p> <p>Class 041. First use: First Use: 1983/05/00 First Use In Commerce: 1983/05/00 [ educational services, namely, conducting classes for teachers on ecology, geology, ornithology and the environment; and ] conducting classes for children in grades K through 12 on ecology, [ geology, design, history, ornithology ] and the environment; conducting classes in professional development, namely, courses in team-building and problem-solving; conducting classes in environmental awareness for families; tour guide services; administrating and conducting training classes for volunteers in the fields of horticulture landscaping and park maintenance; recreational services, namely, providing facilities and instruction for basketball, [ softball, ] sports/fitness, [ rock and wall climbing, and day camps for children and adventure programs, namely, team-building and problem-solving courses for young adults; ] providing community events featuring a variety of activities, namely, science, history, education and art exhibitions and cultural festivals</p> <p>Class 042. First use: First Use: 1980/00/00 First Use In Commerce: 1980/04/00 landscape and horticultural services</p>		

U.S. Registration No.	2724447	Application Date	05/30/1997
Registration Date	06/10/2003	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK CONSERVANCY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1980/01/00 First Use In Commerce: 1995/01/00 [ desk stands; paper goods, namely, napkins, table cloths, placemats, plates, stationery, ] greeting cards [ , wrapping paper ] and posters</p> <p>Class 018. First use: First Use: 1980/01/00 First Use In Commerce: 1995/01/00 [ luggage, duffle bags, overnight bags; ] umbrellas [ ; gym bags; leather goods, namely, knapsacks, wallets and tote bags; ] and pet accessories, namely, [ animal carriers, animal leashes, collars, pet cushions, ] pet bowls [ , pet clothing and dog clothing ]</p> <p>Class 021. First use: First Use: 1980/01/00 First Use In Commerce: 1995/01/00 barware, namely, [ drinking glasses, ] mugs [ , pitchers, seltzer bottles, ice buckets, martini shakers; dinnerware; serving platters; bathroom accessories, namely, soap dishes, soap dispensers, toilet tissue holders, towel bars, towel racks, and cups; ceramic, non-precious metal, glass, and rattan accessories, namely, decorative vases, bottles (sold empty), bowls, urns, candlesticks, serving trays, and baskets ]</p>		

	Class 025. First use: First Use: 1980/01/00 First Use In Commerce: 1995/01/00 men's and children's apparel, namely, T-shirts, [ sweatsuits, sweaters, ] hats, caps, jackets [ , scarves and ties; ] and women's apparel, namely, T-shirts, [ sweatsuits, sweaters, ] hats, caps, and scarves		
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U.S. Registration No.	3760656	Application Date	07/24/2009
Registration Date	03/16/2010	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK CONSERVANCY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Plastic water bottles sold empty Class 025. First use: First Use: 2007/09/03 First Use In Commerce: 2007/09/03 Sweat shirts, unisex fleece jackets and women's fleece jackets		

U.S. Registration No.	4053473	Application Date	07/24/2009
Registration Date	11/08/2011	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK CONSERVANCY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2009/09/09 First Use In Commerce: 2009/09/09 Pet accessories, namely, animal leashes and collars Class 021. First use: First Use: 2008/10/17 First Use In Commerce: 2008/10/17 Pet accessories, namely, pet feeding and drinking bowls		

U.S. Registration No.	2006969	Application Date	12/02/1994
Registration Date	10/08/1996	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK SETTEE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1995/01/19 First Use In Commerce: 1995/01/19 benches		

U.S. Registration No.	3245852	Application Date	01/09/2006
Registration Date	05/29/2007	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK PERKS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2005/10/00 First Use In Commerce: 2005/10/00 administration of a discount program enabling participants to obtain discounts on goods and services through use of a discount membership card		

U.S. Registration No.	3713474	Application Date	06/23/2006
Registration Date	11/17/2009	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK COLLECTION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/07/29 First Use In Commerce: 2008/07/29 retail store services and on-line retail store services featuring a wide variety of goods, such as, photographs, books, clothing, jewelry, key chains, pins, ornaments, namely, seasonal and holiday ornaments, magnets, umbrellas, stationery and posters		

U.S. Registration No.	3930027	Application Date	09/16/2008
Registration Date	03/08/2011	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK PALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2008/10/22 First Use In Commerce: 2008/10/22 Children's toys and gifts, namely, plush animals Class 036. First use: First Use: 2008/10/22 First Use In Commerce: 2008/10/22 Charitable fundraising services for restoring, managing, and preserving Central Park		

U.S. Application No.	77571057	Application Date	09/16/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CENTRAL PARK PALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: Providing on-line educational materials for children in the field of education about animals and nature and providing curriculum activities, namely, guided tours of historical park area and displays		

U.S. Application No.	77571113	Application Date	09/16/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CENTRAL PARK GREEN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 008. First use: Landscaping and gardening tools, namely, trowels, shears, edgers, rakes and shovels

U.S. Application No.	77571124	Application Date	09/16/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CENTRAL PARK ADIRONDACK FURNITURE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 020. First use: Wood and metal furniture, namely, chairs, tables and benches Class 021. First use: Picnic baskets made of wicker, wood, cloth; fitted picnic baskets Class 024. First use: Picnic blankets for outdoor use

