

ESTTA Tracking number: **ESTTA522832**

Filing date: **02/21/2013**

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	Hollywood Casino Corporation		
Entity	Corporation	Citizenship	Delaware
Address	825 Berkshire Boulevard, Suite 200 Wyomissing, PA 19610 UNITED STATES		

Attorney information	Hara K. Jacobs Ballard Spahr LLP 1735 Market Street, 51st Floor Philadelphia, PA 19103-7599 UNITED STATES jacobsh@ballardspahr.com, cramerp@ballardspahr.com, sternam@ballardspahr.com, phila_tmddocketing@ballardspahr.com Phone:215.864.8209
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**Registration Subject to Cancellation**

Registration No	4036289	Registration date	10/04/2011
Registrant	Hollywood Burger Holdings, Inc. 135 Fifth Avenue 10th Floor New York, NY 10010 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 043. First Use: 2010/11/08 First Use In Commerce: 2011/07/15 All goods and services in the class are cancelled, namely: Coffee-house and snack-bar services; Fast-food restaurant services; Fast-food restaurants and snackbars; Preparation of food and beverages; Providing of food and drink; Providing of food and drink via a mobile truck; Provision of food and drink in restaurants; Restaurant services, including sit-down service of food and take-out restaurant services; Restaurant services, namely, providing of food and beverages for consumption on and off the premises
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**Grounds for Cancellation**

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Registrant has not used the mark in commerce. See Barbara's Bakery Inc. v. Landesman, 82 USPQ2d 1283, 1289 (TTAB 2007) (registration is allowed only as to goods upon which the mark is being used as of the application filing date).

## Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	1851759	Application Date	05/05/1993
Registration Date	08/30/1994	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 casino services		

U.S. Registration No.	1903858	Application Date	05/05/1993
Registration Date	07/04/1995	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1994/09/09 First Use In Commerce: 1994/09/09 hotel services		

Attachments	4036289.pdf ( 29 pages )(302411 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	/Hara K. Jacobs/
Name	Hara K. Jacobs
Date	02/21/2013



Registration Nos. 1,851,759 and 1,903,858 for the mark HOLLYWOOD CASINO for hotel services and casino services, all collectively referred to as the “Hollywood Casino Marks.” Attached hereto as Exhibits A and B are current TSDR report printouts from the electronic database records of the USPTO showing the current status and title of Registration Nos. 1,851,759 and 1,903,858.

3. Petitioner offers, among other things, hotel services, casino services, restaurant and bar services, gaming facilities for patrons to play slot machines and video lottery terminals and other games of chance, and other casino services and related entertainment and hospitality services under the Hollywood Casino Marks (collectively, “Petitioner’s Services”).

4. Hollywood Burger Holdings, Inc. (“Respondent”) has secured Registration No. 4,036,289, issued on October 4, 2011, for the mark HOLLYWOOD CAFÉ for “coffee-house and snack-bar services; fast-food restaurant services; fast-food restaurants and snackbars; preparation of food and beverages; providing of food and drink; providing of food and drink via a mobile truck; provision of food and drink in restaurants; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises” in Class 43.

5. The Registration matured from Application No. 85/171,303, which Respondent filed on November 8, 2010 based on Respondent’s intent to use the mark in commerce, under Section 1(b) of the Lanham Act.

6. On July 21, 2011, Respondent filed a specimen and Statement of Use, stating that the mark HOLLYWOOD CAFÉ for the services identified herein was used at least as early as November 8, 2010, and first used in commerce at least as early as July 15, 2011 (the “Statement of Use”).

7. The trademark examiner accepted the Statement of Use, and converted the Application to a use-based application under Section 1(a) of the Lanham Act.

8. Petitioner's dates of first use in commerce for each of the Hollywood Casino Marks precede Respondent's alleged date of first use in commerce for the mark HOLLYWOOD CAFÉ.

9. The registrations for the Hollywood Casino Marks are valid, subsisting and are incontestable.

10. Petitioner's use of the Hollywood Casino Marks has been continuous, exclusive and commercially significant for many years in connection with Petitioner's Services.

