

ESTTA Tracking number: **ESTTA586026**

Filing date: **02/06/2014**

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	TSG Developments Investments, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	455 Magna Drive Aurora, Ontario, L4G 7A9 CANADA		

Attorney information	Lisa M. Martens Fish & Richardson P.C. P.O. Box 1022 Minneapolis, MN 55440-1022 UNITED STATES tmdoctc@fr.com, martens@fr.com, dylan-hyde@fr.com, morris@fr.com Phone:(858) 678-5070		
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**Registration Subject to Cancellation**

Registration No	3753788	Registration date	03/02/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	Aristocrat Technologies Australia Pty Ltd Pinnacle Office Park, Building A North Hyde, NSW, AUX 2113 AUX		

**Goods/Services Subject to Cancellation**

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Gaming machines
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**Grounds for Cancellation**

Abandonment	Trademark Act section 14
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Attachments	Cancellation.pdf(1111788 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	/lisa m martens/
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Name	Lisa M. Martens
Date	02/06/2014

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

TSG Developments Investments, Inc.

Petitioner,

v.

Artistocrat Technologies Australia Pty Ltd

Respondent.

In the matter of Registration No. 3,753,788

Mark: US DERBY

Registered on March 2, 2010

Cancellation No.: \_\_\_\_\_

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**PETITION TO CANCEL**

TSG Developments Investments, Inc., a Delaware corporation having a principal place of business at 455 Magna Drive, Aurora, Ontario, Canada L4G 7A9, believes that it is and will continue to be damaged by the registration of the mark US DERBY which is the subject of Registration No. 3,753,788, and hereby petitions to cancel the same pursuant to the provisions of 15 U.S.C. Section 1064.

The grounds for cancellation are as follows:

1. TSG Developments Investments, Inc. ("TSG") is the owner of the trademarks US DERBY, USA DERBY, UNITED STATES DERBY, and UNITED STATES OF AMERICA DERBY in connection with conducting and organizing horse races and providing a website featuring information about horseracing.

2. TSG is the owner of pending Application Serial No. 85/899,474 for the mark US DERBY, pending Application Serial No. 85/899,476 for the mark USA DERBY, pending Application Serial No. 85/899,471 for the mark UNITED STATES

DERBY, and pending Application Serial No. 85/899,479 for the mark UNITED STATES OF AMERICA DERBY, all in connection with “entertainment services, namely, conducting horse races; organization of horse races; providing a website featuring information about horseracing; betting services” (collectively and hereinafter, the “DERBY Marks”).

3. The Trademark Office has initially refused registration of TSG’S DERBY Marks that are the subject of Application Serial Nos. 85/899,474, 85/899,476, 85/899,471, and 85/899,479 under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), based on Registration No. 3,753,788, owned by Aristocrat Technologies Australia Pty Ltd (“Respondent”).

4. Upon information and belief, Respondent has not used or has discontinued using the US DERBY mark that is the subject of Registration No. 3,753,788.

5. Upon information and belief, Respondent has no intention of using the US DERBY mark in the United States.

6. Upon information and belief, Respondent has abandoned the US DERBY mark that is the subject of Registration No. 3,753,788.

7. Continued registration of the US DERBY mark is a source of damage to TSG, as it confers upon Respondent various statutory presumptions to which it is not entitled in view of Respondent’s abandonment of the US DERBY mark that is the subject of Registration No. 3,753,788.

WHEREFORE, pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064, Petitioner TSG respectfully requests that Registration No. 3,753,788 be cancelled and that this Petition to Cancel be sustained.

In the matter of Registration No. 3,753,788  
For the mark US DERBY  
Registered on March 2, 2010  
Cancellation No.: \_\_\_\_\_

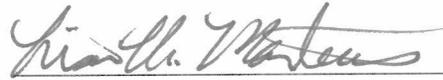
Attorney Docket No. 35814-0136PP1

Applicant requests that the \$300 fee be charged to Deposit Account No. 06-1050  
(Attorney Docket No. 35814-0136PP1).

Please direct all communications concerning the above-captioned cancellation  
proceeding to the undersigned attorneys at the address indicated.

Respectfully submitted,

Date: February 6, 2014



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ATTORNEYS FOR PETITIONER

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITION TO  
CANCEL has this 6th day of February, 2014, been mailed by prepaid first class mail to  
the below-identified Domestic Representative, at his/her place of business:

Kieran Power  
Artistocrat Technologies, Inc.  
7230 Amigo Street  
Legal Department  
Las Vegas, NV 89119



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Tony Dylan-Hyde