

ESTTA Tracking number: **ESTTA656935**

Filing date: **02/19/2015**

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	Oregano#s Pizza Bistro, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	5141 N. 40th Street, Suite 300 Phoenix, AZ 85018 UNITED STATES		

Attorney information	Richard E. Oney Tiffany & Bosco, P.A. 2525 E. Camelback Road, 7th Floor Phoenix, AZ 85016 UNITED STATES LM@tblaw.com Phone:602.255.6094
----------------------	--

Registration Subject to Cancellation

Registration No	4219108	Registration date	10/02/2012
Registrant	Joseph J. Bisogno 11017 Glenview Lane Olathe, KS 66061 UNITED STATES		

Goods/Services Subject to Cancellation


Class 025. First Use: 2012/06/22 First Use In Commerce: 2012/06/22 All goods and services in the class are cancelled, namely: Adult novelty gag clothing item, namely, socks; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods
--

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	No bona fide use of Registrant's mark in commerce at the time of filing the statement of use 15 U.S.C.A. section 1051(a)

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86350933	Application Date	07/29/2014
----------------------	----------	------------------	------------

Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LEGALIZE MARINARA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2010/06/01 First Use In Commerce: 2010/06/01 Restaurant services		

Attachments	86350933#TMSN.png(bytes) Petition for Cancellation.pdf(20144 bytes) Exhibit A.pdf(473775 bytes) Exhibit B.pdf(322217 bytes)
-------------	---

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	/Richard E. Oney/
Name	Richard E. Oney
Date	02/19/2015

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

Oregano’s Pizza Bistro, Inc.)	
a Delaware corporation)	Cancellation No.:
)	
Petitioner,)	In re Registration No.: 4,219,108
)	Mark: LEGALIZE MARINARA
v.)	
)	
Joseph J. Bisogno,)	
an individual)	
)	
Registrant.)	
_____)		

PETITION FOR CANCELLATION

Oregano’s Pizza Bistro, Inc., (“Oregano’s” or “Petitioner”), a corporation organized under the laws of the State of Delaware, with its principal place of business at 5141 N. 40th Street, Suite 300, Phoenix, AZ 85018, believes that it is being and will continue to be damaged by the continued existence of the above-identified registration (the “Registration”) owned by Registrant, Joseph J. Bisogno, and hereby petitions to cancel the Registration pursuant to Section 14 of the Trademark Act of 1946.

As grounds therefore, Petitioner alleges as follows:

Factual Background

1. Petitioner adopted and has used in commerce the mark LEGALIZE MARINARA in connection with restaurant services (the “Petitioner Services”) at least as early as June 1, 2010.

2. On July 29, 2014, Petitioner filed Application Serial No. 86350933 for the mark LEGALIZE MARINARA for the Petitioner Services (a copy of which is attached as Exhibit A)(“Petitioner’s Application”).

3. Registrant is the owner of Registration No. 4,219,108 for the mark LEGALIZE MARINARA registered on October 2, 2012, claiming a date of first use in commerce of June 22, 2012 for “Adult novelty gag clothing item, namely, socks; Athletic

apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods" (the "Registrant Goods").

4. In an Office Action issued in Petitioner's Application, dated November 17, 2014 (the "Office Action"), the Trademark Examining Attorney cited Registrant's Registration No. 4,219,108 for the mark LEGALIZE MARINARA against Petitioner's Application under § 2(d) of the Trademark Act, 15 U.S.C. § 1052(d) and refused to register Petitioner's LEGALIZE MARINARA mark, thereby damaging Petitioner.

5. Petitioner's use of its LEGALIZE MARINARA mark since at least June 1, 2010 predates Registrant's claimed first use of the registered mark LEGALIZE MARINARA of June 22, 2012.