11. Petitioner's Hollywood Casino Marks are valid and have been valid and in continuous use since at least their respective dates of first use and have not been abandoned.

12. Because of the substantial investment of time and resources nationally to promote, advertise, and enforce the Hollywood Casino Marks, consumers have come to associate the Hollywood Casino Marks exclusively with Petitioner's Services.

13. By virtue of Petitioner's continuous use in commerce of the Hollywood Casino Marks in connection with Petitioner's Services, such services have become favorably known to the relevant trade and public under such marks.

14. In the Registration which is the subject of this cancellation, there are no restrictions on trade channels, so it must be presumed that the services of the Registration identified will travel through all trade channels appropriate for services of that type.

15. On information and belief, Respondent's services for "coffee-house and snack-bar services; fast-food restaurant services; fast-food restaurants and snackbars; preparation of food and beverages; providing of food and drink; providing of food and drink via a mobile truck;

provision of food and drink in restaurants; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises” in Class 43, and Petitioner’s Services are intended to be marketed through overlapping channels of trade and are intended to be sold to overlapping classes of purchasers.

16. Respondent’s HOLLYWOOD CAFÉ mark as used in association with “coffee-house and snack-bar services; fast-food restaurant services; fast-food restaurants and snackbars; preparation of food and beverages; providing of food and drink; providing of food and drink via a mobile truck; provision of food and drink in restaurants; restaurant services, including sit-down service of food and take-out restaurant services; restaurant services, namely, providing of food and beverages for consumption on and off the premises” in Class 43 is confusingly similar to the Hollywood Casino Marks established by Petitioner because the marks are similar in sound, appearance and overall commercial impression.

17. Respondent’s HOLLYWOOD CAFÉ mark as applied to the identification of services in the Registration so resembles the Hollywood Casino Marks as applied to Petitioner’s Services that it is likely to cause confusion, mistake and/or deception.

18. If Respondent’s registration for the mark HOLLYWOOD CAFÉ for the services set forth in Class 43 of the Registration is permitted to continue, confusion of the relevant trade and public is likely to result, which will damage and injure Petitioner.

19. Any defect, objection to, or fault found with Respondent’s services under the HOLLYWOOD CAFÉ mark would necessarily reflect on and seriously injure the reputation that Petitioner has established for its services and business.

20. Respondent's statement in the Statement of Use that the mark HOLLYWOOD CAFÉ was in use in commerce as of July 15, 2011, and was in use in commerce as of the date of the Statement of Use, July 21, 2011, is a false misrepresentation of fact because Respondent does not offer restaurant services of any kind in the United States.

21. Petitioner has performed an investigation into Respondent's services. That investigation revealed that Respondent does not have any restaurants in the United States and did not have any restaurants in the United States at the time it filed its application, at the time it claims to have first used the mark in commerce, July 15, 2011, or at the time Respondent filed its Statement of Use, July 21, 2011.

22. Respondent has publicly stated both on its website and in press releases that Respondent has only a single restaurant in the country of Argentina, which is its first location, and a newly opened restaurant in the United Arab Emirates, and that Respondent's next planned locations will be additional restaurants in Argentina and the United Arab Emirates. A copy of the "Locations" page from Respondent's website containing the aforementioned statements is attached as Exhibit C hereto.

23. Because Respondent has not used the mark HOLLYWOOD CAFÉ in commerce, as defined in 15 U.S.C. § 1127, for any of the services listed in the Registration, the Registration is void *ab initio*.

24. Petitioner's investigation further revealed that Respondent is marketing its restaurant concept to potential franchisees by emphasizing that it has a trademark registration in the United States.

25. On information and belief, and upon the results of Petitioner's investigation, Respondent knowingly made false, material misrepresentations of fact in submitting its

Application and the Statement of Use, with the intent to deceive the U.S. Patent & Trademark Office in procuring a federal registration for the mark HOLLYWOOD CAFÉ because Respondent knew that its mark, HOLLYWOOD CAFÉ, was not in use in commerce, as defined in 15 U.S.C. § 1127, in connection with the services referenced in the Application at the time the Application was filed, at the time of its alleged date of first of use in commerce, July 15, 2011, or at the time the Statement of Use was filed, July 21, 2011.

