

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

Mailed: October 9, 2009

Concurrent Use No. 94002429

Richard A. Harris, a Professional
Corporation

V.

Ticket Busters Inc., a Florida
Corporation

V.

Ticket Busters Inc., a New York
Corporation

V.

Parking Ticket Busters

Lauri S. Thompson
Greenberg Traurig, LLP
3773 Howard Hughes Parkway, Suite 500-N
Las Vegas, NV 89169-0996

Ticket Busters
11900 Biscayne Blvd., Suite 400
Miami, FL 33181

Ticket Busters Inc.
4078 Main Street
Flushing, NY 11355

Parking Ticket Busters
212 West 91st Street
New York, NY 10024

Re: Serial No. **77601168**
Filing Date: 10/27/09

Millicent Canady, Paralegal

The applicant in application Serial No. 77601168 has applied for a concurrent use registration for the trademark or service mark set forth below.

Name of applicant : Richard A. Harris, a Professional Corporation

Applicant's address : 801 S. Forth Street
Las Vegas, NV 89101

Applicant's mark : TICKET BUSTERS

Goods or services : Legal services

Filing date : 10/27/2008

Territory of use : The area comprising of the entire United States with the exception of The State of Florida, the cities of Flushing, New York; New York City, New York and Somerset New Jersey

Attorney : Lauri S. Thompson
Greenberg Traurig, LLP
3773 Howard Hughes Pkwy., Suite 500-N
Las Vegas, NV 89169-0996

In its application, the applicant Richard A. Harris, a Professional Corporation has recited as an exception to its allegation of exclusive use of said mark, use by each of you Ticket Busters Inc., a Florida Corporation, Ticket Busters Inc., a New York Corporation and Parking Ticket Busters, of an identical or very similar mark. The applicant is required to serve on you a copy of its application, including specimens and mark drawing, within ten (10) days of the notice instituting this proceeding. Your mark, goods or services, and territory of use, as acknowledged in the referenced application, are set out below in a summary of details of the application.

**Ticket Buster Inc.,
a Florida Corporation** : 11900 Biscayne Blvd., Suite 400
Miami, Fl 33181

Your mark : Unknown

Your goods or services : Unknown

Your territory of use : The area comprising of the state of Florida

**Ticket Buster Inc.,
A New York Corporation:** 4078 Main Street
Flushing, NY 11355

Your mark : Unknown

Your goods or services : Unknown

Your territory of use : The area comprising of Flushing, New York

Parking Ticket Busters : 212 West 91st Street

New York, NY 10024

Your Mark : Unknown
Your goods or services : Unknown
Your territory of use : The area comprising of New York City, New York and Somerset, New Jersey

Since the Office has determined that applicant's mark appears entitled to registration, subject to a concurrent use proceeding with you (as defendant in this proceeding) and, if applicable, any other party listed in the caption of this order, a concurrent use proceeding is hereby instituted under the provisions of Section 2(d) of the Trademark Act of 1946.

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, of the Code of Federal Regulations ("Trademark Rules"). **The Trademark Rules may be viewed at the USPTO's trademarks webpage: <http://www.uspto.gov/main/trademarks.htm>. The Board's main webpage (<http://www.uspto.gov/web/offices/dcom/ttab/>) includes information on amendments to the Trademark Rules applicable to Board proceedings, on Alternative Dispute Resolution (ADR), Frequently Asked Questions about Board proceedings, and a web link to the Board's manual of procedure (the TBMP).**

Trademark Rule 2.99, under which this notice is given, provides that:

An answer to the notice is not required in the case of an applicant or registrant whose application or registration is specified in the application to register as concurrent user in the application, but a statement, if desired, may be filed within forty days after the mailing of the notice; **in the case of any other party specified as a concurrent user in the application, an answer must be filed within forty days after the mailing of the notice.**

You are allowed until November 18, 2009 to file an answer in accordance with Trademark Rule 2.99. (See Patent and Trademark Rule 1.7 for expiration of this or any deadline falling on a Saturday, Sunday or federal holiday.) If filed, the answer should be directed to the allegations relating to concurrent use recited in the plaintiff's application identified herein.

Defendant's answer and any other filing made by any party must include proof of service. See Trademark Rule 2.119.

If they agree to, the parties may utilize electronic means, e.g., e-mail or fax, during the proceeding for forwarding of service copies. See Trademark Rule 2.119(b)(6).

If an answer is not filed, then the proceeding may be handled as in a case of default, and you will be precluded from claiming any right in your mark greater than that acknowledged by plaintiff in its concurrent use application. See Trademark Rule 2.99(d)(3).

You must advise the Trademark Trial and Appeal Board of any relevant applications or registrations, other than that of plaintiff already referenced herein, which should be included in this concurrent use proceeding. Your response, if any, should be in writing and should accompany your answer.

Trademark Rule 2.126 pertains to the form of submissions. Paper submissions, including but not limited to exhibits and transcripts of depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

If one or both of the defending mark users file an answer, then a schedule for this concurrent use proceeding will be set, including time for conferencing, disclosures, discovery, trial and briefing. However, it is noted that most concurrent use proceedings result in a negotiated settlement and the parties are encouraged to promptly begin discussion of settlement. If the parties choose to begin settlement talks **prior to the due date for the answers**, they may stipulate to a suspension to accommodate settlement talks.

The Board allows parties to utilize telephone conferences to discuss or resolve a wide range of interlocutory matters that may arise during this case. In addition, the assigned interlocutory attorney has discretion to require the parties to participate in a telephone conference to resolve matters of concern to the Board. See TBMP § 502.06(a) (2d ed. rev. 2004).

If the parties to this proceeding are (or during the pendency of this proceeding become) parties in another Board proceeding or a civil action involving related marks or other issues of law or fact which overlap with this case, they shall notify the Board immediately, so that the Board can consider whether consolidation or suspension of proceedings is appropriate.

ESTTA NOTE: For faster handling of all papers the parties need to file with the Board, the Board strongly encourages use of electronic filing through the Electronic System for Trademark Trials and Appeals (ESTTA). Various electronic filing forms, some of which may be used as is, and others which may require attachments, are available at <http://estta.uspto.gov>.