U.S. Application No.	77655764	Application Date	01/23/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CENTRAL PARK OUTDOOR FURNITURE
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Design Mark	<b>CENTRAL PARK OUTDOOR FURNITURE</b>
Description of Mark	NONE
Goods/Services	Class 018. First use: Umbrellas Class 020. First use: Outdoor wood and metal furniture, namely, chairs, tables and benches Class 021. First use: Picnic accessories, namely, fitted picnic baskets, rattan picnic baskets pre-filled with plates and utensils in the nature of forks, knives, and spoons; picnic coffee sets comprised of coffee mugs, cream and sugar, spoons and vacuum flasks

U.S. Application No.	85545834	Application Date	02/17/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	CENTRAL TO THE PARK
Design Mark	<b>CENTRAL TO THE PARK</b>
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 2009/10/01 First Use In Commerce: 2009/10/01 Jewelry, namely bracelets Class 036. First use: First Use: 2009/10/01 First Use In Commerce: 2009/10/01 Charitable and outreach services, namely, restoring, managing, and preserving the park

Attachments	77789322#TMSN.jpeg ( 1 page )( bytes ) 77789309#TMSN.jpeg ( 1 page )( bytes ) 76653149#TMSN.gif ( 1 page )( bytes ) 78915563#TMSN.jpeg ( 1 page )( bytes ) 77980972#TMSN.jpeg ( 1 page )( bytes )
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	77571057#TMSN.jpeg ( 1 page )( bytes ) 77571113#TMSN.jpeg ( 1 page )( bytes ) 77571124#TMSN.jpeg ( 1 page )( bytes ) 77655764#TMSN.jpeg ( 1 page )( bytes ) 85545834#TMSN.jpeg ( 1 page )( bytes ) Petition for Cancellation Skateboarder.pdf ( 10 pages )(40627 bytes ) Exhibit A.pdf ( 11 pages )(1756558 bytes ) Exhibit B.pdf ( 1 page )(5985 bytes ) Exhibit B Contd.pdf ( 15 pages )(726200 bytes ) Central Park Skateboarder.pdf ( 3 pages )(68089 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 Overnight Courier on this date.

Signature	/Jessica Costa/
Name	Jessica Costa
Date	07/06/2012

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

CENTRAL PARK CONSERVANCY, INC.

Petitioner,

v.

SUSOIX LLC,

Registrant.

Cancellation No. \_\_\_\_\_

Registration No.: 4022850

Filing Date : March 1, 2011

Mark : **CENTRAL PARK  
SKATEBOARDER**

Classes : 035, 041

Registration Date: September 6, 2011

**PETITION FOR CANCELLATION**

Pursuant to the provisions of 15 U.S.C. § 1064(1), Central Park Conservancy, Inc., a New York corporation located at 14 East 60th Street, New York, New York 10022 (“Petitioner”) believes it is and will continue to be damaged by Registration No. 4022850 and hereby petitions to cancel the same.

As grounds for this Petition, it is alleged that:

1. Petitioner currently owns, among others, the federal registrations of the mark “CENTRAL PARK CONSERVANCY” (Reg. Nos. 2261972, 2724447, 3760656, 4053473), on the Principal Register of the United States Patent and Trademark Office. The date of first use in commerce is 1980 and the date of initial registration is July 20, 1999. This mark is registered for assorted goods and services, including:

- a. “desk stands; paper goods, namely, napkins, table cloths, placemats, plates, stationery, greeting cards, wrapping paper and posters” in International Class 016;
- b. “pet accessories, namely, animal leashes and collars” in International Class 018;

- c. “luggage, duffle bags, overnight bags; umbrellas; gym bags; leather goods, namely, knapsacks, wallets and tote bags; and pet accessories, namely, animal carriers, animal leashes, collars, pet cushions, pet bowls, pet clothing and dog clothing” in International Class 018;
- d. “pet accessories, namely, pet feeding and drinking bowls” in International Class 021;
- e. “plastic water bottles sold empty” in International Class 021;
- f. “barware, namely, drinking glasses, mugs, pitchers, seltzer bottles, ice buckets, martini shakers; dinnerware; serving platters; bathroom accessories, namely, soap dishes, soap dispensers, toilet tissue holders, towel bars, towel racks, and cups; ceramic, non-precious metal, glass, and rattan accessories, namely, decorative vases, bottles (sold empty), bowls, urns, candlesticks, serving trays, and baskets” in International Class 021;
- g. “sweat shirts, unisex fleece jackets and women’s fleece jackets” in International Class 025;
- h. “men’s and children’s apparel, namely, T-shirts, sweatsuits, sweaters, hats, caps, jackets, scarves and ties; and women’s apparel, namely, T-shirts, sweatsuits, sweaters, hats, caps, and scarves” in International Class 025;
- i. “construction, repair, maintenance of buildings, bridges, arches, walls and bodies of water; cleaning services, namely, removal of snow, graffiti and garbage from buildings, walks, walkways, and the like; preservation of the historic design, material and fabrication of buildings, bridges, arches and walls” in International Class 037;

- j. “garbage pickup” in International Class 039;
- k. “educational services, namely, conducting classes for teachers on ecology, geology, ornithology and the environment; and conducting classes for children in grades K through 12 on ecology, geology, design, history, ornithology and the environment; conducting classes in professional development, namely, courses in team-building and problem-solving; conducting classes in environmental awareness for families; tour guide services; administrating and conducting training classes for volunteers in the fields of horticulture landscaping and park maintenance; recreational services, namely, providing facilities and instruction for basketball, softball, sports/fitness, rock and wall climbing, and day camps for children and adventure programs, namely, team-building and problem-solving courses for young adults; providing community events featuring a variety of activities, namely, science, history, education and art exhibitions and cultural festivals” in International Class 041; and
- l. “landscape and horticultural services” in International Class 042.

