

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: National Football Museum, Inc. dba The Pro Football Hall of Fame,
The Professional Football Hall of Fame,
and Professional Football's Hall of Fame

Serial No.: 85/317,114

Mark: PRO FOOTBALL HALL OF FAME CANTON OHIO and Design

Date: May 17, 2011

Via United States Patent and Trademark Office
Trademark Electronic Application System (TEAS)

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 2.146

Sir:

The Applicant respectfully petitions the Director to make Application Serial No. 85/317,114 for the mark "PRO FOOTBALL HALL OF FAME CANTON OHIO and Design" special and advance the examination thereof out of its regular order, pursuant to 37 C.F.R. § 2.146. The following sections of this Petition are organized as required by 37 C.F.R. § 2.146(c), and payment of the required fee under 37 C.F.R. § 2.6 is submitted herewith.

I. Statement of the Facts Relevant to the Petition.

A. Applicant is The National Football Museum, Inc. dba as The Pro Football Hall of Fame, The Professional Football Hall of Fame and Professional Football's Hall of Fame, a corporation organized and existing under the laws of the State of Ohio, having a principal place of business at 2121 George Halas Drive, Canton, Ohio, and has applied for federal registration of

the mark “PRO FOOTBALL HALL OF FAME CANTON OHIO and Design” in Application Serial No. 85/317,114.

B. Applicant provides goods which include video games and video media; jewelry and collectible coins; books, magazines, posters, cards and stickers; collectibles, namely, helmets, pins, magnets, pens and pencils; glassware; clothing, namely, shorts, socks, ties, caps, and shirts, including t-shirts, polo shirts, dress shirts, sweatshirts and jerseys; and footballs, toys and games. Applicant provides educational and entertainment services in the form of a memorial exhibition and museum relating to professional football and its history and in the form of professional football games, exhibitions and television shows that are sold to customers located in Ohio and throughout the United States.

C. Applicant engages in substantial advertising and promotion of its goods and services, including web-based advertising, as well as advertising and promotion in other forms of media.

D. In Applicant’s advertising and promotion of its goods and services, Applicant adopted and is using, and has used continuously since at least as early as September 1, 1996, the distinctive “PRO FOOTBALL HALL OF FAME CANTON OHIO and Design” as one of its trademarks/service marks.

E. Applicant’s continuous use of “PRO FOOTBALL HALL OF FAME CANTON OHIO and Design” in its substantial advertising and promotion distinguishes its goods and services from those of others, and identifies Applicant among the relevant trade and public as the source of origin for its goods and services.

F. Applicant's mark "PRO FOOTBALL HALL OF FAME CANTON OHIO and Design" and the goodwill associated therewith are valuable assets of and belong exclusively to Applicant.

G. RV/MH Heritage Foundation, Inc. (RV/MH Foundation) has a principal place of business at 21565 Executive Parkway in Elkhart, Indiana.

H. RV/MH Foundation provides services to recreational vehicle/motor home dealers which include, but are not limited to, open houses.

I. On or about August 11, 2010, Applicant discovered that RV/MH Foundation had begun use of a similar design portion of the "PRO FOOTBALL HALL OF FAME CANTON OHIO and Design" on the internet web site www.kick-off-to-profits.com (Kick-off Site).

J. Applicant did not and has never given permission for the use of the design portion of "PRO FOOTBALL HALL OF FAME CANTON OHIO and Design" to RV/MH Foundation.

K. RV/MH Foundation's use of the design portion of "PRO FOOTBALL HALL OF FAME CANTON OHIO and Design" is an actual infringing use of Applicant's mark in violation of the Federal Lanham Act and Ohio law, and will cause the possibility of loss of substantial rights by Applicant.

L. An Affidavit of Steven L. Strawbridge, Jr., on behalf of Applicant, in support of this Petition is attached hereto with accompanying Exhibit A.

II. The Points to Be Reviewed.

Applicant respectfully submits that the only point to be reviewed is whether this Petition provides a basis for the Director to advance the examination of the Application out of its regular order. Applicant respectfully submits that, by setting forth facts that establish the existence of

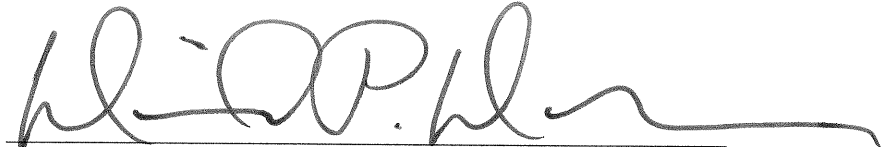
actual infringement of Applicant's mark, and the possibility of loss of substantial rights by Applicant, this Petition provides such a basis.

III. The Action that Is Requested.

Applicant respectfully petitions the Director to make Application Serial No. 85/317,114 "special" and advance the examination of the Application out of its regular order.

Respectfully submitted,

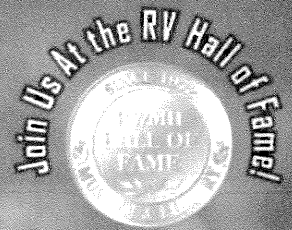
Krugliak, Wilkins, Griffiths & Dougherty Co., L.P.A.

A handwritten signature in black ink, appearing to read 'D. P. Dureska', written over a horizontal line.

By: David P. Dureska, Registration No. 34,152

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EXHIBIT A