

ESTTA Tracking number: **ESTTA337326**

Filing date: **03/15/2010**

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**

<b>Name</b>	Ken Shamrock Inc		
<b>Entity</b>	Corporation	<b>Citizenship</b>	Nevada
<b>Address</b>	2737 Silverton Way Sparks, NV 89436 UNITED STATES		

<b>Attorney information</b>	Rodney L. Donohoo, ESQ Law Offices Of Rodney L. Donohoo 3110 Camino Del Rey South, #314 San Diego, CA 92108 UNITED STATES rdonohoo@donohoolaw.com, tonya@lionsdenreno.com, heather@lionsdenreno.com Phone:619-295-3200
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#### **Registration Subject to Cancellation**

<b>Registration No</b>	3742454	<b>Registration date</b>	01/26/2010
<b>Registrant</b>	Lions Den Scottsdale, LLC 2954 North Hayden Road Scottsdale, AZ 85251 UNITED STATES		

#### **Goods/Services Subject to Cancellation**

Class 041. First Use: 2008/06/02 First Use In Commerce: 2008/06/02 All goods and services in the class are cancelled, namely: Education and entertainment services, namely, providing training services for mixed martial arts (MMA) techniques
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#### **Grounds for Cancellation**

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Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.</i> Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Violates the provisions of Trademark Act &sect; 4	Trademark Act &sect; 4 (collective and certification marks)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The Lions Den used as clothing/ merchandise/ mixed martial arts gyms has been owned & licensed & trademarked by its founder Ken Shamrock and Ken Shamrock Inc since the 1990s. Ken Shamrock has registered the Lions Den trademark over 6 times over the years including our current registration, serial #77944275. Past serial numbers owned by Ken Shamrock have been 75784456, 75784474, 75784457, 75784458, 75784473.

### Marks Cited by Petitioner as Basis for Cancellation

<b>U.S. Registration No.</b>	2381260	<b>Application Date</b>	08/25/1999
<b>Registration Date</b>	08/29/2000	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	LION' S DEN SUBMISSION FIGHTING		
<b>Design Mark</b>	<b>LION' S DEN SUBMISSION FIGHTING</b>		
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 009. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 pre-recorded video tapes featuring training techniques for wrestling and fighting		

<b>U.S. Application No.</b>	75784474	<b>Application Date</b>	08/25/1999
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<b>Registration Date</b>	NONE	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	KEN SHAMROCK'S LION' S DEN TOP OF THE FOOD CHAIN		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 025. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 Education and entertainment services, namely providing training services for wrestlers, boxers and fighting techniques; and operation of health clubs, gyms, wrestling, boxing and fighting arenas		

<b>U.S. Registration No.</b>	2360305	<b>Application Date</b>	08/25/1999
<b>Registration Date</b>	06/20/2000	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	LION' S DEN SUBMISSION ACADEMY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 041. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 Education and entertainment services, namely providing training services for wrestlers, boxers and fighting techniques; and operation of health clubs, gyms, wrestling, boxing and fighting arenas		

<b>U.S. Application No.</b>	75784458	<b>Application Date</b>	08/25/1999
<b>Registration Date</b>	NONE	<b>Foreign Priority Date</b>	NONE

<b>Word Mark</b>	LION' S DEN
<b>Design Mark</b>	
<b>Description of Mark</b>	NONE
<b>Goods/Services</b>	Class 025. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 Clothing, headwear and footwear, namely t-shirts, sweatshirts, sweat pants, jersey shirts, exercise pants, underwear, tank tops, hats, caps, gloves, boxing shorts, wrestling shorts, wrestling belts, and athletic shoes