2. Petitioner also has registered or applied for registration of the following marks (collectively, with the CENTRAL PARK CONSERVANCY marks, the “Marks”) on the Principal Register of the United States Patent and Trademark Office:

- a. “CENTRAL PARK SETTEE” (Reg. No. 2006969) for “benches” in International Class 020;
- b. “CENTRAL PARK PERKS” (Reg. No. 3245852) for “administration of a discount program enabling participants to obtain discounts on goods and services through use of a discount membership card” in International Class 035;

- c. “CENTRAL PARK COLLECTION” (Reg. No. 3713474) for “retail store services and on-line retail store services featuring a wide variety of goods, such as, photographs, books, clothing, jewelry, key chains, pins, ornaments, namely, seasonal and holiday ornaments, magnets, umbrellas, stationery and posters” in International Class 035;
- d. “CENTRAL PARK PALS” (Reg. No. 3930027) for “children’s toys and gifts, namely, plush animals” in International Class 028 and for “charitable fundraising services for restoring, managing, and preserving Central Park” in International Class 036;
- e. “CENTRAL PARK PALS” (Serial No. 77/571,057) for “providing on-line educational materials for children in the field of education about animals and nature and providing curriculum activities, namely, guided tours of historical park area and displays” in International Class 041;
- f. “CENTRAL PARK GREEN” (Serial No. 77/571,113) for “landscaping and gardening tools, namely, trowels, shears, edgers, rakes and shovels” in International Class 008;
- g. “CENTRAL PARK ADIRONDACK FURNITURE” (Serial No. 77/571,124) for “wood and metal furniture, namely, chairs, tables and benches” in International Class 020, for “picnic baskets made of wicker, wood, cloth; fitted picnic baskets” in International Class 021 and for “picnic blankets for outdoor use” in International Class 024;
- h. “CENTRAL PARK OUTDOOR FURNITURE” (Serial No. 77/655,764) for “umbrellas” in International Class 018, for “outdoor wood and metal furniture,

namely, chairs, tables and benches” in International Class 020 and for “picnic accessories, namely, fitted picnic baskets, rattan picnic baskets pre-filled with plates and utensils in the nature of forks, knives, and spoons; picnic coffee sets comprised of coffee mugs, cream and sugar, spoons and vacuum flasks” in International Class 021; and

- i. “CENTRAL TO THE PARK” (Serial No. 85/545,834) for “jewelry, namely bracelets” in International Class 014 and for “charitable and outreach services, namely restoring, managing, and preserving the park” in International Class 036.
3. Copies of Petitioner’s certificates of registration for the above-referenced registered Marks are attached as Exhibit A.
4. Based on its prior, continuous use of the Marks to identify the Petitioner’s goods and services, Petitioner has acquired prior trademark rights in the Marks.
5. Petitioner’s registered Marks are valid and subsisting and constitute *prima facie* evidence of Petitioner’s exclusive rights to use the Marks in commerce. Petitioner has used the Marks continuously for items identified in the registrations annexed as Exhibit A.
6. Petitioner’s use of the Marks has been continuous since the dates of first use and has not been abandoned.
7. Petitioner is a private, not-for-profit organization that manages Central Park, located in New York, New York, under a contract with the New York City Department of Parks and Recreation. Petitioner is well-known as the organization in charge of maintaining Central Park.
8. As the official manager of Central Park, Petitioner is responsible for day-to-day maintenance and operation of Central Park and employs ninety percent of its maintenance

operation staff. Petitioner currently provides eighty-five percent of Central Park's expense budget through its fundraising and investment revenue.

9. Through a substantial amount of time and effort in advertising, promotion and fundraising efforts by Petitioner, the excellence of the goods and services provided in connection with its Marks, and the unsolicited media attention accorded to the Marks, the Marks have become famous trademarks, and are widely recognized by the relevant consuming public so as to create enormous goodwill in the Marks inuring to the benefit of the Petitioner.

10. Petitioner's Marks and the map of Central Park are currently used on numerous goods, including, but not limited to, jewelry, ties, scarves, t-shirts, umbrellas, posters, beach towels, tote bags, hats, water bottles, coffee sets and mugs. Screenshots of offerings for these products are attached as Exhibit B.

11. Susoix LLC ("Registrant") is the record owner of Registration Number 4022850, as shown in Exhibit C ("Registrant's Mark"), on the Principal Register of the United States Patent and Trademark Office. Registrant obtained registration of the mark on September 6, 2011 for "on-line wholesale and retail store services featuring apparel and sports equipment related to skateboarding, longboarding, cycling, and other endurance sports" in International Class 035, and for "personal coaching services in the field of skateboarding, longboarding, cycling, and other endurance sports" in International Class 041 pursuant to Section 1(a) of the Trademark Act. Registrant has claimed that its first use of the mark in commerce commenced on March 1, 2011.

12. Registrant's Mark consists of the words "CENTRAL PARK SKATEBOARDER" as well as a "skateboard shaped map of 'Central Park' in New York City" that includes "a blue

lake [and] a variety of white lines roughly corresponding to the roads and paths in ‘Central Park’.” See Exhibit C.