Count One: Cancellation Based on a Likelihood of Confusion

6. Petitioner restates, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 5 above.

7. Petitioner's use and common law rights of its LEGALIZE MARINARA mark predate Registrant's July 21, 2011 filing date and claimed June 22, 2012 date of first use in commerce for the registered mark LEGALIZE MARINARA for the Registrant Goods.

8. In the Office Action, the Examining Attorney refused registration of Petitioner's LEGALIZE MARINARA mark under § 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), on the ground that the Petitioner Services offered under the LEGALIZE MARINARA mark and the Registrant Goods described in Registrant's Registration No. 4,219,108 for LEGALIZE MARINARA, are likely to cause customers, prospective customers and others to be confused, mistaken or deceived into believing, contrary to fact, that the Registrant Goods bearing the LEGALIZE MARINARA mark emanate from or are in some way sponsored, licensed or approved by Petitioner.

9. If the Petitioner cannot register its LEGALIZE MARINARA mark based on the Examining Attorney's refusal to register under § 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), the Registrant is not lawfully entitled to the continued registration of its mark because the LEGALIZE MARINARA mark, as used in connection with the Registrant Goods, so resembles Petitioner's LEGALIZE MARINARA mark for the Petitioner Services as to be likely to cause confusion, to cause mistake or to deceive within the meaning of 15 U.S.C. § 1052(d), thereby damaging Petitioner.

Count Two: Cancellation for Fraud Based on Non-Use

10. Petitioner restates, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 9 above.

11. On July 6, 2012, Registrant filed a Statement of Use in connection with its application for registration of the mark LEGALIZE MARINARA (the "Statement of Use"), claiming a date of first use of June 22, 2012, and a date of first use in commerce of June 22, 2012, on or in connection with all of the Registrant Goods, *i.e.*, "Adult novelty gag clothing item, namely, socks; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods."

12. The specimen that Registrant submitted with the Statement of Use consisted of a photograph of a shirt and cap with the "LEGALIZE MARINARA" displayed on the front of each along with words "Mapleton Cafe." A copy of Registrant's Statement of Use and specimen is attached as Exhibit B. The United States Patent and Trademark Office accepted Registrant's Statement of Use and Registrant's application for registration of LEGALIZE MARINARA issued as Registration No. 4,219,108.

13. Upon information and belief, the words "Mapleton Cafe" shown on the specimen refer to the Mapleton Cafe in Mapleton, Kansas, and Registrant submitted the

specimen to indicate Mapleton Cafe as the source of the specimen shirt and cap shown in the submitted photograph.

14. Upon information and belief, Registrant does not own and is not affiliated or associated with the Mapleton Cafe in Mapleton, Kansas.

15. Upon information and belief, the Registrant has no website to promote the mark LEGALIZE MARINARA.

16. Upon information and belief, the Registrant does not distribute LEGALIZE MARINARA clothing to retail stores or to the Mapleton Cafe in Mapleton, Kansas.

17. Upon information and belief, the Registrant does not advertise LEGALIZE MARINARA products in any kind of mass media.

18. Registrant's registration for LEGALIZE MARINARA should have been refused because the applied-for mark as used on the specimen of record (1) is merely a decorative or ornamental feature of the applicant's clothing; and (2) does not function as a trademark to indicate the source of the applicant's clothing and to identify and distinguish applicant's clothing from others. Trademark Act Sections 1, 2, and 45, 15 U.S.C. §§1051-1052, 1127; see *In re Lululemon Athletica Can. Inc.*, 105 USPQ2d 1684, 1689 (TTAB 2013); *In re Pro-Line Corp.*, 28 USPQ2d 1141, 1142 (TTAB 1993); TMEP §§904.07(b), 1202.03 et seq.

19. On information and belief, Registrant knowingly, and with the intent to deceive the United States Patent and Trademark Office, made false statements in his Statement of Use by claiming that he had commenced use in commerce of the LEGALIZE MARINARA mark on all of the Registrant Goods as early as June 22, 2012, when in fact, such use, if any, did not commence by then or thereafter.