26. By reason of the foregoing, Petitioner is likely to be harmed by continued registration of U.S. Registration No. 4,036,289.

WHEREFORE, Hollywood Casino Corporation requests that this Petition to Cancel be granted, and that Registration No. 4,036,289 for the HOLLYWOOD CAFÉ mark be cancelled.

The required fee of \$300 may be charged to Deposit Account No. 02-0755 and any overpayment may be credited to this account.

Dated: February 21, 2013

Respectfully submitted,

By: /Hara K. Jacobs/

Hara K. Jacobs  
Andrew M. Stern  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, Pennsylvania 19103-7599  
(215) 665-8500

ATTORNEYS FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Petition for Cancellation was served on the Attorney of Record for the Respondent of Registration No. 4,036,289 by First Class U.S. Mail on the date below:

NOAH KLARISH  
HUTNER KLARISH LLP  
1359 BROADWAY RM 2001  
NEW YORK, NY 10018-7833

Dated: \_\_\_\_\_

2/21/13



Andrew M. Stern

## **EXHIBIT A**

STATUS DOCUMENTS

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Print

Generated on: This page was generated by TSDR on 2013-02-20 23:24:14 EST

Mark: HOLLYWOOD CASINO

US Serial Number: 74801556

Application Filing Date: May 05, 1993

US Registration Number: 1851759

Registration Date: Aug. 30, 1994

Register: Principal

Mark Type: Service Mark

Status: A Section 15 declaration has been acknowledged.

Status Date: Jul. 01, 2008

Publication Date: Jun. 07, 1994

**Mark Information**

Mark Literal Elements: HOLLYWOOD CASINO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CASINO"

**Related Properties Information**International [A0034213](#)

Application(s)/Registration(s)

Based on this Property:

Claimed Ownership of US [74388870](#)

Registrations:

Child Of: [74388870](#)**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: casino services

International Class: 041 - Primary Class

U.S Class: 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 17, 1993

Use in Commerce: Jun. 17, 1993

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: Hollywood Casino Corporation

**Owner Address:** 825 BERKSHIRE BOULEVARD, STE 200  
WYOMISSING, PENNSYLVANIA 19610  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Patricia G. Cramer

**Docket Number:** 894428

#### Correspondent

**Correspondent** Patricia G. Cramer  
**Name/Address:** Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51st Floor  
Philadelphia, PENNSYLVANIA 19103-7599  
UNITED STATES

**Phone:** 215-864-8607

**Fax:** 215-864-9744

**Correspondent e-mail:** [cramerp@ballardspahr.com](mailto:cramerp@ballardspahr.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 01, 2008	REGISTERED - SEC. 15 ACKNOWLEDGED	66607
Jun. 17, 2008	ASSIGNED TO PARALEGAL	66607
Jun. 06, 2008	TEAS SECTION 15 RECEIVED	
Jul. 20, 2007	CASE FILE IN TICRS	
Dec. 12, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 12, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 13, 2004	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jan. 13, 2004	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 03, 2003	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 29, 2003	CANCELLATION TERMINATED NO. 999999	30800
Apr. 29, 2003	CANCELLATION DISMISSED NO. 999999	30800
Apr. 18, 2003	CANCELLATION GRANTED NO. 999999	30800
Oct. 30, 2000	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Aug. 18, 2000	REGISTERED - SEC. 8 (6-YR) FILED	
Aug. 25, 2000	CANCELLATION INSTITUTED NO. 999999	30800
Aug. 30, 1994	REGISTERED-PRINCIPAL REGISTER	
Jun. 07, 1994	PUBLISHED FOR OPPOSITION	
May 06, 1994	NOTICE OF PUBLICATION	
Mar. 01, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 01, 1994	USE AMENDMENT ACCEPTED	
Jan. 31, 1994	AMENDMENT TO USE PROCESSING COMPLETE	
Sep. 01, 1993	USE AMENDMENT FILED	
Jan. 10, 1994	DIVISIONAL PROCESSING COMPLETE	
Nov. 22, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 30, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 23, 1993	EXAMINER'S AMENDMENT MAILED	
Aug. 20, 1993	ASSIGNED TO EXAMINER	67348
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Aug. 30, 2004