13. Petitioner believes that it is and is likely to continue to be damaged and injured by the continued existence of Registrant’s Mark on at least the following grounds:

FIRST GROUND FOR CANCELLATION

14. Registrant’s Mark, as used on or in connection with Registrant’s identified goods and services, is geographically deceptive and primarily geographically deceptively misdescriptive within the meaning of Section 2(a), (e)(3) of the Lanham Act, 15 U.S.C. § 1052(a), (e)(3), for lack of the requisite nexus with Central Park located in New York, New York, and, therefore, registration of the mark must be cancelled.

15. The words “CENTRAL PARK” primarily refers to Central Park, located in New York, New York.

16. The primary significance of the Registrant’s Mark “CENTRAL PARK SKATEBOARDER” is a generally known geographic location, Central Park, New York, New York.

17. The addition of the word “Skateboarder” does not alter the primary geographic significance of Registrant’s Mark.

18. Moreover, Registrant’s Mark further promotes the association with Central Park located in New York, New York by using a map of Central Park as the basis of its design.

19. Registrant’s Mark denotes and will continue to be understood by consumers as denoting that the goods and services bearing the mark are manufactured by or offered by the Petitioner or the City of New York.

20. Registrant's goods and services do not originate from Central Park, New York, New York.

21. The consuming public is likely to believe that the place identified by the Registrant's Mark, Central Park, describes Registrant's goods and services, and their geographic origin, where the goods and services in fact have no connection with Central Park, New York, New York.

22. Consumers' mistaken belief that Registrant's goods or services originate from Central Park would be a material factor in such consumers' purchasing decision.

#### SECOND GROUND FOR CANCELLATION

23. Registrant's Mark should be cancelled because Registrant's Mark "CENTRAL PARK SKATEBOARDER" is highly similar to Petitioner's Marks.

24. Registrant's use of its mark is causing and will continue to cause injury to Petitioner's Marks, as such use will inevitably cause confusion and mistake and deceive the public into believing that Registrant's goods and services are affiliated with, sponsored by, or approved by Petitioner, and that such goods and services emanate from the same source, and/or that Registrant is in some other fashion connected with Petitioner.

25. In addition, the goods and services cited by Registrant in its registration overlap with the goods and services provided by Petitioner and also overlap into the zone of natural expansion for Petitioner's Marks. In view of the similarity of the respective marks and the goods and services of the respective parties, Registrant's Mark so resembles Petitioner's Mark as to be likely to cause confusion, or to cause mistake, or to deceive within § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d). Petitioner will therefore be damaged by the continued existence of Registrant's Mark.

26. Petitioner's Mark has senior rights due to its priority use date of 1980.

THIRD GROUND FOR CANCELLATION

27. Registrant's Mark should be cancelled because Registrant's Mark "CENTRAL PARK SKATEBOARDER" falsely suggests a connection with an institution, here, the Petitioner.

28. Such false connection with an institution is prohibited under Section 2(a) of the Lanham Act, 15 § 1052(a).

29. Petitioner is an institution within the meaning of Section 2(a).

30. Registrant's Mark falsely suggests a connection to the Petitioner.

31. In view of the above allegations, Registrant is not entitled to exclusive use – or, indeed, any use – of said mark in commerce in connection with the goods and services specified.

32. This Petition for Cancellation is being submitted with the requisite \$300.00 fee per class of goods and/or services at issue.

WHEREFORE, Petitioner respectfully requests that this Petition for Cancellation be sustained and granted in favor of Petitioner and that Registration No. 4022850 be cancelled and removed from the Principal Register.

Respectfully Submitted,

Dated: July 6, 2012

By: /s/ Randi W. Singer

WEIL, GOTSHAL & MANGES LLP  
Randi W. Singer  
Jessica L. Costa  
767 Fifth Avenue  
New York, NY 10153  
Tel: (212) 310-8000  
Fax: (212) 310-8007  
*Attorneys for Petitioner Central Park Conservancy, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the Petition for Cancellation was sent by federal express to the following on July 6, 2012:

Susoix LLC  
85 Eighth Avenue, Apt. #5B  
New York, New York 10011

Stuart C. Gillespie  
1804 Pine St., Apt. 1  
Boulder, CO 80302-4378

Stuart Gillespie  
215 Walter St. NE  
Albuquerque, New Mexico 87102

/s/ Jessica L. Costa

# EXHIBIT A

Int. Cls.: 37, 39, 41 and 42

Prior U.S. Cls.: 100, 101, 103, 105, 106 and 107

Reg. No. 2,261,972

**United States Patent and Trademark Office**

Registered July 20, 1999

**SERVICE MARK  
PRINCIPAL REGISTER**

**CENTRAL PARK CONSERVANCY**

CENTRAL PARK CONSERVANCY, INC. (NEW YORK CORPORATION)  
14 EAST 60TH STREET  
NEW YORK, NY 10022

FOR: CONSTRUCTION, REPAIR, MAINTENANCE OF BUILDINGS, BRIDGES, ARCHES, WALLS AND BODIES OF WATER; CLEANING SERVICES, NAMELY, REMOVAL OF SNOW, GRAFFITI AND GARBAGE FROM BUILDINGS, WALKS, WALKWAYS, AND THE LIKE; PRESERVATION OF THE HISTORIC DESIGN, MATERIAL AND FABRICATION OF BUILDINGS, BRIDGES, ARCHES AND WALLS, IN CLASS 37 (U.S. CLS. 100, 103 AND 106).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

FOR: GARBAGE PICKUP, IN CLASS 39 (U.S. CLS. 100 AND 105).

