

ESTTA Tracking number: **ESTTA244050**

Filing date: **10/21/2008**

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

Proceeding	92049916
Party	Defendant FOSTER & KLEISER BILLBOARD COMPANY, INC.
Correspondence Address	FOSTER & KLEISER BILLBOARD COMPANY, INC. 23901 Calabasas Road, Suite 2003 Calabasas, CA 91302-8808 UNITED STATES dgharkavy@yahoo.com
Submission	Other Motions/Papers
Filer's Name	Dennis G. Harkavy
Filer's e-mail	dgharkavy@yahoo.com
Signature	/Dennis G. Harkavy/
Date	10/21/2008
Attachments	Answer to Petition F&K.PDF ( 10 pages )(1801075 bytes )

UNITED STATES PATENT AND  
TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P. O. Box 1451  
Alexandria VA 22313-1451

Emailed: October 21, 2008

Cancellation No. 92049916  
Registration No. 3485914

FOSTER & KLEISER BILLBOARD  
COMPANY, Inc.  
23901 Calabasas Road, Suite 2003  
Calabasas, CA 91302-3303

CLEAR CHANNEL OUTDOOR, INC.

v.

FOSTER & KLEISER BILLBOARD  
COMPANY, INC.

Dennis G. Harkavy  
Law Offices of Dennis G. Harkavy  
Suite 2003  
23901 Calabasas Road  
Calabasas, CA 91302-3303

ANSWER TO PETITION TO CANCEL

Foster & Kleiser Billboard Company, Inc. ("Respondent") having an address as indicated above, opposes the Petition to Cancel on the grounds as hereafter provided:

1. The original Foster & Kleiser company was active in the Southern California area, and a predecessor of Clear Channel Outdoor, Inc. acquired assets from Foster & Kleiser.

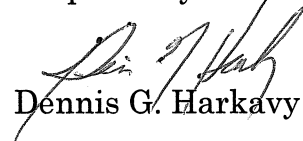
2. Our research did not disclose any evidence of any active company acquiring the name "Foster & Kleiser."

3. Attached are Trademark Research Reports that show that Foster & Kleiser companies have either forfeited their status, or their status has been withdrawn.

4. Our research has not disclosed any public use of the name Foster & Kleiser by Clear Channel Outdoor, Inc. There may have been some internal references to this name by way of internal historical information but, in spite of inquiry, we have not been provided with any information of any public dissemination of the name.

5. It is Respondent's position that the Foster & Kleiser name was previously abandoned, and was available for use by Foster & Kleiser Billboard Company, Inc.

Respectfully submitted,

  
Dennis G. Harkavy

**Comprehensive Trademark Search Report**

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**THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY**

THIS DATA IS FOR INFORMATION PURPOSES ONLY. CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE SACRAMENTO OFFICE OF THE CALIFORNIA SECRETARY OF STATE.

CALIFORNIA SECRETARY OF STATE

**Company Name:** FOSTER & KLEISER CORP.

**Mailing Address:**  
ONE MEADOWLANDS PLAZA  
EAST RUTHERFORD, NJ 07073

**Type:** STATEMENT & DESIGNATION BY FOREIGN CORPORATION

**Status:** FORFEITED

**FTB Status:**  
Suspension Date: 8/1/1995  
Suspension Code: FORFEITED

**Date of Incorporation/Qualification:** 11/19/1982

**State or Country of Incorporation:** DELAWARE

**Registered Agent:** THE PRENTICE-HALL CORPORATION SYSTEM, INC.

**Registered Office:**  
PO BOX 526036  
SACRAMENTO, CA 95852

**Tax Basis:** STOCK

**Corporation Number:** 1127822

**Statement of Officers File Number:** 0523227

**Statement of Officers File Date:** 12/3/1991

**Officers, Directors:**  
STUART SUBOTNICK  
PRESIDENT  
ONE MEADOWLANDS PLAZA  
EAST RUTHERFORD, NJ 07073

**History:**  
File Date: 8/1/1995  
Transaction: FRANCHISE TAX BOARD FORFEITURE

File Date: 4/6/1990  
Transaction: FRANCHISE TAX BOARD REVIVOR

File Date: 2/2/1987  
Transaction: FRANCHISE TAX BOARD FORFEITURE



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**ILLINOIS SECRETARY OF STATE**

**Company Name:** FOSTER & KLEISER CORP.

**Type:** FOREIGN CORPORATION

**Status:** REVOKED

**Duration:** PERPETUAL

**Date of Incorporation/Qualification:** 11/18/1982 (Anniversary Month: NOVEMBER)

**State or Country of Incorporation:** DELAWARE

**Registered Agent:**  
PRENTICE HALL CORPORATION  
Agent Appointed: 2/28/1986

**Registered Office:**  
33 NORTH LASALLE STREET  
CHICAGO, IL 60602-2607  
County: COOK

**Additional Information:** NOT REGULATED BY ILLINOIS COMMERCE COMMISSION

**Corporation Number:** 52907233

**Annual Report:**  
Date Mailed: 9/12/1986  
Delinquency Statement Date: 1/10/1987  
Tax Factor: 1.000000  
Illinois Capital: \$ 1,000

Date Mailed: 9/14/1985  
Date Filed: 11/7/1985  
Tax Factor: 1.000000  
Tax Amount Paid: \$ 25.00

**Stock Information:**  
Change in Capital: 11/18/1982  
Tax Capital: \$ 1,000  
Total Capital: \$ 1,000

Type of Stock: PAR STOCK OLD RECORDS  
Authorized Quantity: 1,000

**Officers, Directors:**  
BERT DART  
PRESIDENT  
1550 W WASHINGTON BLVD LAS ANGELAS CA 90007

REVOKED  
SECRETARY  
04 01 87



**Comprehensive Trademark Search Report**

5/21/2007

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ILLINOIS SECRETARY OF STATE**

