

TTAB

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

77/194,989

**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

10/29/2008 SWILSON1 00000024 92049916

01 FC:6401 300.00 DP

Adjustment date: 10/31/2008 SWILSON1

10/29/2008 SWILSON1 00000024 92049916

01 FC:6401 -300.00 DP

10/31/2008 SWILSON1 00000003 3485914

01 FC:6401 300.00 DP



10-27-2008

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Research Reports that show that Foster & Kleiser companies have either forfeited their status, or their status has been withdrawn.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**

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

**Comprehensive Trademark Search Report**

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CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE ISSUING GOVERNMENT AGENCY

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 ANGELES CA 90007

REVOKED
SECRETARY
04 01 87



Comprehensive Trademark Search Report

20110304-118

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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



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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



Comprehensive Trademark Search Report

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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: 000000797435

File Date: 2/26/1964

Effective Date: 2/26/1964

Transaction: INITIAL FILING

Document Number: 000000564973

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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

**Comprehensive Trademark Search Report**

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY

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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.

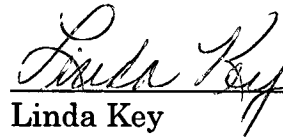
On October 21, 2008, I served the foregoing document described as Answer to Petition to Cancel on each interested party, as follows:

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



United States Patent and Trademark Office

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Your submission has been received by the USPTO.
 The content of your submission is listed below.
 You may print a copy of this receipt for your records.

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)

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