

ESTTA Tracking number: **ESTTA554106**

Filing date: **08/14/2013**

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	Rolando Mingledoff		
Entity	Individual	Citizenship	UNITED STATES
Address	5835 SE Powell Blvd. Portland, OR 97215 UNITED STATES		

Attorney information	Anne W. Glazer Stoel Rives LLP 900 SW Fifth Ave. Suite 2600 Portland, OR 97204 UNITED STATES awglazer@stoel.com, ahjasinek@stoel.com Phone:503-294-9584		
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Registration Subject to Cancellation

Registration No	4255300	Registration date	12/04/2012
Registrant	Professional Sports Catering Suite 1625 1603 Orrington Ave Evanston, IL 60201 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2012/03/31 First Use In Commerce: 2012/04/05 All goods and services in the class are cancelled, namely: Concession stand featuring food and beverages within a sports venue; portable food cart featuring food and beverages within a sports venue

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.	85752142	Application Date	10/11/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	STEAKADELPHIA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 043. First use: First Use: 2005/08/09 First Use In Commerce: 2005/08/09 Restaurant services
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Attachments	STEAKADELPHIA - Petition to Cancel signed.pdf(53948 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	/Anne W. Glazer/
Name	Anne W. Glazer
Date	08/14/2013

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

Rolando Mingledoff,)	
)	Cancellation No. _____
)	
Petitioner,)	Registration No. 4,255,300
)	For the mark STEAKADELPHIA and Design
v.)	Registered on December 4, 2012
)	
Professional Sports Catering)	
)	
Registrant.)	

PETITION TO CANCEL

PETITIONER

Petitioner is Rolando Mingledoff, an Oregon resident located and doing business at 5835 SE Powell Blvd., Portland, Oregon 97215. Mr. Mingledoff is the proprietor of the Steakadelphia restaurant located at the same address.

REGISTRANT

According to the U.S. Patent and Trademark Office's Trademark Applications and Registrations Retrieval System, Registrant is Professional Sports Catering, an Illinois limited liability company with an address of 1603 Orrington Ave., Evanston, Illinois 60201.

GROUND FOR CANCELLATION

Petitioner believes it is damaged by Registration No. 4,255,300 and

hereby petitions to cancel the same on the following grounds:

1. Petitioner has used the STEAKADELPHIA service mark for restaurant services since at least as early as August 9, 2005.

2. Petitioner is currently using the STEAKADELPHIA service mark for restaurant services.

3. The STEAKADELPHIA mark is inherently distinctive as applied to Petitioner's services.

4. Petitioner is the owner of U.S. Trademark Application Serial No. 85/752,142 for registration of the service mark STEAKADELPHIA in connection with "restaurant services" in Class 43, reciting a first use date of August 9, 2013.

5. This use-based application was filed by Petitioner on October 11, 2012.

6. On February 14, 2013, the United States Patent and Trademark Office issued a non-final Office Action refusing registration of Petitioner's STEAKADELPHIA service mark ("Petitioner's Mark"), based on the Examiner's finding that Petitioner's Mark is confusingly similar to the STEAKADELPHIA and Design mark that is the subject of Registrant's Registration No. 4,255,300 (the "Cited Registration").

7. The application for the Cited Registration was filed on an intent-to-use basis and assigned a filing date of February 10, 2012. The Cited Registration recites a claimed first use date of March 31, 2012 in connection with "[c]oncession stand featuring food and beverages within a sports venue; portable food cart featuring food and beverages within a sports venue" in Class 35.

8. Petitioner's first use of the STEAKADELPHIA service mark is prior to the filing date of the Cited Registration and the claimed first use date of the subject mark.

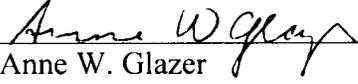
9. The STEAKADELPHIA mark that is the subject of the Cited Registration is identical and/or confusingly similar to Petitioner's STEAKADELPHIA service mark.

10. Registrant's use of the STEAKADELPHIA mark in connection with the services identified in the Cited Registration is likely to cause confusion, to cause mistake, or to deceive purchasers resulting in damage and detriment to Petitioner and its reputation.

WHEREFORE, Petitioner believes that it is being damaged by the Cited Registration and requests that this petition be granted and the Cited Registration be cancelled.

Dated: August 14, 2013

Respectfully submitted,


Anne W. Glazer
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, Oregon 97204-1268

Attorney for Petitioner

CERTIFICATE OF SERVICE

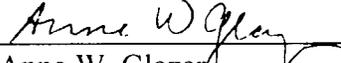
I hereby certify that I served the foregoing **PETITION TO CANCEL** on the following named persons on the date indicated below by:

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- e-mail attachment in PDF format

to said persons a true copy thereof, contained in a sealed envelope, addressed to said persons at their last-known address indicated below.

PROFESSIONAL SPORTS CATERING
PSC, LLC
1603 ORRINGTON AVE, SUITE 1625
EVANSTON, ILLINOIS 60201
UNITED STATES

DATED: August 14, 2013.



Anne W. Glazer