FIRST USE 0-0-1980; IN COMMERCE 4-0-1983.

FOR: EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES FOR TEACHERS ON ECOLOGY, GEOLOGY, ORNITHOLOGY AND THE ENVIRONMENT; AND CONDUCTING CLASSES FOR CHILDREN IN GRADES K THROUGH 12 ON ECOLOGY, GEOLOGY, DESIGN, HISTORY, ORNITHOLOGY AND THE ENVIRONMENT; CONDUCTING CLASSES IN PROFESSIONAL DEVELOPMENT, NAMELY, COURSES IN TEAM-BUILDING AND PROBLEM-SOLVING; CONDUCTING CLASSES IN ENVIRONMENTAL AWARENESS FOR FAMI-

LIES; TOUR GUIDE SERVICES; ADMINISTERING AND CONDUCTING TRAINING CLASSES FOR VOLUNTEERS IN THE FIELDS OF HORTICULTURE LANDSCAPING AND PARK MAINTENANCE; RECREATIONAL SERVICES, NAMELY, PROVIDING FACILITIES AND INSTRUCTION FOR BASKETBALL, SOFTBALL, SPORTS/FITNESS, ROCK AND WALL CLIMBING, AND DAY CAMPS FOR CHILDREN AND ADVENTURE PROGRAMS, NAMELY, TEAM-BUILDING AND PROBLEM-SOLVING COURSES FOR YOUNG ADULTS; PROVIDING COMMUNITY EVENTS FEATURING A VARIETY OF ACTIVITIES, NAMELY, SCIENCE, HISTORY, EDUCATION AND ART EXHIBITIONS AND CULTURAL FESTIVALS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 5-0-1983; IN COMMERCE 5-0-1983.

FOR: LANDSCAPE AND HORTICULTURAL SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1980; IN COMMERCE 4-0-1980.

OWNER OF U.S. REG. NO. 2,006,969.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CONSERVANCY", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 75-300,974, FILED 5-30-1997.

JOHN E. MICHOS, EXAMINING ATTORNEY

Int. Cls.: 16, 18, 21, and 25

Prior U.S. Cls.: 1, 2, 3, 5, 13, 22, 23, 29, 30, 33, 37, 38,  
39, 40, 41, and 50

Reg. No. 2,724,447

United States Patent and Trademark Office

Registered June 10, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**CENTRAL PARK CONSERVANCY**

CENTRAL PARK CONSERVANCY, INC. (NEW  
YORK CORPORATION)  
14 EAST 60TH STREET  
CENTRAL PARK  
NEW YORK, NY 10022

FOR: DESK STANDS; PAPER GOODS, NAMELY,  
NAPKINS, TABLE CLOTHS, PLACEMATS, PLATES,  
STATIONERY, GREETING CARDS, WRAPPING  
PAPER AND POSTERS, IN CLASS 16 (U.S. CLS. 2, 5,  
22, 23, 29, 37, 38 AND 50).

FIRST USE 1-0-1980; IN COMMERCE 1-0-1995.

FOR: LUGGAGE, DUFFLE BAGS, OVERNIGHT  
BAGS; UMBRELLAS; GYM BAGS; LEATHER  
GOODS, NAMELY, KNAPSACKS, WALLETS AND  
TOTE BAGS; AND PET ACCESSORIES, NAMELY,  
ANIMAL CARRIERS, ANIMAL LEASHES, COL-  
LARS, PET CUSHIONS, PET BOWLS, PET CLOTH-  
ING AND DOG CLOTHING, IN CLASS 18 (U.S. CLS.  
1, 2, 3, 22 AND 41).

FIRST USE 1-0-1980; IN COMMERCE 1-0-1995.

FOR: BARWARE, NAMELY, DRINKING GLAS-  
SES, MUGS, PITCHERS, SELTZER BOTTLES, ICE  
BUCKETS, MARTINI SHAKERS; DINNERWARE;

SERVING PLATTERS; BATHROOM ACCESSORIES,  
NAMELY, SOAP DISHES, SOAP DISPENSERS, TOI-  
LET TISSUE HOLDERS, TOWEL BARS, TOWEL  
RACKS, AND CUPS; CERAMIC, NON-PRECIOUS  
METAL, GLASS, AND RATTAN ACCESSORIES,  
NAMELY, DECORATIVE VASES, BOTTLES (SOLD  
EMPTY), BOWLS, URNS, CANDLESTICKS, SER-  
VING TRAYS, AND BASKETS, IN CLASS 21 (U.S.  
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-0-1980; IN COMMERCE 1-0-1995.

FOR: MEN'S AND CHILDREN'S APPAREL,  
NAMELY, T-SHIRTS, SWEATSUITS, SWEATERS,  
HATS, CAPS, JACKETS, SCARVES AND TIES; AND  
WOMEN'S APPAREL, NAMELY, T-SHIRTS,  
SWEATSUITS, SWEATERS, HATS, CAPS, AND  
SCARVES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-0-1980; IN COMMERCE 1-0-1995.

OWNER OF U.S. REG. NO. 2,006,969.

SN 75-300,973, FILED 5-30-1997.

