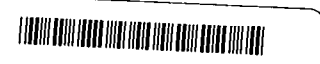


08/14/2003 TSM



07-31-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #22

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

In the Matter of Registration No. 2,236,468
Date of Issue: April 6, 1999

THE HOUSE ON F STREET, LLC)	
)	Cancellation No.
Petitioner,)	
)	
v.)	
)	
TYETANIC, INC.)	
)	
Registrant.)	

PETITION FOR CANCELLATION

The Petitioner, The House on F Street, LLC, a limited liability company of the state of Delaware, having an office and place of business at 1660 West 2nd Street, Suite 800, Cleveland, Ohio 44113, believes it will be damaged by Registration No. 2,236,468, and hereby petitions to cancel the registration.

To the best of Petitioner's knowledge, the last owner of the registration is the Tyetanic, Inc., with a last known address of 101 Greene Street, New York, New York 10012. Tyetanic, Inc. at one time was a Delaware corporation, but it has since become inactive due to a failure to pay taxes. The last known corporate agent for Tyetanic, Inc. is the Prentice Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808.

08/14/2009 17:00

As grounds therefor, it is alleged that:

1. The registration herein opposed is for the mark SPY, in International Class 41 for "entertainment services, namely, live music and performances by musical bands, and exhibitions in the nature of entertainment purposes;" and in International Class 42 for "restaurant services."

2. Petitioner is the owner of the following pending trademark applications: Serial No. 76/117,215, for the mark SPY (and design); Serial No. 76/117,221, for the mark SPY MUSEUM (and design); Serial No. 76/117,222, for the mark SPY (and design); and Serial No. 76/117,236, for the mark SPY MUSEUM (and design). The services for each of these applications is as follows:

Entertainment services, namely, providing casino facilities and indoor amusement complexes featuring interactive video machines and games, both of the foregoing with an intrigue and espionage motif, in International Class 41; and

Hotel Services; providing convention facilities for general purposes, not a space devoted to a single type of activity; restaurant services; and providing nightclub facilities, all of the foregoing with an intrigue and espionage motif, in International Class 42.

3. All of the above trademark applications stand refused registration on the basis on a likelihood of confusion with Registration No. 2,236,468, the registration herein opposed.

4. Tyetanic, Inc., the listed owner of the registration herein opposed, was once a Delaware corporation. The corporate status of Tyetanic, Inc. became void in 2002, because of non-payment of taxes due. Evidence of the current corporate status of Tyetanic, Inc. is attached as Exhibit A.

5. Searches for Tyetanic, Inc., or use of the registered mark by a related entity, failed to uncover Tyetanic, Inc. or related entity using the registered mark.

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6. Therefore, upon information and belief, Registrant has abandoned use of the mark SPY with regard to some or all of the services of the registration.

7. Continued registration of the Registrant's mark SPY is likely to cause irreparable loss, injury and damage to Petitioner's business and to the goodwill thereto as symbolized and recognized by the aforesaid marks and Petitioner's pending applications.

8. In view of the foregoing, Registrant is not entitled to its registration of the mark SPY.

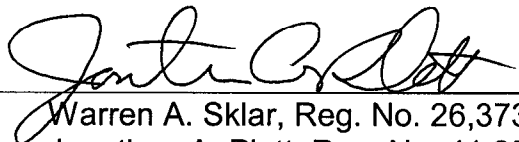
WHEREFORE, Petitioner has been and will be damaged by Registration No. 2,236,468, and petitions for cancellation thereof.

A duplicate Petition for Cancellation is being filed herewith, along with the filing fee required by 37 CFR 2.6(a)(16) for each class.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP


Date: July 29, 2003

By 
Warren A. Sklar, Reg. No. 26,373
Jonathan A. Platt, Reg. No. 41,255
1621 Euclid Avenue, 19th Floor
Cleveland, Ohio 44115-2191
(216) 621-1113
(216) 621-6165 [fax]
Attorneys for Petitioner

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX TTAB FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513.

Dated: July 29, 2003


Jonathan A. Platt

Delaware

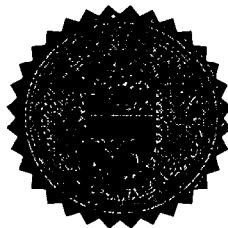
The First State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE CERTIFICATE OF INCORPORATION OF "TYETANIC, INC.", WAS RECEIVED AND FILED IN THIS OFFICE THE FOURTH DAY OF APRIL, A.D. 1994.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION IS NO LONGER IN EXISTENCE AND GOOD STANDING UNDER THE LAWS OF THE STATE OF DELAWARE HAVING BECOME INOPERATIVE AND VOID THE FIRST DAY OF MARCH, A.D. 2002 FOR NON-PAYMENT OF TAXES.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION WAS SO PROCLAIMED IN ACCORDANCE WITH THE PROVISIONS OF GENERAL CORPORATION LAW OF THE STATE OF DELAWARE ON THE TWENTY-FIFTH DAY OF JUNE, A.D. 2002, THE SAME HAVING BEEN REPORTED TO THE GOVERNOR AS HAVING NEGLECTED OR REFUSED TO PAY THEIR ANNUAL TAXES.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

2391502 8400

AUTHENTICATION: 2443003

030300758

DATE: 05-29-03

EXHIBIT A

00714/0002114

TTAB

LAW OFFICES

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EMAIL: MAILROOM@RENNEROTTO.COM



07-31-2003

U.S. Patent & TMOft/TM Mail Rcpt Dt. #22

July 29, 2003

Direct email: jplatt@rennerotto.com

BOX TTAB FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Petition for Cancellation of Reg. No. 2,236,468
The House on F Street, LLC v. Tyetanic, Inc.
Mark: SPY
Our Ref.: MALRG0119

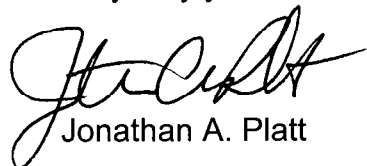
Dear Sir/Madam:

Enclosed is a Petition for Cancellation (in duplicate), for filing with the U.S. Trademark Office, in connection with the above trademark application.

Also enclosed is a check in the amount of \$600.00, in satisfaction of the fee under 37 CFR 2.6(a)(16), for the two referenced International Classes for this registration.

The Commissioner is hereby authorized to charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 18-0988, our order no. MALRZG0119.

Very truly yours,


Jonathan A. Platt

JAP/kh

Enclosure

\\robs-2k\secretary\SEC109\Platt-ja\MALR\malrzc0119.uspto ltr