### TM Staff and Location Information

**TM Staff Information - None**

#### File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Jul. 01, 2008

### Assignment Abstract of Title Information

#### Summary

**Total Assignments:** 8

**Conveyance Filter**  
**Registrant:** Hollywood Casino Corporation

#### **Assignment 1 of 8**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 1406/0572

**Pages:** 28

**Date Recorded:** Oct. 20, 1995

**Supporting Documents:** No Supporting Documents

#### Assignor

**Name:** HOLLYWOOD CASINO CORPORATION

**Execution Date:** Oct. 17, 1995

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** SHAWMUT BANK

**State or Country Where Organized:** No Place Where Organized Found

**Legal Entity Type:** NATIONAL ASSOCIATION

**Address:** ONE FEDERAL STREET  
BOSTON, MASSACHUSETTS 02211

#### Correspondent

**Correspondent Name:** VINSON & ELKINS L.L.P.

**Correspondent Address:** ANDREW G. DINOVO  
2300 FIRST CITY TOWER  
1001 FANNIN STREET  
HOUSTON, TX 77002

**Domestic Representative - Not Found**

#### **Assignment 2 of 8**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 1904/0445

**Pages:** 8

**Date Recorded:** May 24, 1999

**Supporting Documents:** assignment-tm-1904-0445.pdf

#### Assignor

**Name:** HOLLYWOOD CASINO CORPORATION

**Execution Date:** May 19, 1999

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** STATE STREET BANK AND TRUST COMPANY, AS TRUSTEE

**State or Country Where Organized:** MASSACHUSETTS

**Legal Entity Type:** CHARTERED TRUST COMPANY

**Address:** TWO INTERNATIONAL PLACE, 4TH FLOOR  
BOSTON, MASSACHUSETTS 02110

#### Correspondent

**Correspondent Name:** LATHAM & WATKINS

**Correspondent Address:** JOYCE A. KIEL  
SUITE 5800 SEARS TOWER  
CHICAGO, IL 60606

Domestic Representative - Not Found

**Assignment 3 of 8**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2693/0357

Pages: 87

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2693-0357.pdf

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Mar. 03, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: BEAR STEAMS CORPORATE LENDING INC.

State or Country Where Organized: NEW YORK

Legal Entity Type: CORPORATION

Address: 383 MADISON AVENUE  
AS COLLATERAL AGENT  
NEW YORK, NEW YORK 10179

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY  
1030 15TH STREET, NW, SUITE 920  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Assignment 4 of 8**

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: 2694/0203

Pages: 8

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2694-0203.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION (AS SUCCESSOR TRUSTEE TO STATE STREET BANK AND TRUST COMPANY)

Execution Date: Mar. 03, 2003

Legal Entity Type: BANK

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: HOLLYWOOD CASINO CORPORATION

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: WYOMISSING PROFESSIONAL CENTER  
825 BERKSHIRE BLVD., STE. 200  
WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY  
1030 15TH STREET, NW, SUITE 920  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Assignment 5 of 8**

Conveyance: CONFIRMATION OF TERMINATION AND RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3103/0017

Pages: 14

Date Recorded: Jun. 13, 2005

Supporting Documents: assignment-tm-3103-0017.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE

Execution Date: Sep. 08, 2004

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Address: 825 BERKSHIRE BLVD, SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: PATRICIA G. CRAMER

Correspondent Address: 1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103-7599

Domestic Representative - Not Found

**Assignment 6 of 8**

Conveyance: SECURITY AGRREMENT

Reel/Frame: 3175/0228

Pages: 28

Date Recorded: Oct. 14, 2005

Supporting Documents: assignment-tm-3175-0228.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Name: PENN NATIONAL GARMING INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA Organized:

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA Organized:

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where DELAWARE Organized:

Name: LOUISIANA CASINO CRUISES, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where LOUISIANA Organized:

Name: BSL, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI Organized:

Name: BTN, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI Organized:

Assignee

Name: DEUTSCHE BANK TRUST COMPANY

Legal Entity Type: COLLATERAL AGENT

Address: 60 WALL STREET  
AMERICAS, AS COLLATERAL AGENT  
NEW YORK, NEW YORK 10005

State or Country Where No Place Where Organized Found  
Organized:

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

Domestic Representative - Not Found

**Assignment 7 of 8**

Conveyance: TRADEMARK RELEASE

Reel/Frame: 4584/0012

Pages: 25

Date Recorded: Jul. 15, 2011

Supporting Documents: [assignment-tm-4584-0012.pdf](#)

Assignor

Name: DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS COLLATERAL AGENT

Execution Date: Jul. 14, 2011

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Assignee

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA  
Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA  
Organized:

Address: 777 HOLLYWOOD DRIVE  
GRANTVILLE, PENNSYLVANIA 17028

Name: LOUISIANA CASINO CRUISES, INC.

Legal Entity Type: CORPORATION

State or Country Where LOUISIANA  
Organized:

Address: 1717 RIVER ROAD NORTH  
BATON ROUGE, LOUISIANA 70802

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Address: 711 HOLLYWOOD BLVD., BAY  
ST. LOUIS, MISSISSIPPI 39520

Name: BTN, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Address: 676 BAYVIEW AVENUE  
BILOXI, MISSISSIPPI 39530

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

Domestic Representative - Not Found

**Assignment 8 of 8**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4584/0880

Pages: 27

Date Recorded: Jul. 18, 2011

Supporting Documents: [assignment-tm-4584-0880.pdf](#)

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: DELAWARE

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: PENNSYLVANIA

Name: LV GAMING VENTURES, LLC

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: NEVADA

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: PENNSYLVANIA

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: DELAWARE

**Name:** BTN, INC.

**Execution Date:** Jul. 14, 2011

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MISSISSIPPI

**Assignee**

**Name:** WELLS FARGO BANK, NATIONAL ASSOCIATION, AS COLLATERAL AGENT

**Legal Entity Type:** INC. ASSOCIATION

**State or Country Where Organized:** UNITED STATES

**Address:** 333 S. GRAND AVE, 12TH FLOOR  
LOS ANGELES, CALIFORNIA 90071

**Correspondent**

**Correspondent Name:** JAMES P. MURPHY, LEGAL ASSISTANT

**Correspondent Address:** 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

## **EXHIBIT B**

STATUS DOCUMENTS

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Print

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Mark: HOLLYWOOD CASINO

US Serial Number: 74388870

Application Filing Date: May 05, 1993

US Registration Number: 1903858

Registration Date: Jul. 04, 1995

Register: Principal

Mark Type: Service Mark

Status: The registration has been renewed.

Status Date: Apr. 24, 2006

Publication Date: Aug. 16, 1994

Notice of Allowance Date: Nov. 08, 1994

**Mark Information**

Mark Literal Elements: HOLLYWOOD CASINO

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Disclaimer: "CASINO"

**Related Properties Information**International [A0034213](#)

Application(s)/Registration(s)

Based on this Property:

Claimed Ownership of US [74801556](#)

Registrations:

Parent Of: [74801556](#)**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: hotel services

International Class: 042 - Primary Class

U.S Class: 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 09, 1994

Use in Commerce: Sep. 09, 1994

**Basis Information (Case Level)**

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

**Current Owner(s) Information**

Owner Name: Hollywood Casino Corporation

**Owner Address:** Two Galleria Tower, Suite 2200  
13455 Noel Road, L.B. 48  
Dallas, TEXAS 75240  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Patricia G. Cramer; Roberta Jacobs-Meadway; Jay K. Meadway; Richard E. Peirce; Robert H. Lefevre

**Docket Number:** 894428

#### Correspondent

**Correspondent Name/Address:** PATRICIA G CRAMER ROBERTA JACOBS- MEADW  
BALLARD SPAHR ANDREWS & INGERSOLL LLP  
1735 MARKET ST 51ST FL  
PHILADELPHIA, PENNSYLVANIA 19103-7599  
UNITED STATES

