

**TTAB**

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

# 77601168

Mailed: December 15, 2011

Concurrent Use No. 94002429

Richard A . Harris, a  
Professional Corporation

v.

Ticket Busters, Inc., a New  
York Corporation

v.

Parking Ticket Busters

Cheryl S. Goodman, Interlocutory Attorney:

On June 22, 2010, the Board allowed concurrent use applicant time to provide an explanation of facts to serve as a basis for its assertion 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."



01-17-2012

The Board indicated upon suitable showing the users will be deleted and the proceeding will go forward on the amended statement of concurrent use rights.<sup>1</sup>

On July 22, 2010, applicant filed a statement of facts to show abandonment of the mark with respect to Ticket Busters Inc., Miami, Florida and Parking Ticket Busters, New York.

With regard to Ticket Busters, Inc., Miami, Florida, the affidavit of Stan McCrue states that he spoke with May Gonzales, an employee of Traffic Ticket Office, who advised that it is a law firm which started its practice under the name Ticket Busters, Inc. and that it changed the Business name to Traffic Ticket Office and "does not use the name Ticket Busters, Inc." "in any fashion."

The Board finds this statement of facts sufficient to delete Ticket Busters, Inc., Miami, Florida from this proceeding. Therefore, Ticket Busters, Inc. is deleted from this proceeding, and the caption amended herein.

With regard to Parking Ticket Busters, Inc., Mr. McGrue states that Parking Ticket Busters, Inc. was incorporated August 1, 1995 in the State of New York and

---

<sup>1</sup> The Board noted that in view of Ticket Busters NY objection 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.

that it is presently inactive as of December 29, 1999 and that while he located a "possible phone number for Parking Ticket Busters Inc.," the number was disconnected. Mr. McGrue states that the address listed for Parking Ticket Busters Inc.'s residential agent for service of process, Glen Caldwell, is a residential apartment building. Mr. McGrue states that he spoke with the leasing agent of this apartment building who "was not familiar with Parking Ticket Busters nor could she provide any information regarding its Registered Agent, Glenn Caldwell, Esq. due to company privacy policy."

In response to applicant's filing regarding Parking Ticket Busters, Inc., excepted user Ticket Busters Inc. of Flushing New York filed an objection. Ticket Busters Inc. of Flushing New York indicates its opposition to amend the concurrent use statement with respect to Parking Ticket Busters, stating that the company "contacted Mr. Caldwell at that phone number" listed by the New York State Unified Court System, and that Mr. Caldwell "confirmed that he owned Parking Ticket Busters."

The Board finds that applicant's statement of facts is insufficient to delete Parking Ticket Busters, Inc. New York from this proceeding. Even though the corporation is dissolved, applicant has provided no statement of facts to

establish nonuse for a period of three years or provided a statement of facts to establish an intent by Parking Ticket Busters, Inc. New York not to resume use. Additionally, there is a conflict in the record regarding the ability to contact registered agent Mr. Caldwell in light of the fact that the excepted user was able to contact Mr. Caldwell directly.

Accordingly, applicant is allowed until THIRTY DAYS from the mailing date of this order to provide additional facts to support its statement of abandonment of the mark by Parking Ticket Busters, Inc., to remove them as an excepted user from this proceeding, or to find a better address for Glenn Caldwell, registered agent for Parking Ticket Busters, Inc., New York so that he may be served on behalf of Parking Ticket Busters, Inc., New York.

Proceedings herein remain otherwise suspended.

Concurrent Use No. 94002429

United States Patent and Trademark Office

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA. 22313-1451

If Undeliverable Return in Ten Days

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE, \$300

AN EQUAL OPPORTUNITY EMPLOYER

940022429

PARKING TICKET BUSTERS  
212 WEST 91ST STREET  
NEW YORK, NY 10024

NIXIE 400 DE 1 Q1 01/19/79

NOT DELIVERABLE TO SENDER  
UNABLE TO FORWARD

001 0001004444 001 45-0-000 10-90

2231301451  
10024313

