

ESTTA Tracking number: **ESTTA673655**

Filing date: **05/21/2015**

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	Legendary Q Brands, LLC		
Entity	limited liability company	Citizenship	Oklahoma
Address	8121 S. 68th E. Avenue Tulsa, OK 74133 UNITED STATES		

Attorney information	Janice Bader Symbus Law Group, LLC P.O. Box 933 Culpeper, VA 22701 UNITED STATES jbader@symbus.com Phone:540-825-3500		
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Registration Subject to Cancellation

Registration No	1170668	Registration date	09/22/1981
Registrant	Bill's Barbecue, Incorporated Richmond, VA 23230 UNITED STATES		

Goods/Services Subject to Cancellation

Class 042. First Use: 1930/00/00 First Use In Commerce: 1930/00/00 All goods and services in the class are cancelled, namely: Restaurant Services
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Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	PetitionForCancellation_BillsBarbecue.pdf(263294 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/j. bader/
Name	Janice Bader
Date	05/21/2015

commerce. Said application constitutes a legitimate commercial interest and standing in this cancellation proceeding.

2. The Examiner refused registration of Petitioner's mark under Section 2(d) of the Trademark Act on the grounds of confusing similarity to Registrant's BILL'S BARBECUE, which is currently registered for "restaurant services." This refusal by the Trademark Examiner constitutes a legal conflict between the marks of the parties as applied to their respective services and Petitioner will be damaged by the continuing registration of Registrant's mark.

3. The mark BILL'S BARBECUE as shown in Registrant's certificate, is highly similar to Petitioner's BILLY BBQ mark as to appearance, sound, and significance, as to be likely to cause confusion, mistake, or to deceive within the meaning of the Trademark Act of 1946, all to Petitioner's damage.

4. The services identified by Registrant are identical to that of Petitioner, so that the continued registration of BILL'S BARBECUE will prevent Petitioner's registration of its mark, to Petitioner's damage.

5. Upon information and belief, Registrant has not used its BILL'S BARBECUE mark in commerce for at least three years and has abandoned the mark.

WHEREFORE, Petitioner prays that this Petition for Cancellation be sustained in favor of Petitioner and that Registration No. 1170668 be cancelled.

Respectfully submitted,

Jan Bader

Jan Bader
Janice Housey
Evan Raynes
Attorneys for Petitioner
Symbus Law Group, LLC
P.O. Box 933
Culpeper, Virginia 22701
540-825-3500
jbader@symbus.com

Dated: May 21, 2015

CERTIFICATE OF SERVICE

On this 21st day of May, 2015, a true copy of the foregoing PETITION FOR CANCELLATION is being forwarded by first class mail, postage prepaid, to Bill's Barbecue Incorporated, 927 Myers Street, Richmond, Virginia 23230, and to Chrstopher J. Mugel, Esquire, Attorney of record for Registrant post-registration, Kaufman & Canoles, P.C., 1021 East Cary Street, Two James Center, Suite 1400, Richmond, VA 23219.

Jan Bader

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