

ESTTA Tracking number: **ESTTA274791**

Filing date: **03/27/2009**

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

**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	The Nostalgia Network, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1133 19th Street, N.W., Suite 800 Washington, DC 20036 UNITED STATES		

Attorney information	P. Jay Hines Cantor Colburn LLP 1800 Diagonal Road Suite 510 Alexandria, VA 22314 UNITED STATES tm-dc@cantorcolburn.com Phone:703-236-4500		
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**Registration Subject to Cancellation**

Registration No	1943398	Registration date	12/26/1995
Registrant	AMERICAN FAMILY THEATER, INC. 1429 Walnut Street Philadelphia, PA 19102 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 1989/01/20 First Use In Commerce: 1989/01/20 Cancelled goods and services in the class: production of musical and theatrical plays and motion pictures; television and radio programming
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**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	AmericanFamilyCanc.pdf ( 4 pages )(71635 bytes )
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**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/pjh/
Name	P. Jay Hines

Date	03/27/2009
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**IN THE UNITED STATES PATENT TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL APPEAL BOARD**

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The Nostalgia Network, Inc.		)	
		)	
	Petitioner,	)	Cancellation No.
		)	Registration No.: 1,943,398
v.		)	Mark: AMERICAN FAMILY THEATER
		)	
American Family theater, Inc.		)	
		)	
	Respondent.	)	
<hr/>		)	

**PETITION FOR PARTIAL CANCELLATION**

The Nostalgia Network, Inc., a corporation duly organized and existing under the laws of Delaware, having a corporate address and a principal place of business at 1133 19<sup>th</sup> Street, N.W., Suite 800, Washington, D.C. 20036 (hereinafter "Petitioner"), believes that it is or will be damaged by Registration No. 1,943,398 for the mark AMERICAN FAMILY THEATER, issued on December 26, 1995 to Respondent, in connection with "production of musical and theatrical plays and motion pictures; television and radio programming," in International Class 41. Petitioner hereby petitions for a partial cancellation of said registration pursuant to Section 18 of the Trademark Act.

As grounds for this petition, The Nostalgia Network, Inc. alleges:

1. Petitioner has adopted and long used the mark AMERICAN FAMILY, the subject of pending application Serial No. 77/311,102, filed on October 23, 2007, for "entertainment services in the nature of on-going television programs featuring real life crises and triumphs," in International Class 41.

2. To the best of Petitioner's knowledge, Respondent is the current owner of record of Registration No. 1,943,398 for the mark AMERICAN FAMILY THEATER, a copy of which is attached as Exhibit 1.

3. Respondent's Registration No. 1,943,398 was cited against Petitioner's pending application.

4. Upon information and belief, Respondent does not use, and has not used, its mark in connection with "television and radio programming" in commerce and therefore has either abandoned use of the mark represented by Registration No. 1,943,398 for these services without intent to resume use or should never have obtained registration for these services in the first place.

5. The continued registration of Respondent's mark for these services threatens great and irreparable damage to Petitioner's interests in and rights to the mark AMERICAN FAMILY.

WHEREFORE, this Petitioner, The Nostalgia Network, Inc., believes and avers that it is being and will continue to be damaged by registration of Respondent's mark as aforesaid, and prays that said Registration No. 1,943,398 be partially canceled as requested, and that this Cancellation be sustained in favor of Petitioner.

Petitioner has appointed P. Jay Hines, a member of the law firm of Cantor Colburn LLP, and member of the Bars of the state of Virginia and the District of Columbia, to prosecute this cancellation proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:


P. Jay Hines  
Cantor Colburn LLP  
1800 Diagonal Road  
Suite 510  
Alexandria, Virginia 22314  
Tel: (703) 236-4500  
Fax. No.: (703) 236-4501

The Commissioner is hereby authorized to charge the filing fee of \$300.00 for this cancellation and any additional fees which may be required, or credit any overpayment, to Petitioner's Deposit Account No. 061130.

Respectfully submitted,

**THE NOSTALGIA NETWORK, INC.**

Date: March 27, 2009

By: 

P. Jay Hines  
Cantor Colburn LLP  
1800 Diagonal Rd.  
Suite 510  
Alexandria, VA 22314  
Tel.: (703) 236-4500  
Fax: (703) 236-4501  
jhines@cantorcolburn.com

CERTIFICATE OF TRANSMISSION AND SERVICE

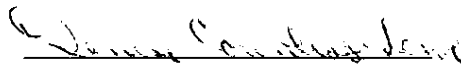
I certify that the foregoing PETITION FOR CANCELLATION is being electronically filed with:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313

and that the foregoing PETITION FOR CANCELLATION is being sent by regular first-class U.S. mail, postage prepaid, to:

Alan Penn  
Law Offices of Alan Penn  
1251 South Cedar Crest Blvd., Suite 212B  
Allentown, PA 18103

This 27th day of March 2009.



Denise Countiss-Lowe