JOHN E. MICHOS, EXAMINING ATTORNEY

# United States of America

## United States Patent and Trademark Office

CENTRAL PARK CONSERVANCY

**Reg. No. 3,760,656** CENTRAL PARK CONSERVANCY, INC. (NEW YORK CORPORATION)  
Registered Mar. 16, 2010 14 EAST 60TH STREET  
NEW YORK, NY 10022

**Int. Cls.: 21 and 25** FOR: PLASTIC WATER BOTTLES SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

**TRADEMARK** FIRST USE 6-29-2007; IN COMMERCE 6-29-2007.  
**PRINCIPAL REGISTER**

FOR: SWEAT SHIRTS, UNISEX FLEECE JACKETS AND WOMEN'S FLEECE JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-3-2007; IN COMMERCE 9-3-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-789,322, FILED 7-24-2009.

JANICE KIM, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## CENTRAL PARK CONSERVANCY

**Reg. No. 4,053,473**

CENTRAL PARK CONSERVANCY, INC. (NEW YORK CORPORATION)  
14 EAST 60TH STREET  
NEW YORK, NY 10022

**Registered Nov. 8, 2011**

**Int. Cls.: 18 and 21**

FOR: PET ACCESSORIES, NAMELY, ANIMAL LEASHES AND COLLARS, IN CLASS 18  
(U.S. CLS. 1, 2, 3, 22 AND 41).

**TRADEMARK**

FIRST USE 9-9-2009; IN COMMERCE 9-9-2009.

**PRINCIPAL REGISTER**

FOR: PET ACCESSORIES, NAMELY, PET FEEDING AND DRINKING BOWLS, IN CLASS  
21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 10-17-2008; IN COMMERCE 10-17-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-  
TICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-789,309, FILED 7-24-2009.

JANICE KIM, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

**United States Patent and Trademark Office**

Reg. No. 2,006,969

Registered Oct. 8, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**CENTRAL PARK SETTEE**

CENTRAL PARK CONSERVANCY, INC. (NEW  
YORK CORPORATION)  
THE ARSENAL  
CENTRAL PARK  
NEW YORK, NY 10021

FIRST USE 1-19-1995; IN COMMERCE  
1-19-1995.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "SETTEE" , APART FROM  
THE MARK AS SHOWN.

FOR: BENCHES, IN CLASS 20 (U.S. CLS. 2, 13,  
22, 25, 32 AND 50).

SN 74-606,543, FILED 12-2-1994.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

Int. Cl.: 20

Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

**United States Patent and Trademark Office**

Reg. No. 2,006,969

Registered Oct. 8, 1996

**TRADEMARK  
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**CENTRAL PARK SETTEE**

CENTRAL PARK CONSERVANCY, INC. (NEW  
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THE MARK AS SHOWN.

SN 74-606,543, FILED 12-2-1994.

FOR: BENCHES, IN CLASS 20 (U.S. CLS. 2, 13,  
22, 25, 32 AND 50).

JESSIE B. BILLINGS, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,245,852**

**Registered May 29, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

## **CENTRAL PARK PERKS**

CENTRAL PARK CONSERVANCY, INC (NEW  
YORK CORPORATION)  
14 EAST 60TH STREET  
NEW YORK, NY 10022

FOR: ADMINISTRATION OF A DISCOUNT PRO-  
GRAM ENABLING PARTICIPANTS TO OBTAIN  
DISCOUNTS ON GOODS AND SERVICES  
THROUGH USE OF A DISCOUNT MEMBERSHIP  
CARD, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 10-0-2005; IN COMMERCE 10-0-2005.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CENTRAL PARK", APART FROM  
THE MARK AS SHOWN.

SER. NO. 76-653,149, FILED 1-9-2006.

ASMAT KHAN, EXAMINING ATTORNEY

# United States of America

United States Patent and Trademark Office

## CENTRAL PARK COLLECTION

**Reg. No. 3,713,474** CENTRAL PARK CONSERVANCY, INC (NEW YORK CORPORATION)  
Registered Nov. 17, 2009 14 EAST 60TH STREET  
NEW YORK, NY 10022

**Int. Cl.: 35** FOR: RETAIL STORE SERVICES AND ON-LINE RETAIL STORE SERVICES FEATURING A WIDE VARIETY OF GOODS, SUCH AS, PHOTOGRAPHS, BOOKS, CLOTHING, JEWELRY, KEY CHAINS, PINS, ORNAMENTS, NAMELY, SEASONAL AND HOLIDAY ORNAMENTS, SERVICE MARK MAGNETS, UMBRELLAS, STATIONERY AND POSTERS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).  
PRINCIPAL REGISTER

FIRST USE 7-29-2008; IN COMMERCE 7-29-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLLECTION", APART FROM THE MARK AS SHOWN.

SN 78-915,563, FILED 6-23-2006.

RENEE SERVANCE, EXAMINING ATTORNEY



*David J. Kyfos*

Director of the United States Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## CENTRAL PARK PALS

**Reg. No. 3,930,027**

CENTRAL PARK CONSERVANCY, INC (NEW YORK CORPORATION)  
14 EAST 60TH STREET  
NEW YORK, NY 10022

**Registered Mar. 8, 2011**

**Int. Cls.: 28 and 36**

FOR: CHILDREN'S TOYS AND GIFTS, NAMELY, PLUSH ANIMALS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

**TRADEMARK**

FIRST USE 10-22-2008; IN COMMERCE 10-22-2008.

