

ESTTA Tracking number: **ESTTA541018**

Filing date: **05/31/2013**

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	AMF Bowling Worldwide, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	7313 Bell Creek Road Mechanicsville, VA 23111 UNITED STATES		

Attorney information	Robert M. Tyler McGuireWoods LLP One James Center 901 East Cary Street Richmond, VA 23219 UNITED STATES rtyler@mcguirewoods.com, wfederspiel@mcguirewoods.com Phone:804-775-7695
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Registration Subject to Cancellation

Registration No	3541553	Registration date	12/02/2008
Registrant	Desarrolladora LCP, Corp. 530 Ave. De la Constitucion The Atrium Center San Juan, 009012304 PR		

Goods/Services Subject to Cancellation

Class 041. First Use: 2008/04/24 First Use In Commerce: 2008/04/24 All goods and services in the class are cancelled, namely: Family entertainment center, featuring amusement arcades, dance halls, bowling alleys and providing facilities for recreation activities
Class 043. First Use: 2008/04/24 First Use In Commerce: 2008/04/24 All goods and services in the class are cancelled, namely: Restaurant and bar featuring a wine cellar; providing facilities for social events, namely, parties and receptions

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	BOWLERO		
Goods/Services	family entertainment center featuring bowling alleys, amusement		

	arcade, and bar
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Attachments	Petition to Cancel (Color).pdf(539895 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	/Robert M. Tyler/
Name	Robert M. Tyler
Date	05/31/2013

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

In re Registration of: Desarrolladora LCP, Corp.

Reg. No.: 3541553

Reg. Date: December 2, 2008

Mark:



AMF BOWLING WORLDWIDE, INC.)

Petitioner,)

v.)

DESARROLLADORA LCP, CORP.)

Registrant.)

Cancellation No.

PETITION TO CANCEL

AMF Bowling Worldwide, Inc. ("Petitioner"), a Delaware corporation with its principal place of business at 7313 Bell Creek Road, Mechanicsville, Virginia, 23111, believing that it is being damaged by registration of the mark shown in Registration No. 3541553, petitions to cancel that registration under Section 14 of the Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064. As grounds for cancellation, Petitioner alleges that:

1. Desarrolladora LCP, Corp. ("Registrant") is a Puerto Rican corporation with a principal place of business in San Juan, Puerto Rico.

2. On December 2, 2008, Registrant was granted Registration No. 3541553 (the "Registration") for the mark BOWLERA and Design for "[f]amily entertainment center, featuring amusement arcades, dance halls, bowling alleys and providing facilities for recreation activities" in International Class 41 and "[r]estaurant and bar featuring a wine cellar; providing facilities for social

events, namely, parties and receptions” in International Class 43 (“Registrant’s Mark”). Registrant’s Mark is shown below:



3. Registrant claims to have first used Registrant’s Mark in interstate commerce on April 24, 2008.

4. Among other business activities, Petitioner and its various subsidiaries are engaged in the business of operating bowling and amusement centers. Through subsidiaries, AMF is the largest owner and operator of bowling centers in the world.

5. Petitioner owns all right and title in and to the trademark BOWLERO as used in connection with a family entertainment center featuring bowling alleys, amusement arcade, and bar (“Petitioner’s Mark”). Petitioner has continuously used Petitioner’s Mark in interstate commerce in connection with its services since at least as early as December 31, 1997.

6. There is no issue of priority, as Petitioner has continuously used Petitioner’s Mark in interstate commerce since long before Registrant first used or registered Registrant’s Mark.

7. Petitioner’s Mark, as applied to Petitioner’s services, so nearly resemble Registrant’s Mark, as applied to Registrant’s services, as to be likely to cause confusion or mistake or to deceive purchasers. Given Petitioner’s senior rights in Petitioner’s Marks, and this this likelihood of confusion, Petitioner is being damaged by Registration of Registrant’s Mark within the meaning of Section 14 of the Lanham Act.

WHEREFORE, Petitioner prays that its petition be granted and that Registration No. 3541553 be canceled.

Respectfully Submitted,

AMF BOWLING WORLDWIDE, INC.

By Counsel



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Attorneys for AMF Bowling Worldwide, Inc.
Dated: May 31, 2013
Electronically Filed via ESTTA: May 31, 2013

CERTIFICATE OF SERVICE

On May 31, 2013, a copy of this document was sent by U.S. Mail to Registrant, Desarrolladora LCP, Corp. 530 Ave. De la Constitucion, The Atrium Center, San Juan, Puerto Rico 00901-2304.



Robert M. Tyler