

ESTTA Tracking number: **ESTTA264228**

Filing date: **02/03/2009**

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	Ruby Rocket LLC		
Entity	Limited Liability Company	Citizenship	Oregon
Address	2825 SE Oak Street Portland, OR 97214 UNITED STATES		

Attorney information	Kohel Haver Swider Medeiros Haver LLP 621 SW Morrison Street Suite 1420 Portland, OR 97205 UNITED STATES kohelhaver@gmail.com Phone:(503) 295-2787		
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**Registration Subject to Cancellation**

Registration No	3391242	Registration date	03/04/2008
Registrant	Young, Amanda Leigh Apt. 214 300 E. Riverside Dr. Austin, TX 78704 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 041. First Use: 2006/01/03 First Use In Commerce: 2006/01/03 All goods and services in the class are cancelled, namely: Entertainment in the nature of live appearances, burlesque and strip tease shows, rendered by a female model, costumer and stage star
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Petitioner as Basis for Cancellation**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RUBY ROCKET		
Goods/Services	entertainment services		

Attachments	Petition to Cancel.pdf ( 2 pages )(74882 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	/KohelHaver/
Name	Kohel Haver
Date	02/03/2009

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

In The Matter of Trademark Registration No. 3391242  
For the Mark RUBY ROCKET  
Date Registered March 4, 2008

Ruby Rocket LLC

Petitioner,

v.

Amanda Leigh Young,

Registrant.

**PETITION TO CANCEL**

**Cancellation No. \_\_\_\_\_**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

**PETITION FOR CANCELLATION**

1. Petitioner Ruby Rocket LLC is an Oregon limited liability company with its principal place of business at 2825 SE Oak Street Portland, Oregon 97214.
2. On March 3, 2008 Amanda Leigh Young (“Registrant”) obtained Registration No. 3391242 on the Principal Register in International Class 041 for Entertainment in the nature of live appearances, burlesque and strip tease shows, rendered by a female model, costumer and stage star.
3. To the best of Petitioner’s knowledge, and as stated in the records of the U.S. Patent and Trademark Office, the Registrant’s current address is Apt. 214 300 E. Riverside Drive Austin, TX 78704.
4. Upon information and belief, Petitioner has common law rights in and to the mark RUBY ROCKET in International Class 041 that pre-exist the rights alleged by

Registrant. Petitioner believes that it is being damaged and will continue to be damaged by the above-registered registration and hereby petitions to cancel the same.

5. The Petitioner and/or its predecessor(s) in interest has used the trademark RUBY ROCKET for entertainment services in United States commerce continuously since January 2000.

6. According to the trademark application filed with the USPTO, Registrant has used its trademark for RUBY ROCKET for entertainment services in United States Commerce since January 3, 2006.

7. The Registrant's mark RUBY ROCKET is so similar to the Petitioner's RUBY ROCKET mark as to cause likelihood of confusion as to the origin, source or sponsorship of the services.

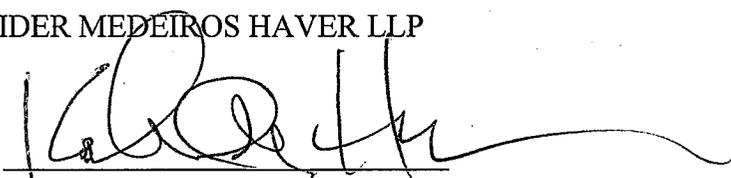
8. The Registrant's aforementioned registration of the mark RUBY ROCKET is inconsistent with Petitioner's right to use and register its trademark, and said registration may be used in an unfair manner by Registrant as a basis for threatening Petitioner's lawful use of its aforementioned trademark.

WHEREFORE, Petitioner prays that Registration No. 3391242 be cancelled and that this Petition to Cancel be sustained in favor of Petitioner.

Dated this 28th day of January, 2009.

RESPECTFULLY SUBMITTED,

SWIDER MEDEIROS HAVER LLP

By: 

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