

ESTTA Tracking number: **ESTTA251148**

Filing date: **11/25/2008**

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 requests to cancel indicated registration.

Petitioner Information

Name	Gabe Reed		
Entity	Partnership	Citizenship	Texas
Composed Of:	Tracy Ulrich p/k/a Tracii Guns Gabe Reed Jeremy Carson		
Address	3102 Maple Avenue Suite 450 Dallas, TX 75201 UNITED STATES		

Correspondence information	Gabe Reed LA Guns International LLC 3102 Maple Avenue Suite 450 Dallas, TX 75201 UNITED STATES gabereed@aol.com Phone:2142080404		
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Registration Subject to Cancellation

Registration No	2287358	Registration date	10/19/1999
Registrant	Stephen Riley and Traci Guns Partnership, The 10945 BURBANK BLVD. North Hollywood, CA 91601 UNITED STATES		

Goods/Services Subject to Cancellation

Class 009. First Use: 1987/00/00 First Use In Commerce: 1987/00/00 All goods and services in the class are cancelled, namely: pre-recorded compact discs, cassettes, and videos featuring live musical performances
Class 041. First Use: 1987/00/00 First Use In Commerce: 1987/00/00 All goods and services in the class are cancelled, namely: Entertainment services, namely, live performances by a musical group

Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
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Attachments	LA GUNS TRADEMARK.tif (3 pages)(1284196 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/gabe reed/
Name	Gabe Reed
Date	11/24/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF REGISTRATION NO. 2287358

LA GUNS INTERNATIONAL LLC

PETITIONER,

V.

**STEPHEN RILEY AND TRACI GUNS
PARTNERSHIP**

REGISTRANT.

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BOX TTAB FEE
Commissioner for Trademarks
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

In the matter of the LA GUNS (Stylized) Service Mark, Registration No. (“Service Mark”) issued on October 19, 1999 and owned by the Stephen Riley and Traci Guns Partnership located at 10945 Burbank Boulevard, North Hollywood, California 91601 (“Registrant”) for entertainment, namely, live performances by a musical band, LA GUNS. Petitioner LA Guns International, is a Texas Limited liability corporation with a mailing address of c/o Gabe Reed, 3102 Maple Avenue, Suite 450, Dallas, Texas 75201 (“Petitioner”) believes that it is being damaged and will continue to be damaged by such registration and hereby petitions for the cancellation thereof.

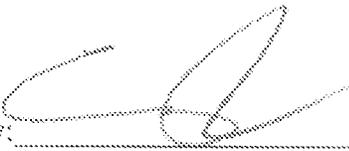
Petitioner sets forth the following grounds for cancellation:

1. Traci Ulrich p/k/a Tracii Guns (hereinafter referred to as “Tracii Guns”) is not a member of the Registrants’ purported partnership. Rather, Tracii Guns is a member of the Petitioner limited liability corporation and is the sole founder of the famous rock musical group LA GUNS which is the subject of the Service Mark.
2. The name LA Guns is derived directly from the name of Petitioner member Tracii Guns.
3. Petitioner has continuously used the mark in interstate commerce through the present in connection with the ongoing sales of LA GUNS musical sound recordings and live musical performances which have provided a regular and continuous stream of revenue flowing to the Petitioner.
4. On March 30, 1998 the Registrant fraudulently filed a Service Mark application. Registrant obtained a Registration for this mark which is the subject of this proceeding.
5. Pursuant to Section 1(a) of the Lanham Act, only the rightful “owner” of a mark is entitled to file an application to register it. As a result of the fact that there never was a partnership between the Registrant and Tracii Guns and the fact that the Registrant used name of Petitioner member Tracii Guns without authorization, Registrant was not the rightful owner of the LA GUNS service mark when he filed the Service Mark Application for the Service Mark in his name.
6. Accordingly, Registrant is not the rightful owner of the Service Mark.
7. If Registrant is allowed to maintain the Service Mark Registration, it will create the false impression that Registrant is the rightful owner of the LA GUNS Service Mark, which he is not.
8. Registrant’s use of the Service Mark will and has created confusion, mistake and/or deception as well as cause damages to Petitioner and the consuming public.

WHEREFORE, Petitioner believes that it will be damaged by the continued registration of the LA GUNS Service Mark and therefore prays that this Petition for Cancellation will be granted and that U.S. Reg. No. 2287358 be cancelled.

Respectfully Submitted,

LA GUNS INTERNATIONAL

By:  _____

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