**Phone:** 215-864-8607

**Fax:** 215-864-9744

**Correspondent e-mail:** [cramerp@ballardspahr.com](mailto:cramerp@ballardspahr.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 27, 2007	CASE FILE IN TICRS	
Apr. 24, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Apr. 24, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 24, 2006	ASSIGNED TO PARALEGAL	68335
Dec. 12, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Dec. 12, 2005	TEAS SECTION 8 & 9 RECEIVED	
Dec. 12, 2005	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 12, 2005	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 13, 2001	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 03, 2001	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 04, 1995	REGISTERED-PRINCIPAL REGISTER	
Mar. 29, 1995	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 16, 1995	ASSIGNED TO EXAMINER	67348
Mar. 08, 1995	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 13, 1995	USE AMENDMENT FILED	
Nov. 08, 1994	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 16, 1994	PUBLISHED FOR OPPOSITION	
Jul. 15, 1994	NOTICE OF PUBLICATION	
Mar. 01, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 27, 1994	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 10, 1994	DIVISIONAL PROCESSING COMPLETE	
Sep. 01, 1993	DIVISIONAL REQUEST RECEIVED	
Nov. 22, 1993	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 30, 1993	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 23, 1993	EXAMINER'S AMENDMENT MAILED	
Aug. 20, 1993	ASSIGNED TO EXAMINER	67348
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899
Aug. 16, 1993	ASSIGNED TO EXAMINER	59899

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of Incontestability:** Section 15 - Accepted  
**Renewal Date:** Jul. 04, 2005

### TM Staff and Location Information

#### TM Staff Information - None

#### File Location

**Current Location:** SCANNING ON DEMAND

**Date in Location:** Jun. 27, 2007

### Assignment Abstract of Title Information

#### Summary

**Total Assignments:** 9

**Registrant:** Hollywood Casino Corporation

**Conveyance Filter**

#### Assignment 1 of 9

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 1406/0572

**Pages:** 28

**Date Recorded:** Oct. 20, 1995

**Supporting Documents:** No Supporting Documents

#### Assignor

**Name:** HOLLYWOOD CASINO CORPORATION

**Execution Date:** Oct. 17, 1995

**Legal Entity Type:** CORPORATION

**State or Country Where** DELAWARE

**Organized:**

#### Assignee

**Name:** SHAWMUT BANK

**State or Country Where** No Place Where Organized Found

**Legal Entity Type:** NATIONAL ASSOCIATION

**Organized:**

**Address:** ONE FEDERAL STREET  
BOSTON, MASSACHUSETTS 02211

#### Correspondent

**Correspondent Name:** VINSON & ELKINS L.L.P.

**Correspondent Address:** ANDREW G. DINOVO  
2300 FIRST CITY TOWER  
1001 FANNIN STREET  
HOUSTON, TX 77002

**Domestic Representative - Not Found**

#### Assignment 2 of 9

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 1904/0445

**Pages:** 8

**Date Recorded:** May 24, 1999

**Supporting Documents:** assignment-tm-1904-0445.pdf

#### Assignor

**Name:** HOLLYWOOD CASINO CORPORATION

**Execution Date:** May 19, 1999

**Legal Entity Type:** CORPORATION

**State or Country Where** DELAWARE

**Organized:**

#### Assignee

**Name:** STATE STREET BANK AND TRUST COMPANY, AS TRUSTEE

**State or Country Where** MASSACHUSETTS

**Legal Entity Type:** CHARTERED TRUST COMPANY

**Organized:**

**Address:** TWO INTERNATIONAL PLACE, 4TH FLOOR  
BOSTON, MASSACHUSETTS 02110

#### Correspondent

**Correspondent Name:** LATHAM & WATKINS

**Correspondent Address:** JOYCE A. KIEL  
SUITE 5800 SEARS TOWER  
CHICAGO, IL 60606

Domestic Representative - Not Found

**Assignment 3 of 9**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2693/0357

Pages: 87

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2693-0357.pdf

Assignor

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Mar. 03, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: BEAR STEAMS CORPORATE LENDING INC.

