

ESTTA Tracking number: **ESTTA417204**

Filing date: **06/30/2011**

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	Havens Brewery, LLC d/b/a Brickhouse Brewery and Restaurant		
Entity	LLC	Citizenship	New York
Address	67 West Main Street Patchogue, NY 11772 UNITED STATES		

Attorney information	Paul K. Siepmann Danes Street P.O. Box 672 Patchogue, NY 11772 UNITED STATES pksesq@yahoo.com Phone:(631) 948-0362		
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Registrations Subject to Cancellation

Registration No	3815051	Registration date	07/06/2010
Registrant	BHTT ENTERTAINMENT, INC. 9900 WESTPARK SUITE 300 HOUSTON, TX 77063 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2008/10/28 First Use In Commerce: 2008/10/28
All goods and services in the class are cancelled, namely: Bar services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3815053	Registration date	07/06/2010
Registrant	BHTT ENTERTAINMENT, INC. 9900 WESTPARK SUITE 300 HOUSTON, TX 77063 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2008/10/28 First Use In Commerce: 2008/10/28
All goods and services in the class are cancelled, namely: Bar services

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)		
Registration No	3943731	Registration date	04/12/2011
Registrant	BHTT Entertainment, Inc.		

9900 Westpark Drive, Suite 300 Houston, TX 77063 UNITED STATES
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Goods/Services Subject to Cancellation

Class 043. First Use: 2008/10/28 First Use In Commerce: 2008/10/28 All goods and services in the class are cancelled, namely: Restaurant services
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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 No.	77802310	Application Date	08/11/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BRICKHOUSEBREWERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1996/06/15 First Use In Commerce: 1996/06/15 Beer, ale, lager, stout and porter Class 043. First use: First Use: 1996/06/15 First Use In Commerce: 1996/06/15 Bar and restaurant services		

Attachments	77802310#TMSN.jpeg (1 page)(bytes) Tavern + Tap Cancellation Petition.pdf (2 pages)(452229 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	/pks/
Name	Paul K. Siepmann
Date	06/30/2011

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

In the matter of trademark Registration
Numbers 3815051, 3815053 and 3943731
For the marks "Brick House Tavern + Tap"
And "Brick House Tavern + Tap" and design
Dates Registered: July 6, 2010 and April 12, 2011

Havens Brewery, LLC)	
d/b/a BrickHouse Brewery)	
and Restaurant)	
)	
Petitioner,)	Cancellation No.:
v.)	
)	
BHTT Entertainment, Inc.)	
)	
Registrant.)	
)	

PETITION TO CANCEL

1. Petitioner, Havens Brewery, LLC d/b/a BrickHouse Brewery and Restaurant, is a Limited Liability Company duly formed and existing under the laws of the State of New York with a principal place of business located at 67 West Main Street, Patchogue, NY 11772

2. To the best of petitioner's knowledge, BHTT Entertainment, Inc., a Texas Corporation with an address of 9900 West Park Drive, suite 300, Houston, Texas, 77063, is the current owner of the registrations.

3. The above-identified Petitioner believes that it is and will be damaged by the above-identified registrations, and hereby petitions to cancel the same.

**AS AND FOR A FIRST GROUND FOR CANCELLATION:
PRIORITY OF USE – LIKELYHOOD OF CONFUSION**

4. Since at least as early as June 15, 1996, and long prior to Registrant's use, Petitioner has used the mark BRICK HOUSE BREWERY in the United States in commerce on or in connection with its goods and services, which include, but are not limited to: beer, ale, lager, stout, and porter goods as well as bar and restaurant services.

5. Registrant's marks consist of or comprise marks which so resemble Petitioner's mark previously used in the United States, as to be likely, when used in connection with the goods and services of the registrant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Petitioner respectfully prays that the aforesaid registrations be cancelled.

Dated: Patchogue, NY
June 30, 2011



Paul K. Siepmann, Esq.
Attorney for Petitioner
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Patchogue, NY 11772
(631) 948-0362