

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD
IN THE MATTER OF REGISTRATION NO. 1,892,441
REGISTERED MAY 2, 1995**

77 436, 438

The Grove, Inc.
Petitioner

vs

Cancellation No.

Happy Guests International, Inc.
Registrant/Respondent

PETITION FOR CANCELLATION

The Grove, Inc., a corporation organized under the laws of the State of Louisiana and having a principal business address at Suite 500 3 Westbrook Corporate Center Westchester, Illinois 60154, believes that it is being damaged by Reg. No. 1,892,441 registered on May 2, 1995, and hereby petitions to cancel the same. As grounds therefore, it is alleged that:

1. On January 13, 2012, The Grove, Inc. filed a service mark application for registration of its mark "TGI GUEST QUEST" in International Class 4 3 for fast food restaurant services, which application was assigned Serial No. 85/516,486.
2. On January 13, 2012, The Grove, Inc. filed a service mark application for registration of its mark "TGI GUEST QUEST" in International Class 35 for the services identified as concession stands featuring food, which application was assigned Serial No. 85/516,558.
3. On April 23, 2012, the Trademark Office issued an Office Action refusing registration of the mark of Petitioner's application No. 85/516,486 under



Section 2(d) and citing Reg. No. 1,892,441, owned by Happy Guests International, Inc. of 1323 Harbor Avenue S.W., Seattle, Washington 98116.

4. On April 23, 2012, the Trademark Office issued an Office Action refusing registration of the mark of Petitioner's application No. 85/516,558 under Section 2(d) and citing Reg. No. 1,892,441, owned by Happy Guests International, Inc. of 1323 Harbor Avenue S.W., Seattle, Washington 98116.
 5. Reg. No. 1,892,441 was registered in International Class 43 for restaurant services.
 6. The registration of Reg. No. 1,892,441 is for the word mark "GUEST QUEST."
 7. Upon information and belief, Petitioner believes that Registrant is not using and has not been using for the last several years, the mark GUEST QUEST for restaurant services but rather Registrant's services are limited to taking reservations and bookings for others.
 8. Petitioner therefore believes that Registrant abandoned its mark for the services recited in Reg. No. 1,892,441.
 9. Petitioner has intent to use the mark "TGI GUEST QUEST" for fast food restaurant services in International class 43 and for concession stands featuring food in International Class 35.
 10. Unless the Registrant's registration for "GUEST QUEST" is cancelled the Trademark Office will continue refusal to register the Petitioner's marks.
- Based on the foregoing, Petitioner believes that Registration No. 1,892,441 will cause injury and damage to Petitioner unless said service mark registration is cancelled.

WHEREFORE, Petitioner requests that Registration No. 1,892,441 be cancelled and this Petition for Cancellation be sustained in favor of Petitioner.

Petitioner hereby appoints Thomas S. Keaty and Keaty Law Firm of 365 Canal Street, Suite 2410, New Orleans, Louisiana 70130, its attorneys in the matter of the above-identified cancellation, to prosecute said cancellation, to transact all business with the U.S. Patent and Trademark Office connected with this cancellation and to sign its name to all papers, which may hereafter be filed in connection with this cancellation and to receive the official communications relating to the same.

THE GROVE, INC.

By:




10.22.12
Date

DECLARATION

The undersigned declares that she is the President of LEO, of The Grove, Inc., Petitioner in the foregoing Petition for Cancellation and is authorized to make this declaration; she has read the same and knows the contents thereof; that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Petition for Cancellation.

THE GROVE, INC.

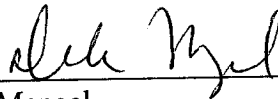
10.22.12
Date

By: 

CERTIFICATE OF SERVICE

One copy of the foregoing PETITION FOR CANCELLATION has been mailed certified, return receipt requested in a postage prepaid envelope deposited in a box under the custody of the U.S. Postal Service this day of October 22, 2012 to

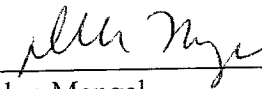
Kevin Costanza, Esq.
Seed IP
701 Fifth Ave.
Suite 5400
Seattle, WA 98104



Debra Mengel

CERTIFICATE OF MAILING

I hereby certify that this confirmation copy of correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, MS: TTAB, on October 22, 2012.



Debra Mengel



United States Patent and Trademark Office

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ESTTA Tracking number: **ESTTA501330**Filing date: **10/22/2012**

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 Grove, Inc.		
Entity	Corporation	Citizenship	IL
Address	3 Westbrook Corporate Center, Suite 500 Westchester, IL 60154 UNITED STATES		

Attorney information	Thomas S. Keaty Keaty Law Firm 365 Canal St. Suite 2410 New Orleans, LA 70130 UNITED STATES tskeaty@keatypatentfirm.com, dmengel@keatypatentfirm.com Phone:504-524-2100
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Registration Subject to Cancellation

Registration No	1892441	Registration date	05/02/1995
Registrant	Happy Guests International, Inc. 1323 Harbor Avenue S.W.		

Seattle, WA 98116 UNITED STATES

Goods/Services Subject to Cancellation

Class 042. First Use: 1993/03/00 First Use In Commerce: 1993/03/00 All goods and services in the class are cancelled, namely: restaurant services
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SignedGuest Quest Cancellation.pdf (4 pages)(5775314 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	/thomas s. keaty/
Name	Thomas S. Keaty
Date	10/22/2012

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