

ESTTA Tracking number: **ESTTA928062**

Filing date: **10/12/2018**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Todd C Bank		
Entity	Individual	Citizenship	United States
Address	119-40 Union Turnpike Fourth Floor Kew Gardens, NY 11415 UNITED STATES		

Correspondence information	Todd C Bank 119-40 Union Turnpike Fourth Floor Kew Gardens, NY 11415 UNITED STATES tbank@toddbanklaw.com 718-520-7125		
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Registration Subject to Cancellation

Registration No.	2007624	Registration date	10/15/1996
Registrant	Al Johnson's Swedish Restaurant and Butiks, Inc. 10698 N. Bay Shore Drive Sister Bay, WI 54234 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1973/06/01 First Use In Commerce: 1973/06/01 All goods and services in the class are subject to cancellation, namely: restaurant services
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Grounds for Cancellation

The mark comprises matter that, as a whole, is functional	Trademark Act Sections 14(1) and 2(e)(5), or Section 23 if on Supplemental Register
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Attachments	petition.pdf(144087 bytes)
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Signature	/ Todd C. Bank /
Name	Todd C. Bank
Date	10/12/2018

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

PETITION TO CANCEL

Cancellation No. _____

In the matter of:

Trademark Registration No. 2,007,624, for
Goats on a Grass Roof;
Date registered: October 15, 1996,

and

International Trademark Registration No. 3,942,832,
for Building Décor With a Roof Comprised of
Grass and Bearing Several Goats on the Roof;
Date registered: April 12, 2011

TODD C. BANK,

Petitioner,

v.

AL JOHNSON'S SWEDISH
RESTAURANT & BUTIK, INC.,

Registrant.

Petitioner, Todd C. Bank “(Bank)”, an individual and citizen of the United States with an address at 119-40 Union Turnpike, Fourth Floor, Kew Gardens, New York 11415, hereby petitions the Trademark Trial and Appeal Board of the United States Patent and Trademark Office, in accordance with 37 C.F.R. § 2.111, to cancel the marks that are covered by Trademark Registration No. 2,007,624 and International Trademark Registration No. 3,942,832 (collectively, the “Marks”).

Registrant, Al Johnson’s Swedish Restaurant & Butik, Inc., is a corporation organized and existing under the laws of Wisconsin, and maintains its principal place of business at 10698 North Bay Shore Drive, Sister Bay, Wisconsin 54234.

As grounds for cancellation, Bank alleges:

1. Bank believes that the granting to, or possession by, a person (here, and with respect to all other references to persons, “person” is used as defined in 15 U.S.C. § 1127) of a trademark, including a service mark (each, a “mark”), that applies to the activity of an animal (as opposed to a trademark that is merely a representation of such activity) is demeaning to the type of animal that is the subject of such mark.

2. The demeaning of animals in the manner set forth in the previous paragraph is offensive to Bank and denigrates the value he places on the respect, dignity, and worth of animals.

3. Numerous persons believe that the granting to, or possession by, a person of a mark that applies to the activity of an animal is demeaning to the type of animal that is the subject of such mark.

4. The demeaning of animals in the manner set forth above is offensive to numerous persons and denigrates the value they place on the respect, dignity, and worth of animals.

5. The primary use of the Marks is as a form of entertainment that increases, to customers, the appeal of Registrant’s place of business, which is Al Johnson’s Swedish Restaurant & Butik (the “Establishment”).

6. To whatever extent the Marks serve as identification with respect to the Establishment, such service is not the primary effect of the Marks, and such service pales in comparison to the provision, by the Marks, of entertainment that increases, to customers, the appeal of the Establishment.

7. The use of the Marks as a form of entertainment that increases, to customers, the appeal of the Establishment is unique.

