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Filing date: **12/05/2005**

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

Proceeding	92032958
Party	Plaintiff TANGO CHIX PRODUCTIONS, INC. ,
Correspondence Address	ROBERT B. GOLDEN LACKENBACK SIEGEL LLP ONE CHASE ROAD SCARSDALE, NY 10583
Submission	Motion to Dismiss 2.132
Filer's Name	Jeffrey M. Rollings
Filer's e-mail	jrollings@LSLLP.com, nsaraco@LSLLP.com
Signature	/Jeffrey M. Rollings/
Date	12/05/2005
Attachments	12.05 Motion to Dismiss.pdf (3 pages)

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

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TANGO CHIX PRODUCTIONS, INC.	:	Cancellation No. 92032958
	:	
Petitioner,	:	
	:	
v.	:	
	:	
OLIVE INDUSTRIES, LTD.,	:	
	:	
Registrant.	:	
-----	X	
	:	
OLIVE INDUSTRIES, LTD.,	:	Cancellation No. 92043001
	:	Cancellation No. 92043008
	:	
Petitioner,	:	
	:	
v.	:	
	:	
TANGO CHIX PRODUCTIONS, INC.,	:	
	:	
Registrant.	:	
-----	X	

**REGISTRANT TANGO CHIX PRODUCTIONS, INC.’S MOTION TO DISMISS
PETITIONER OLIVE INDUSTRIES, LTD.’S PETITIONS FOR CANCELLATION
FOR FAILURE TO TAKE TESTIMONY OR OFFER EVIDENCE**

Pursuant to the provisions of § 2.132(a) of Title 37 of the Code of Federal Regulations, Petitioner/Registrant TANGO CHIX PRODUCTIONS, INC. (“Registrant”) hereby moves the Trademark Trial and Appeal Board (this “Board”) for an order dismissing Cancellation Nos. 92043001 and 92043008 (the “Cancellations”), brought by Registrant/Petitioner OLIVE INDUSTRIES, LTD. (“Petitioner”) and currently pending against Registrant, on the grounds that Petitioner’s testimony period has expired and Petitioner has failed to take any testimony or to offer any other evidence in such Cancellations.

I. BACKGROUND AND MOTION

Pursuant to the Board’s current Scheduling Order applicable to the Cancellations, mailed April 25, 2005 (and confirmed by the Board’s subsequent order of May 17, 2005), Petitioner’s 30-day testimony period as plaintiff in each of the Cancellations opened on October 7, 2005, and expired on November 7, 2005. Petitioner has taken no testimony in either of the Cancellations, nor has Petitioner filed a notice of reliance or otherwise offered any evidence in either of the Cancellations.

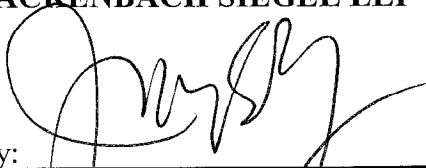
Registrant’s testimony period as defendant in the Cancellations has not opened, and does not open until December 7, 2005. Accordingly, pursuant to 37 C.F.R. § 2.132(a), Registrant is entitled by rule to seek dismissal of the Cancellations for failure to prosecute.

II. CONCLUSION

In accordance with the above, Registrant respectfully requests that the Board issue an order for Petitioner to show cause why the Board should not dismiss the Cancellations, and enter judgment in each of the Cancellations in favor of Registrant.

Respectfully submitted,

LACKENBACH SIEGEL LLP


By: _____

Robert B. Golden
Jeffrey M. Rollings

Attorneys for Tango Chix Productions, Inc.
One Chase Road
Scarsdale, New York 10583

Dated: Westchester, New York
December 5, 2005

CERTIFICATE OF SERVICE

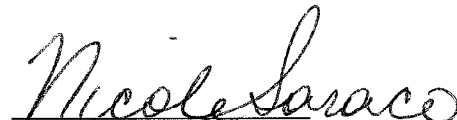
I hereby certify that a true and accurate copy of the enclosed

**REGISTRANT TANGO CHIX PRODUCTIONS, INC.'S MOTION TO DISMISS
PETITIONER OLIVE INDUSTRIES, LTD.'S PETITIONS FOR
CANCELLATION FOR FAILURE
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was served on counsel for Olive Industries, Ltd., this day, by U.S first class mail, postage prepaid, addressed as follows:

Val D. Hornstein
Hornstein Law Offices
20 California St., 7th Floor
San Francisco, CA 94111

Dated: Westchester, New York
December 5, 2005


Nicole Saraco