State or Country Where Organized: NEW YORK

Legal Entity Type: CORPORATION

Address: 383 MADISON AVENUE  
AS COLLATERAL AGENT  
NEW YORK, NEW YORK 10179

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY  
1030 15TH STREET, NW, SUITE 920  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Assignment 4 of 9**

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: 2694/0203

Pages: 8

Date Recorded: Mar. 19, 2003

Supporting Documents: assignment-tm-2694-0203.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION (AS SUCCESSOR TRUSTEE TO STATE STREET BANK AND TRUST COMPANY)

Execution Date: Mar. 03, 2003

Legal Entity Type: BANK

State or Country Where Organized: No Place Where Organized Found

Assignee

Name: HOLLYWOOD CASINO CORPORATION

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: WYOMISSING PROFESSIONAL CENTER  
825 BERKSHIRE BLVD., STE. 200  
WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: FEDERAL RESEARCH COMPANY, LLC

Correspondent Address: MAUREEN P. MURPHY  
1030 15TH STREET, NW, SUITE 920  
WASHINGTON, DC 20005

Domestic Representative - Not Found

**Assignment 5 of 9**

Conveyance: CONFIRMATION OF TERMINATION AND RELEASE OF SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3103/0017

Pages: 14

Date Recorded: Jun. 13, 2005

Supporting Documents: assignment-tm-3103-0017.pdf

Assignor

Name: U.S. BANK NATIONAL ASSOCIATION, AS SUCCESSOR TRUSTEE

Execution Date: Sep. 08, 2004

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where No Place Where Organized Found  
Organized:

Assignee

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Address: 825 BERKSHIRE BLVD, SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Correspondent

Correspondent Name: PATRICIA G. CRAMER

Correspondent Address: 1735 MARKET STREET, 51ST FLOOR  
PHILADELPHIA, PA 19103-7599

Domestic Representative - Not Found

**Assignment 6 of 9**

Conveyance: TERMINATION AND RELEASE

Reel/Frame: 3171/0717

Pages: 18

Date Recorded: Oct. 07, 2005

Supporting Documents: assignment-tm-3171-0717.pdf

Assignor

Name: BEAR STEARNS CORPORATE LENDING INC.,  
AS COLLATERAL AGENT

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Assignee

Name: PENN NATIONAL GARMING INC

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA  
Organized:

Address: 825 BERKSHIRE BLVD  
SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

State or Country Where PENNSYLVANIA  
Organized:

Address: P.O. BOX 32  
GRANTVILLE, PENNSYLVANIA 17028

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

State or Country Where DELAWARE  
Organized:

Address: 825 BERKSHIRE BLVD.  
SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC

Legal Entity Type: CORPORATION

State or Country Where MISSISSIPPI  
Organized:

Address: 711 CASINO MAGIC DRIVE  
BAY STREET  
LOUIS, MISSISSIPPI 39520

Name: BTN, INC

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Address: 676 BAYVIEW AVENUE,  
BILOXI, MISSISSIPPI 39533

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

Domestic Representative - Not Found

**Assignment 7 of 9**

Conveyance: SECURITY AGRREMENT

Reel/Frame: 3175/0228

Pages: 28

Date Recorded: Oct. 14, 2005

Supporting Documents: assignment-tm-3175-0228.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: PENN NATIONAL GARMING INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: PENNSYLVANIA

Name: HOLLYWOOD CASINO CORPORATION

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Name: LOUISIANA CASINO CRUISES, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: LOUISIANA

Name: BSL, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Name: BTN, INC

Execution Date: Oct. 03, 2005

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Assignee

Name: DEUTSCHE BANK TRUST COMPANY

State or Country Where Organized: No Place Where Organized Found

Legal Entity Type: COLLATERAL AGENT

Address: 60 WALL STREET  
AMERICAS, AS COLLATERAL AGENT  
NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATE SERVICES CORPORATION

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

Domestic Representative - Not Found

**Assignment 8 of 9**

Conveyance: TRADEMARK RELEASE

Reel/Frame: 4584/0012

Pages: 25

Date Recorded: Jul. 15, 2011

Supporting Documents: [assignment-tm-4584-0012.pdf](#)

Assignor

Name: DEUTSCHE BANK TRUST COMPANY  
AMERICAS, AS COLLATERAL AGENT

Execution Date: Jul. 14, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: ARGOSY GAMING COMPANY

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: PENN NATIONAL GAMING, INC.