**Company Name:** FOSTER & KLEISER, INC.

**Type:** DOMESTIC CORPORATION

**Status:** DISSOLVED

**Duration:** PERPETUAL

**Date of Incorporation/Qualification:** 9/28/1989 (Anniversary Month: SEPTEMBER)

**State or Country of Incorporation:** ILLINOIS

**Purpose:** BUSINESS CORPORATION

**Registered Agent:**

BERNARD L RIVKIN

Agent Appointed: 9/28/1989

**Registered Office:**

180 N LA SALLE ST #2316

CHICAGO, IL 60601

County: COOK

**Additional Information:** NOT REGULATED BY ILLINOIS COMMERCE COMMISSION

**Corporation Number:** 55681678

**Annual Report:**

Date Mailed: 7/14/1990

Delinquency Statement Date: 10/13/1990

Tax Factor: 1.000000

Tax Factor: 1.000000

**Stock Information:**

Change in Capital: 9/28/1989

Tax Capital: \$ 1,000

Total Capital: \$ 1,000

Type of Stock: COMMON

Shares Issued: 1,000.00

Authorized Quantity: 1,000

Voting Rights: YES

**Officers, Directors:**

BERNARD L RIVKIN

PRESIDENT

1800 N LA SALLE ST #2316

CHICAGO, IL 60601

INVOLUNTARY DISSOLUTION

SECRETARY

02 01 91



**Comprehensive Trademark Search Report**

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SOUTH CAROLINA SECRETARY OF STATE**

**Company Name:** FOSTER & KLEISER CORP.  
**Type:** FOREIGN CORPORATION (PROFIT)  
**Status:** FORFEITURE  
**Filing Date:** 11/10/1982  
**State or Country of Incorporation:** DELAWARE  
**Registered Agent:** PRENTICE-HALL CORP  
**Internal Number:** 363012

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**INDIANA SECRETARY OF STATE**

**Company Name: FOSTER AND KLEISER CORPORATI**

**Type: MISCELLANEOUS**

**Status: REVOKED**

**Filing Date: 2/26/1964**

**Inactive Date: 1/1/1970**

**State or Country of Incorporation: INDIANA**

**Internal Number: 194404-037**

**Acts: MISCELLANEOUS**

**History:**

File Date: 1/1/1970  
Effective Date: 1/1/1970  
Transaction: ADMINISTRATIVE DISSOLUTION  
Document Number: 0000000797435

File Date: 2/26/1964  
Effective Date: 2/26/1964  
Transaction: INITIAL FILING  
Document Number: 0000000564973





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**GEORGIA SECRETARY OF STATE**

**Company Name:** FOSTER & KLEISER CORP. (DELAWARE) (WITHDREW 3/5/90)

**Type:** PROFIT CORPORATION

**Status:** WITHDRAWN

**Filing Date:** 11/4/1982

**State or Country of Incorporation:** DE

**Registered Agent:** Secretary of State

**Registered Office:**  
3300 FIRST ATLANTA TOWER  
ATLANTA, GA 30383  
County: Fulton

**Filing Number:** J251683

**Annual Report:**  
Date Due: 9/6/1988

**Officers, Directors:**  
SUBOTNICK, STUART  
CEO  
ONE HARMON PLAZA  
SECAUCUS, NJ 7096

GREENE, KENNETH A.  
CFO  
ONE HARMON PLAZA  
SECAUCUS, NJ 7096

WADLER, ARNOLD L.  
Secretary  
ONE HARMON PLAZA  
SECAUCUS, NJ 7096

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TEXAS SECRETARY OF STATE

**Company Name:** FOSTER & KLEISER CORP.

**Type:** FOREIGN FOR-PROFIT CORPORATION

**Status:** WITHDRAWN

**Filing Date:** 11/10/1982

**Inactive Date:** 2/28/1990

**Duration:** PERPETUAL

**State or Country of Incorporation:** DELAWARE

**Registered Agent:** SERVE SECRETARY OF STATE FOR MAILING TO

**Registered Office:**  
ONE HARMON PLAZA  
SECAUCUS, NJ 07096

**Other Name Information:**  
FOSTER & KLEISER CORP.  
Type: LEGAL  
Status: INACTIVE  
Creation Date: 11/10/1982  
Inactive Date: 2/28/1990

**Filing Number:** 0005655706

**State Taxpayer Number:** 12223639910

**History:**  
File Date: 2/28/1990  
Transaction: CERTIFICATE OF WITHDRAWAL  
Microfilm Number: 00002955206

File Date: 8/31/1987  
Transaction: CHANGE OF REGISTERED AGENT/OFFICE  
Microfilm Number: 00002955204

File Date: 9/13/1984  
Transaction: CHANGE OF REGISTERED AGENT/OFFICE  
Microfilm Number: 00002955203

File Date: 11/10/1982  
Transaction: APPLICATION FOR CERTIFICATE OF AUTHORITY  
Microfilm Number: 00002955205

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 23901 Calabasas Road, Suite 2003; Calabasas, California 91302-3303.


On October 21, 2008, I served the foregoing document described as Answer to Petition to Cancel on each interested party, as follows:

Irell & Manella LLP  
Attn: Jane Shay Wald, Esq.  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276

- (X) (BY MAIL) I placed a true copy of the foregoing document in a sealed envelope with postage thereon fully prepaid addressed to the interested party as set forth above. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day this declaration was executed in the ordinary course of business, I know that the envelope was placed for collection and mailing on this date in the United States mail in Woodland Hills, California.

Executed on October 21, 2008, at Calabasas, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Linda Key