<b>U.S. Registration No.</b>	2531192	<b>Application Date</b>	08/25/1999
<b>Registration Date</b>	01/22/2002	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	KEN SHAMROCK'S LION'S DEN SUBMISSION ACADEMY		
<b>Design Mark</b>			
<b>Description of Mark</b>	NONE		
<b>Goods/Services</b>	Class 041. First use: First Use: 1995/11/00 First Use In Commerce: 1995/11/00 Education and entertainment services, namely providing training services for wrestlers, boxers and fighting techniques; and operation of health clubs, gyms, wrestling, boxing and fighting arenas		

<b>U.S. Application No.</b>	77944275	<b>Application Date</b>	02/24/2010
<b>Registration Date</b>	NONE	<b>Foreign Priority Date</b>	NONE
<b>Word Mark</b>	LION'S DEN MIXED MARTIAL ARTS		

<b>Design Mark</b>	
<b>Description of Mark</b>	The mark consists of an outline of a lion walking on top of the text "Lion's Den", and "Mixed Martial Arts" below.
<b>Goods/Services</b>	Class 025. First use: First Use: 2004/03/01 First Use In Commerce: 2004/03/01 Athletic clothing such as t-shirts, shorts, pants, jackets, shoes Class 041. First use: First Use: 2004/03/01 First Use In Commerce: 2004/03/01 Education/Entertainment services in which instruction of mixed martial arts will take place at gym

<b>Attachments</b>	75784456#TMSN.gif ( 1 page )( bytes ) 75784474#TMSN.gif ( 1 page )( bytes ) 75784457#TMSN.gif ( 1 page )( bytes ) 75784458#TMSN.gif ( 1 page )( bytes ) 75784473#TMSN.gif ( 1 page )( bytes ) 77944275#TMSN.jpeg ( 1 page )( bytes ) Petition to Cancel in PDF.pdf ( 1 page )(46125 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 USPS Express Mail Post Office to Addressee on this date.

<b>Signature</b>	/rd/
<b>Name</b>	Rodney L. Donohoo, ESQ
<b>Date</b>	03/15/2010

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

In the matter of trademark Registration: No.3742454  
For the Mark: Lions Den MMA Academy  
Date registered: January 26<sup>th</sup>, 2010

Ken Shamrock/ Ken Shamrock Inc  
vs.  
Scott Peterson/ Lions Den Scottsdale LLC

PETITION TO CANCEL

Ken Shamrock, Inc.  
2737 Silverton Way  
Sparks, Nevada 89436

To the best of petitioner's knowledge, the name and address of the current owner of the registration is Ken Shamrock Inc

The above-identified petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. The Lion's Den is a mixed martial arts team and training facility founded in the early 1990s by UFC Hall of Famer Ken Shamrock, a world renowned professional mixed martial artist. His training camps and facilities, located throughout the United States, has consistently and continuously been known as the Lions Den. As an example, please see online information regarding Mr. Shamrock's Lion's Den at:  
[http://en.wikipedia.org/wiki/Lions\\_Den\\_mixed\\_martial\\_arts](http://en.wikipedia.org/wiki/Lions_Den_mixed_martial_arts)
2. Ken Shamrock has filed at least 6 different trademarks since 1999 under Lions Den related to his training facilities that include MMA, boxing, grappling and kickboxing and related to his clothing/ merchandise. These 6 different trademarks include serial #75784456, 75784474, 75784457, 75784458, 75784473 and the most recent trademark Lions Den Mixed Martial Arts, filed in 2010 serial #77944275
3. The above Mark – Lions Den MMA Academy registered by Lions Den Scottsdale infringes on the brand that Ken Shamrock has been building since the early 1990's. Lions Den Scottsdale is operation a Mixed Martial Arts Gym and also utilizing Ken Shamrocks name and pictures on their website. Further, Lion's Den Scottsdale entered into a contract with Mr. Shamrock's company to license the name. In violation of their agreement, and as a malicious attempt to infringe on Mr. Shamrock's Lion's Den, they have registered the Mark in question.

By \_\_\_\_\_  
Ken Shamrock, President  
Ken Shamrock, Inc.

Date: March 10, 2010