

ESTTA Tracking number: **ESTTA577154**

Filing date: **12/17/2013**

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	Ms. Staci Slater		
Entity	Individual	Citizenship	UNITED STATES
Address	7336 Santa Monica Blvd. Suite 699 Los Angeles, CA 90046 UNITED STATES		

Correspondence information	Lindy Herman, Esq. Fish & Associates, PC 2603 Main Street Suite 1000 Irvine, CA 92614 UNITED STATES lherman@fishiplaw.com, vwarren@fishiplaw.com		
----------------------------	---	--	--

Registrations Subject to Cancellation

Registration No	3874987	Registration date	11/09/2010
Registrant	Talenthouse, Inc. 542 High Street Palo Alto, CA 94301 GERMANY		

Goods/Services Subject to Cancellation

Class 041. First Use: 2008/08/30 First Use In Commerce: 2008/08/30 All goods and services in the class are cancelled, namely: Entertainment services, namely, providing a web site featuring musical performances, musical videos, film clips, photographs and related multi media content in the nature of drama, comedy, performance, fashion, art, culture, news in the field of current events, and documentary
--

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	4161535	Registration date	06/19/2012
Registrant	Talenthouse, Inc. 542 High Street Palo Alto, CA 94301 GERMANY		

Goods/Services Subject to Cancellation

Class 035. First Use: 2008/08/30 First Use In Commerce: 2008/08/30 All goods and services in the class are cancelled, namely: Advertising and information distribution services, namely, providing classified advertising space via the internet; promoting the goods and services of others over the internet; providing online computer databases and online searchable databases featuring advertising
--

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85669692	Application Date	07/05/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE TALENT HOUSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1988/03/01 First Use In Commerce: 1988/03/01 Management of performing and recording artists		

Attachments	85669692#TMSN.jpeg(bytes) Slater Petition.pdf(219568 bytes)
-------------	---

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	/s/ Lindy Herman for Staci Slater
Name	Ms. Staci Slater
Date	12/17/2013

FISH & ASSOCIATES, PC
Mei Tsang (CA Bar: 237959)
mtsang@fishiplaw.com
Lindy M. Herman, Esq. (CA Bar: 247017)
lherman@fishiplaw.com
2603 Main Street, Suite 1000
Irvine, CA 92614-4271
Tel: (949) 943-8300 | Fax: (949) 943-8358

Attorney for Petitioner, Staci Slater

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

In re the matter of:

Trademark Registration Nos:
3,874,987 and 4,161,535

For the Mark:
TALENTHOUSE

Staci Slater, an individual,

Petitioner

v.

Talenthous, Inc., a Delaware corporation,

Respondent

Proceeding No.:

PETITION TO CANCEL

Petitioner, Ms. Staci Slater hereby submits this Petition to Cancel U.S. Trademark Registration Nos. 3,874,987 and 4,161,535 both for the marks TALENTHOUSE, respectively, based on 15 U.S.C. § 1052(D) (Trademark Act § 2(D)) as follows:

1. Petitioner, Staci Slater (“Petitioner”), is an individual and is the owner of the trademark THE TALENT HOUSE (“Petitioner’s Mark”), with a place of business at 7336 Santa

Monica Blvd., Suite 699, Los Angeles, CA 90046. Petitioner's Mark is the subject of U.S. Trademark Application Serial No. 85/669,692 (the "Application") for use in association with management of performing and recording artists.

2. Respondent, Talenthouse, Inc. ("Respondent"), is a Delaware corporation that has an address of record of 542 High Street in Palo Alto, California 94301.

3. Respondent is the current owner of the following U.S. Trademark Registrations (hereinafter referred to as the "Registrations" or "Registrant's Marks"):

i. U.S. Registration No. 3,874,987

Mark: TALENTHOUSE

Services: Entertainment services, namely, providing a web site featuring musical performances, musical videos, film clips, photographs and related multi media content in the nature of drama, comedy, performance, fashion, art, culture, news in the field of current events, and documentary.

Owner's address of record is as stated above.

Correspondence Address of Record:

Kathryn M. Wheble
Suite 1200, Four Embarcadero Center
San Francisco, CA 94111

ii. U.S. Registration No. 4,161,535

Mark: TALENTHOUSE

Services: Advertising and information distribution services, namely, providing classified advertising space via the internet; promoting the goods and services of others over the internet; providing online computer databases and online searchable databases featuring advertising, in Class 41.

Owner's address of record is as stated above.

Correspondence Address of Record:

Howard M. Rupp, APLC
1720 Speyer Lane
Redondo Beach, CA 90278

4. Petitioner filed the Application on July 5, 2012. On October 29, 2012, the Examining Attorney assigned to the Application issued an Office Action refusing registration under Section 2(d) of the Trademark Act based on a likelihood of confusion with U.S.

Registration No. 3,874,987; on June 17, 2013 the Examining Attorney issued a Final Office Action maintaining the refusal.

5. Registrant's Marks are highly similar to Petitioner's Mark.
6. The services offered under Registrant's Marks are similar, related, and/or identical to the services offered by Petitioner under Petitioner's Mark.
7. Petitioner and Respondent offer their services under their respective marks to the same and/or similar consumers.
8. Upon information and belief, actual confusion has occurred. A likelihood of confusion exists as to the source of the services offered under Respondent's Marks and the services offered under Petitioner's Mark.
9. Petitioner has used Petitioner's Mark in interstate (and international) commerce in association with management and representation of performing and recording artists and managing recording artists' music portfolios since at least as early as March of 1988. Petitioner is the owner of all common law rights in Petitioner's Mark earned through such use.
10. The Registrations indicate a date of first use of the Registered Marks as August of 2008; therefore, Petitioner has priority of use in Petitioner's Mark.
11. As a consequence of Petitioner's extensive use of Petitioner's Mark, the consuming public has come to recognize, and does recognize, Petitioner's Mark as being used exclusively by Petitioner and associates and identifies such management and representation services offered under Petitioner's Mark as emanating from a single source, namely, Petitioner.
12. The Registered Marks, when used in connection with Respondent's services as identified in the subject Registrations, so resembles Petitioner's previously used Mark in sight, sound and meaning as considered under each of the "du Pont Factors" as set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public concerning an affiliation, connection, association or sponsorship relationship with the source of the services provided