20. Upon information and belief, Registrant, knowing that he had not yet commenced use in commerce of its mark, filed his Statement of Use only to obtain registration of its LEGALIZE MARINARA mark and to take advantage of the statutory presumptions provided by registration.

21. The false statement with respect to Registrant's date of first use in commerce in Registrant's Statement of Use was material to the issuance of Registration No. 4,219,108.

22. Registration No. 4,219,108 was issued on the basis of fraud and should therefore be cancelled.

Count Three: Cancellation Based on Non-Use

23. Petitioner restates, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 22 above.

24. Upon information and belief, Registrant has not used the LEGALIZE MARINARA mark in commerce for all the goods listed in Registration No. 4,219,108. Registrant has not provided for consumers to purchase at the Mapleton Cafe or through any other mass media all of the following goods: “Adult novelty gag clothing item, namely, socks; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women’s clothing, namely, shirts, dresses, skirts, blouses; Women’s hats and hoods.”

25. Upon information and belief, the Registrant does not or has not distributed LEGALIZE MARINARA clothing to retail stores or to the Mapleton Cafe in Mapleton, Kansas.

26. Registrant is not entitled to registration of the LEGALIZE MARINARA mark for the goods listed in Registration No. 4,219,108 and the registration should be cancelled on the ground that the mark was not in use in commerce at the time of the filing of the Statement of Use and is not in use today.

WHEREFORE, Petitioner prays that this Petition be granted and that Registration No. 4,219,108 be cancelled.

Dated: February 19, 2015

Respectfully submitted,

/Richard E. Oney/_____

Richard E. Oney

Registration No. 36,884

Tiffany & Bosco, P.A.

2525 E. Camelback Road, Third Floor

Phoenix, Arizona 85016

Tel: (602) 255-6094

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing PETITION has been served on Jerome M. Kaplan, Law Office Of Jerome M. Kaplan, CHTD, by mailing said copy on February 19, 2015, via First Class Mail, postage prepaid to:

JEROME M. KAPLAN
LAW OFFICE OF JEROME M. KAPLAN, CHTD
10308 METCALF AVE # 132
OVERLAND PARK, KANSAS 66212-1804

/Lori Martin/

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86350933

Filing Date: 07/29/2014

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	LEGALIZE MARINARA
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	LEGALIZE MARINARA
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	OREGANO'S PIZZA BISTRO, INC.
*STREET	7217 East Shea Boulevard
*CITY	Scottsdale
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	85260

WEBSITE ADDRESS	www.oreganos.com
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	043
*IDENTIFICATION	Restaurant services
*FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 06/01/2010
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2010
SPECIMEN FILE NAME(S)	
JPG FILE(S)	\\TICRS\EXPORT16\IMAGEOUT16\863\509\86350933\xml1\FTK0004.JPG
ORIGINAL PDF FILE	SPE0-10105216-152426618 . specimen1.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\863\509\86350933\xml1\FTK0003.JPG
ORIGINAL PDF FILE	SPE0-10105216-152426618 . specimen3.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\863\509\86350933\xml1\FTK0005.JPG
SPECIMEN DESCRIPTION	copy of newspaper ad; photograph of bus stop ad; download copy of company Facebook ad displaying the mark in association with the services
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS)	

(if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Richard E. Oney
ATTORNEY DOCKET NUMBER	9126-015
FIRM NAME	Tiffany & Bosco, P.A.
STREET	2525 E. Camelback Road, 3rd Floor
CITY	Phoenix
STATE	Arizona
COUNTRY	United States
ZIP/POSTAL CODE	85016
PHONE	602.255.6094
FAX	602.255.0103
EMAIL ADDRESS	LM@tblaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
*NAME	Richard E. Oney
FIRM NAME	Tiffany & Bosco, P.A.
*STREET	2525 E. Camelback Road, 3rd Floor
*CITY	Phoenix
*STATE (Required for U.S. applicants)	Arizona
*COUNTRY	United States
*ZIP/POSTAL CODE	85016
PHONE	602.255.6094
FAX	602.255.0103
*EMAIL ADDRESS	LM@tblaw.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION**NUMBER OF CLASSES**

1

FEE PER CLASS

275

***TOTAL FEE PAID**

275

SIGNATURE INFORMATION*** SIGNATURE**

/Frank B. Sbordone, Jr./

*** SIGNATORY'S NAME**

Frank B. Sbordone, Jr.

