

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
(re Reg. No. 1,629,630)

Petitioner,

v.

74039264

OLIVE INDUSTRIES LTD.,

Registrant.

OLIVE INDUSTRIES LTD.,

Cancellation No. 92043001
(re Reg. No. 2,807,709), and
Cancellation No. 92043008
(re Reg. No. 2,807,710)

Petitioner,

v.

[AS CONSOLIDATED]

TANGO CHIX PRODUCTIONS, INC.,

Registrant.



12-12-2005

U.S. Patent & TMO/c/TM Mail Rpt Dt. #63

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

Pursuant to the provisions of § 2.132(a) and (c) of Title 37 of the Code of Federal Regulations, Petitioner/Registrant OLIVE INDUSTRIES LTD. ("Olive" or "Registrant") hereby moves the Trademark Trial and Appeal Board (the "Board") for an order dismissing Cancellation No. 92032958 (the "Cancellation"), brought by Registrant/Petitioner Tango Chix Productions Inc. ("Tango Chix" or "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 evidence in such Cancellation.

I. BACKGROUND AND MOTION.

Pursuant to the Board's current Scheduling Order applicable to the Cancellation, 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 the Cancellation opened on August 8,

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2005 and expired on September 8, 2005. Petitioner has taken no testimony, nor has Petitioner filed a notice of reliance or otherwise offered any evidence in the Cancellation.

Accordingly, pursuant to 37 CFR § 2.132(a) and (c), Registrant is entitled by rule to seek dismissal of the Cancellation 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 Cancellation, and enter judgment in the Cancellation in favor of Registrant.

Respectfully submitted,

Dated: December 8, 2005

OLIVE INDUSTRIES LTD.



VAL D. HORNSTEIN
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San Francisco, CA 94111
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CERTIFICATE OF MAILING

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I hereby certify that, on the date set forth below, this correspondence is being deposited with the United States Postal Service, first class postage pre-paid, in an envelope addressed to United States Patent & Trademark Office, Trademark Trial and Appeal Board, PO Box 1451, Alexandria, VA 22313-1451.

Dated: Dec 8, 2005



VAL D. HORNSTEIN

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, a true and correct copy of the foregoing:

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

was mailed first-class mail, postage pre-paid, to attorneys for Tango Chix as follows:

Lackenbach Siegel et. al.
One Chase Road
Scarsdale, NY 10583
Attn: Robert B. Golden, Esq.

Dated: Dec. 8, 2005



Val D. Hornstein
Attorney for Olive Industries Ltd.