**SERVICE MARK**

FOR: CHARITABLE FUNDRAISING SERVICES FOR RESTORING, MANAGING, AND PRESERVING CENTRAL PARK, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

**PRINCIPAL REGISTER**

FIRST USE 10-22-2008; IN COMMERCE 10-22-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SEC. 2(F) AS TO "CENTRAL PARK" FOR THE SERVICES IN CLASS 36 ONLY.

OWNER OF U.S. REG. NOS. 2,006,969, 2,261,972, AND 2,724,447.

SN 77-980,972, FILED 9-16-2008.

ELLEN BURNS, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

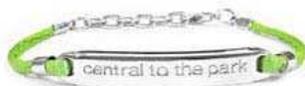
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**Central To The Park Bracelet**



This beautiful bracelet features a bright green band and has the inscription "central to the park". The bracelet plate is stainless steel and comes with a fabric band. The chain and clasp are adjustable to fit most adult wrists. Please note: this bracelet is not a toy and is not intended for children five years old and younger.

**Purchase this item**

**Price:** \$12.99

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**Bethesda Lapel Pin/Tie Tack**



**Imagine watch**



**Minton Tile Earrings-Blue & Silver**



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## Central Park Map Tie



The Central Park Map Tie is a map print of some of the most iconic locations featured in the design, including the Terrace, Belvedere Castle, and the Pond. The tie measures approximately 58 inches in length.

# Donate

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**Central Park Map  
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**Central Park Map Scarf**



Our beautiful map scarf is made of 100% silk and features a map print of all of Central Park. The design features the locations of many of the most popular areas of Central Park including Bow Bridge, Bethesda Terrace, Conservatory Water, the Great Lawn and many more. The scarf measures approximately 11.5" x 55".

# Donate

It's easy to help us keep Central Park clean and green.

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**Purchase this item**

**Price:** \$55.99

\* **Quantity:**

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**Central To The Park  
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**Central Park Map S/S T-Shirt White**



White, 100% heavyweight ultra cotton short sleeve unisex t-shirt with multi-colored 'Map of Central Park' design on front and Central Park Conservancy logo on back.

**Purchase this item**

**Price:** \$20.00

\* **Quantity:**

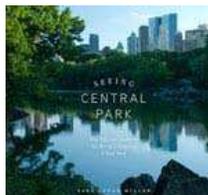
\* **Size**

This item can only be shipped within the United States.

You might also consider:



**Central Park Map S/S T-Shirt Tan**



**Seeing Central Park: The Official Guide to the World's Greatest Urban Park**



**Central Park "1858" Navy Hoodie Sweatshirt**



**City Map Baseball**



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**Central Park Map Folding Umbrella**



Our Central Park Map Folding Umbrella is perfect for a rainy day in the Park or anywhere! This colorful stick umbrella features automatic open, a steel frame, a plastic rubberized handle, and a colorful map featuring many of the highlights of Central Park. The folded length of the umbrella is 12", with an arc of 43" when opened.

**Purchase this item**

**Price:** \$25.99

**\* Quantity:**

This item can only be shipped within the United States.

You might also consider:



**Central Park Map Umbrella**



**Seeing Central Park: The Official Guide to the World's Greatest Urban Park**



**Central Park Map S/S T-Shirt White**



**Central Park Map**



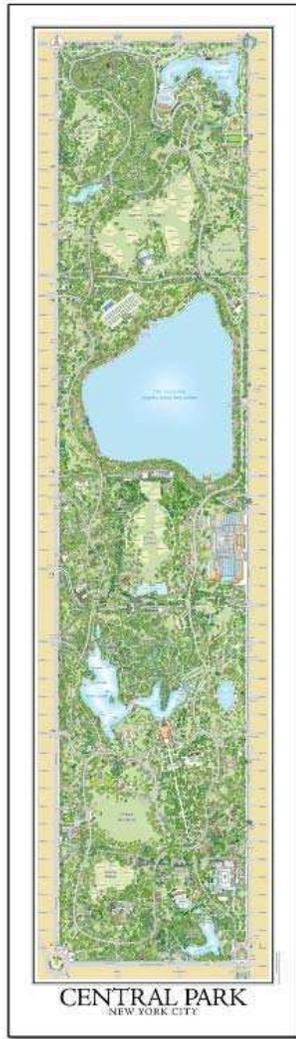
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**Central Park Entire: The Definitive Illustrated Poster**



"Central Park Entire, The Definitive Illustrated Poster" is a lavishly illustrated, comprehensive tree and trail map of Central Park. The poster accurately locates and identifies the species of over 19,600 trees in the Park. In addition, it shows all paved paths and woodland trails, all water bodies, all major rock formations as well as depictions of all the Park's architectural features. The poster is available unmatted and rolled for easy shipping. Dimensions are 17" x 59" (43.2 x 149.9cm) and each poster comes with a separate, full-color Tree Legend to help identify the more than 170 individual tree species found on the map.

# Donate

It's easy to help us keep Central Park clean and green.

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**Price:** \$35.00

**\* Quantity:**

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**Park Mark beach towel**  
 This beautiful 100% cotton beach towel is perfect for enjoying the sunshine, or for a picnic in the Park. The towel is full size (29" by 60") and features the Conservancy's Park Mark.