*** SIGNATORY'S POSITION**

President

SIGNATORY'S PHONE NUMBER

4806269102

*** DATE SIGNED**

07/28/2014

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86350933

Filing Date: 07/29/2014

To the Commissioner for Trademarks:

MARK: LEGALIZE MARINARA (Standard Characters, see [mark](#))

The literal element of the mark consists of LEGALIZE MARINARA.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, OREGANO'S PIZZA BISTRO, INC., a corporation of Delaware, having an address of
7217 East Shea Boulevard
Scottsdale, Arizona 85260
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 043: Restaurant services

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 06/01/2010, and first used in commerce at least as early as 06/01/2010, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) copy of newspaper ad; photograph of bus stop ad; download copy of company Facebook ad displaying the mark in association with the services.

JPG file(s):

[Specimen File 1](#)

Original PDF file:

[SPE0-10105216-152426618_ .specimen1.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File 1](#)

Original PDF file:

[SPE0-10105216-152426618_ .specimen3.pdf](#)

Converted PDF file(s) (1 page)

[Specimen File 1](#)

For informational purposes only, applicant's website address is: www.oreganos.com

The applicant's current Attorney Information:

Richard E. Oney of Tiffany & Bosco, P.A.
2525 E. Camelback Road, 3rd Floor
Phoenix, Arizona 85016
United States

The attorney docket/reference number is 9126-015.

The applicant's current Correspondence Information:

Richard E. Oney
Tiffany & Bosco, P.A.
2525 E. Camelback Road, 3rd Floor
Phoenix, Arizona 85016
602.255.6094(phone)
602.255.0103(fax)
LM@tblaw.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /Frank B. Sbordone, Jr./ Date Signed: 07/28/2014

Signatory's Name: Frank B. Sbordone, Jr.

Signatory's Position: President

RAM Sale Number: 86350933

RAM Accounting Date: 07/29/2014

Serial Number: 86350933

Internet Transmission Date: Tue Jul 29 12:13:50 EDT 2014

TEAS Stamp: USPTO/FTK-10.10.5.216-201407291213504233

33-86350933-500fa759798d24dd45810448c167

79882cabadcfa842b4659df96ed63a4527334-CC

-13278-20140728152426618945

LEGALIZE MARIJUANA



Moving in Late 2010
to the NE Corner
of Southern
& McClintock



1250 E. Apache • Tempe
480-966-0043
www.chillinaz.com

MEDITERRANEAN CUISINE

CELEBRATING 17 YEARS OF SERVING FAMILIES
TRADITIONAL STYLE MIDDLE EASTERN & MEDITERRANEAN
FOOD IN A TASTY, CASUAL, BISTRO-INSPIRED DINING LOCATION

1804 E. Southern Ave. Ste. 1 • Tempe
(NE corner of McClintock & Southern)
www.saharatempe.com • (480) 966-1971



LEGALIZE MARINARA

OREGANO'S
PIZZA BISTRO
Your Neighborhood Pizza Joint
oreganos.com

PHOTO: JIM HARRIS
www.oreganos.com
BEST OF PHOENIX 2009 SUPPLEMENT

Good italian food...great pixxa pies.

4 3



Cathe Steward

★★★★★ 05/27/2014

Always a five star in my opinion. Friendly service, excellent menu with new additions from time to time. Interesting and... See More

2 1

LIKED BY THIS PAGE



Get Out - Things to Do from the E...