State or Country Where Organized: PENNSYLVANIA

Legal Entity Type: CORPORATION

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

State or Country Where Organized: PENNSYLVANIA

Legal Entity Type: CORPORATION

Address: 777 HOLLYWOOD DRIVE  
GRANTVILLE, PENNSYLVANIA 17028

Name: LOUISIANA CASINO CRUISES, INC.

State or Country Where Organized: LOUISIANA

Legal Entity Type: CORPORATION

Address: 1717 RIVER ROAD NORTH  
BATON ROUGE, LOUISIANA 70802

Name: HOLLYWOOD CASINO CORPORATION

State or Country Where Organized: DELAWARE

Legal Entity Type: CORPORATION

Address: 825 BERKSHIRE BLVD., SUITE 200  
WYOMISSING, PENNSYLVANIA 19610

Name: BSL, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Address: 711 HOLLYWOOD BLVD., BAY  
ST. LOUIS, MISSISSIPPI 39520

Name: BTN, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSISSIPPI

Address: 676 BAYVIEW AVENUE  
BILOXI, MISSISSIPPI 39530

Correspondent

Correspondent Name: JAMES P. MURPHY, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

Domestic Representative - Not Found

**Assignment 9 of 9**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4584/0880

Pages: 27

Date Recorded: Jul. 18, 2011

Supporting Documents: assignment-tm-4584-0880.pdf

Assignor

Name: ARGOSY GAMING COMPANY

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: DELAWARE

Name: PENN NATIONAL GAMING, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: PENNSYLVANIA

Name: LV GAMING VENTURES, LLC

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: NEVADA

Name: PENNSYLVANIA NATIONAL TURF CLUB, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: PENNSYLVANIA

Name: HOLLYWOOD CASINO CORPORATION

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: DELAWARE

Name: BTN, INC.

Legal Entity Type: CORPORATION

Execution Date: Jul. 14, 2011

State or Country Where Organized: MISSISSIPPI

Assignee

**Name:** WELLS FARGO BANK, NATIONAL ASSOCIATION, AS COLLATERAL AGENT

**Legal Entity Type:** INC. ASSOCIATION

**State or Country Where** UNITED STATES

**Organized:**

**Address:** 333 S. GRAND AVE, 12TH FLOOR  
LOS ANGELES, CALIFORNIA 90071

**Correspondent**

**Correspondent Name:** JAMES P. MURPHY, LEGAL ASSISTANT

**Correspondent Address:** 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

## **EXHIBIT C**



[STAR STRUCK](#)  
Our Concept

[GREAT GRUB](#)  
Menu

[THE STAGE](#)  
Locations

[FUN TIMES](#)  
Fan Club

[COOL](#)  
Merchandise

[THE BUZZ](#)  
Franchising

# Let's go to Hollywood!

Hollywood Burger Restaurants are located:

San Rafael, Mendoza, Argentina  
Hollywood Burger, 1530 Avenida Hipólito Yrigoyen

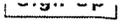
Dubai, UAE  
Hollywood Burger, The Boulevard Mall, Unit GF003  
Boulevard Central, Old Town  
email: [boulevard@hollywoodburger.ae](mailto:boulevard@hollywoodburger.ae)

## Coming soon:

Dubai, UAE  
[Hollywood Burger, The Avenue Mall](#)  
email: [avenue@hollywoodburger.ae](mailto:avenue@hollywoodburger.ae)

Córdoba, Argentina  
[Hollywood Burger, Avenida Rafael Núñez & Miguel Potel Junot](#)





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