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

Mailed: June 22, 2010

Opposition 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

Frances S. Wolfson, Interlocutory Attorney:

On October 9, 2009, the Board instituted a concurrent use proceeding based on the application of Richard A. Harris, a Professional Corporation (hereinafter "applicant") for registration of the mark TICKET BUSTERS for "the area comprising of the entire United States with the exception of the State of Florida; [and] the cities of Flushing, New York; New York City, New York; and Somerset, New Jersey."

Applicant named three exceptions to its right to exclusive use of the mark TICKET BUSTERS. Two of these did not respond to the notice of institution of the proceeding, namely Ticket Busters Inc. (Florida) and Parking Ticket Busters. Ticket Busters Inc., (New York) (hereinafter "Ticket Busters NY") filed an answer wherein it contests applicant's statement of territorial rights.¹

¹ Ticket Busters NY is advised that papers filed with the Board must be properly formatted. See Trademark Rule 2.126 and TBMP § 106.03 (2d ed. rev. 2004). Also, the paper must bear proof of service of a copy of same on counsel for applicant, Trademark Rule 2.119, and be received by the Board by the due date, unless one of the filing procedures set forth in Trademark Rules 2.197 and 2.198 is utilized.



07-02-2010

On May 7, 2010, applicant filed a motion to delete reference to Ticket Busters Inc. (Florida) and Parking Ticket Busters on the ground that neither entity is in business or, if in business, is using the mark TICKET BUSTERS.² Applicant further moves to amend the description of its claimed territory to: "the area comprising the entire United States with the exception of Flushing, NY." No response was received to the motion to amend by either the Florida corporation or Parking Ticket Busters. Ticket Busters NY filed a response indicating its objection to the territorial limitation.

Applicant's motion did not include an explanation of the facts that serve as the basis for its assertions that Ticket Busters of Miami, Florida and Parking Ticket Busters of New York, NY "are either no longer in business or are no longer using [applicant's] mark TICKET BUSTERS as or in their company's name." *Applicant's Motion*, page 1. In view thereof, decision on applicant's motion is deferred pending submission of an affidavit or declaration supported by facts that show the two excepted users have abandoned their marks. Upon a suitable showing, the users will be deleted from the proceeding and the proceeding will go forward on the amended statement of concurrent use rights.³

The Board has entered Ticket Busters NY's current address into the record for this proceeding.

² It is noted that proceedings were suspended March 29, 2010 pending applicant's investigation of the users' whereabouts. The Board's error in that order listing Cranford Stores, LLC is vacated; Ticket Busters (Florida), Ticket Busters NY and Parking Ticket Busters are hereby substituted for Cranford Stores, LLC in that order.

³ Inasmuch, however, as Ticket Busters NY objects to applicant's statement of territorial rights, upon resumption of proceedings, applicant will still be required to make a showing of entitlement to the registration sought.

Applicant allowed **THIRTY DAYS** from the mailing date of this order to file evidence in support of its motion to amend, failing which the motion will be denied.

Proceedings otherwise remain suspended.