Gina Maravilla



ABC15 Arizona

English (US) · Privacy · Terms · Cookies · More
Facebook © 2014



Oregon's Pizza Bistro

June 1, 2010

WIN \$50 in OregaDough!

Visit <http://oreganos.com/> to enter your ad in our headline contest. Winner announced June 30th!

Go Daddy-O's!!



Like · Comment · Share

24 16

Create Page

Recent

2014

2013

2012

2011

2010

2009

Opened

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85377466
LAW OFFICE ASSIGNED	LAW OFFICE 111
EXTENSION OF USE	NO
MARK SECTION	
MARK	LEGALIZE MARINARA
OWNER SECTION	
NAME	Joseph J. Bisogno
STREET	11017 Glenview Lane
CITY	Olathe
STATE	Kansas
ZIP/POSTAL CODE	66061
COUNTRY	United States
PHONE	913-583-8400
FAX	913-583-8407
EMAIL	jbisogno@mrgoodcents.com
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	025
CURRENT IDENTIFICATION	Adult novelty gag clothing item, namely, socks; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods

GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	06/22/2012
FIRST USE IN COMMERCE DATE	06/22/2012
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT16\IMAGEOUT 16\853\774\85377466\xml1\ SOU0002.JPG
SPECIMEN DESCRIPTION	Specimen include a picture of a hat and shirt with the mark printed on both.
REQUEST TO DIVIDE	NO
PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Jerome M. Kaplan/
SIGNATORY'S NAME	Jerome M. Kaplan
SIGNATORY'S POSITION	Attorney
DATE SIGNED	07/06/2012
SIGNATORY'S PHONE NUMBER	816-223-4230
FILING INFORMATION	
SUBMIT DATE	Fri Jul 06 09:10:12 EDT 2012
TEAS STAMP	USPTO/SOU-75.81.128.167-2 0120706091012072167-85377 466-4903c72f9717cd2881d94 cb4259137d373-CC-9284-201 20706084656316927

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: LEGALIZE MARINARA
SERIAL NUMBER: 85377466

The applicant, Joseph J. Bisogno, having an address of
11017 Glenview Lane
Olathe, Kansas 66061
United States

is submitting the following allegation of use information:

For International Class 025:

Current identification: Adult novelty gag clothing item, namely, socks; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Baseball caps; Caps; Fabric sold as an integral component of finished clothing items, namely, Clothing, hats, and caps; Golf caps; Hats for infants, babies, toddlers and children; Headbands for clothing; Hoods; Party hats; Sports caps and hats; Wearable garments and clothing, namely, shirts; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 06/22/2012, and first used in commerce at least as early as 06/22/2012, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Specimen include a picture of a hat and shirt with the mark printed on both..

[Specimen File 1](#)

The applicant is not filing a Request to Divide with this Allegation of Use form.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent

and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Jerome M. Kaplan/ Date Signed: 07/06/2012

Signatory's Name: Jerome M. Kaplan

Signatory's Position: Attorney

Signatory's Phone: 816-223-4230

RAM Sale Number: 9284

RAM Accounting Date: 07/06/2012

Serial Number: 85377466

Internet Transmission Date: Fri Jul 06 09:10:12 EDT 2012

TEAS Stamp: USPTO/SOU-75.81.128.167-2012070609101207

2167-85377466-4903c72f9717cd2881d94cb425

9137d373-CC-9284-20120706084656316927



**LEGALIZE
MARINARA**
MAPLETON
CAFE

**LEGALIZE
MARINARA**



FEE RECORD SHEET

Serial Number: 85377466



RAM Sale Number: 9284

Total Fees: \$100

RAM Accounting Date: 20120706

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20120706	\$100	1	\$100

Transaction Date: 20120706





**LEGALIZE
MARINARA**
MAPLETON
CAFE

**LEGALIZE
MARINARA**