**\$22.00**

Quantity:

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**CPC Songbird Tote Bag**



The songbird tote offers plenty of room for carrying your supplies for a day in the Park.

Made of 5 oz. cotton and measuring 15" x 14.5" x 1", the tote features 27" handles with the imprint "reusable is something to sing about".

**Purchase this item**

**Price:** \$8.99

\* **Quantity:**

**Select item**  CPC Songbird tote Bags-012

This item can only be shipped within the United States.

You might also consider:



**Minton Tile Earrings-**  
Silver or Gold



**Central To The Park**  
Bracelet



**Central Park Map**  
Umbrella



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**CPC Logo Hat**



Our brushed cotton cap features the Central Park Conservancy logo embroidered across the front, and the phrase "Central to the Park" on the back. The caps are available in tan or grey and have an adjustable band with a brass clasp.

**Purchase this item**

**Price:** \$20.00

\* **Quantity:**

\* **Select item** [Tan CPC hat - Hats-025](#)

*These options are not currently available:*  
[Grey CPC hat - Hats-026](#)

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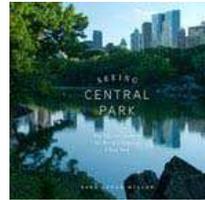
You might also consider:



[Central Park "1858" Hat](#)



[Imagine Mosaic Hat](#)



[Seeing Central Park: The Official Guide to the World's Greatest Urban Park](#)



[Central Park Map Umbrella](#)



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**CPC 25 oz steel water bottle**



Our 25 oz stainless steel water bottle is perfect for excursions into the Park. The bottle is made of 18/8 stainless steel and is BPA free. It holds 25.4 fluid ounces (750 ml) and features the Conservancy's new "Park Mark" design.

*Click on image to view larger*

**Purchase this item**

**Price:** \$12.99

\* **Quantity:**

**Select item**

Water bottle Misc-039

This item can only be shipped within the United States.

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You might also consider:



**CPC 36 oz water bottle**



**Imagine Cotton Throw Blanket**



**Seeing Central Park: The Official Guide to the World's Greatest Urban Park**



**Imagine Mosaic Mug**



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**CPC Coffee Set**



The CPC Coffee Set is the perfect take-along for walks in the Park. It includes a brushed stainless steel 0.75 liter vacuum flask and two travel mugs with lids, a cream/sugar container and two spoons in a handsome case.

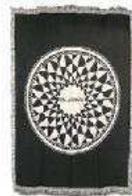
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**Price:** \$64.99

\* **Quantity:**

This item can only be shipped within the United States.

You might also consider:



[Imagine Cotton Throw Blanket](#)



[Central Park: An American Masterpiece](#)



[Central Park "1961" Poster](#)



[Central Park "1858" Navy Hoodie Sweatshirt](#)





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**Central Park Conservancy Logo Mug**



This white 11-ounce mug features the Central Park Conservancy logo on the front of the mug and the address for the Conservancy's website on the back.

**Purchase this item**

**Price:** \$10.00

\* **Quantity:**

**Select Item**  CPC logo mug, MUGS-007

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# EXHIBIT C



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**Word Mark** CENTRAL PARK SKATEBOARDER  
**Goods and Services** IC 035. US 100 101 102. G & S: On-line wholesale and retail store services featuring apparel and sports equipment related to skateboarding, longboarding, cycling, and other endurance sports. FIRST USE: 20110301. FIRST USE IN COMMERCE: 20110301  
 IC 041. US 100 101 107. G & S: Personal coaching services in the field of skateboarding, longboarding, cycling, and other endurance sports. FIRST USE: 20110301. FIRST USE IN COMMERCE: 20110301  
**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
**Design Search Code** 05.13.03 - Grasses  
 06.03.04 - Lakes; Ponds  
 07.11.11 - Highways without lines or dividers; intersections (roads) without lines or dividers; Roads without lines or dividers; Streets without lines or dividers  
 14.03.02 - Bolts; Fasteners, bolts; Fasteners, nails; Fasteners, screws; Nails (hardware); Nuts (hardware); Rivets; Screws; Tacks, thumb; Thumbtacks  
 21.03.14 - Amusement park rides; Amusement parks; Carousels; Ferris wheels; Merry-go-rounds; Parks, amusement; Rides, amusement park; Roller coasters  
 21.03.26 - Skateboards  
**Serial Number** 85255147  
**Filing Date** March 1, 2011  
**Current Basis** 1A  
**Original Filing Basis** 1A

**Published for Opposition** June 21, 2011  
**Registration Number** 4022850  
**Registration Date** September 6, 2011  
**Owner** (REGISTRANT) SUSOIX LLC LIMITED LIABILITY COMPANY DELAWARE 85 8th Avenue Apt. # 5B  
New York NEW YORK 10011  
**Attorney of Record** Stuart C. Gillespie  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SKATEBOARDER" IN CLASS 35 OR  
"CENTRAL PARK SKATEBOARDER" IN CLASS 41 APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) green, blue, black and white is/are claimed as a feature of the mark. The mark consists  
of the wording "Central Park Skateboarder" in black under which there is a skateboard shaped map  
of "Central Park" in New York City that is predominantly green but includes a blue lake, a variety of  
white lines roughly corresponding to the roads and paths in "Central Park", and six holes at each side  
of the image that correspond with the screw holes for the trucks on a typical skateboard, all outlined  
in black.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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