

ESTTA Tracking number: **ESTTA769863**

Filing date: **09/09/2016**

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	MG Restaurants, Inc.		
Entity	Corporation	Citizenship	California
Address	475 Sansome Street, Suite 100S San Francisco, CA 94111 UNITED STATES		

Attorney information	Amanda Alameddine Buchalter Nemer, A Professional Corporation 18400 Von Karman Avenue, Suite 800 Irvine, CA 92612 UNITED STATES trademark@buchalter.com Phone:9492246243		
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Registration Subject to Cancellation

Registration No	2807460	Registration date	01/20/2004
Registrant	DUCASSE HOLDING CORP. 155 W. 58TH STREET NEW YORK, NY 10019 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2003/09/03 First Use In Commerce: 2003/09/03 All goods and services in the class are cancelled, namely: restaurant services
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation_MIX.pdf(14329 bytes) Exhibit A_Mix Specimen 78146644.pdf(3807367 bytes) Exhibit B_Article re MIX Closure.pdf(436196 bytes) Exhibit C_Google Search_Yelp shows MIX Closed.pdf(528858 bytes) Exhibit D_Yelp Page - CLOSED.pdf(650799 bytes) Exhibit E_Rivea.pdf(447622 bytes) Exhibit F_Restaurant Listing.pdf(372671 bytes) Exhibit G_Mandalay Bay Restaurants.pdf(725082 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	/aalameddine/
Name	Amanda Alameddine
Date	09/09/2016

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

In the Matter of Trademark Registration No. 2807460
For the MIX Mark
Registered on January 20, 2004

MG Restaurants, Inc.)
)
 Petitioner,)
) Cancellation No. _____
 v.)
)
 Ducasse Holding Corp.)
)
 Registrant.)
)
 _____)

PETITION FOR CANCELLATION

MG Restaurants, Inc., a corporation organized under the laws of the state of California, having a principal place of business of 475 Sansome Street, Suite 100S, San Francisco, California 94111 (hereinafter “**Petitioner**”) believes that it will be damaged by the continued registration of the above-identified trademark registration in the name of Ducasse Holding Corp. (hereinafter “**Registrant**”) and hereby petitions to cancel same under the provisions of 15 U.S.C. §1064(3). As grounds for cancellation, Petitioner asserts that:

BACKGROUND

1. On November 13, 2015, Petitioner applied to register its trademark MIXT in connection with “Pre-packaged meals consisting of garden, fruit or vegetable salad; packaged salad mixes and salad kits consisting primarily of salad dressing, pre-cut vegetables and/or fruit; vegetable salads; garden salads; caesar salads” in Class 029, “Sandwiches; Salad dressings; Iced tea; Tea-based iced beverages” in Class 030, “On-line ordering services in the field of restaurant take-out and delivery” in Class 35, and “Café and restaurant services; Carry-out restaurants; Fast-food

restaurants; Restaurant services; Catering services; Providing of food and drink via a mobile truck” in Class 043 under Serial No. 86819932 (hereinafter “**Application**”).

2. The Application was refused on March 9, 2016 based on a contention that the Application was likely to cause confusion with prior registrations.

3. The Registrant owns United States Trademark Registration No. 2807460 for the mark MIX for “Restaurant services” in Class 043 (hereinafter “the **Registration**”).

4. The Registration was issued on January 20, 2004 and claims a first use date of September 3, 2003.

5. One of the registrations cited against Petitioner’s MIXT application was the Registration, in the name of the Registrant.

ABANDONMENT

6. Upon information and belief, Registrant is a corporation organized under the laws of New York, with an address of 155 W. 58th Street, New York, New York 10019.

7. Petitioner has performed a search of publicly available resources to determine whether Registrant is currently using the mark in the Registration. Upon information and belief, Registrant has ceased use of the mark shown in the Registration in connection with the services identified therein.

8. A review of the specimen filed by Registrant on June 26, 2013 reveals that the MIX mark was used in connection with a restaurant in Las Vegas at “THEHotel” of Mandalay Bay. See **Exhibit A**.

9. An Internet search reveals an article stating that Chef Alain Ducasse closed the MIX restaurant on May 31, 2015 with the intent to permanently cease use – and to rebrand with a new name of “Rivea.” See **Exhibit B**.

10. An Internet search on Google reveals that Yelp confirms the restaurant is closed. See **Exhibits C and D**.

11. An Internet search reveals an article confirming that the MIX restaurant was indeed closed and replaced by “Rivea.” The abandonment of the MIX trademark was in conjunction with Mandalay Bay’s overall transformation of “THEHotel” into “Delano.” See **Exhibit E**.

12. In addition, the “MIX” restaurant no longer appears on the list of restaurants on the Ducasse website. See **Exhibit F**.

13. In addition, MIX no longer appears on the list of restaurants operated in the Mandalay Bay or Delano Hotel. Tellingly, Rivea is listed as a current restaurant being operated by Chef Alain Ducasse. See **Exhibit G**.

14. Upon information and belief, Registrant has abandoned the MIX mark.

15. Upon information and belief, Registrant intends not to resume bona fide use of the MIX mark in the ordinary course of trade.

16. Because the Registration has been abandoned, Petitioner is entitled to cancellation of the Registration pursuant to §14(3) of the United States Trademark Act, 15 U.S.C. § 1064(3).

CONCLUSION

17. If Registrant is permitted to retain the Registration sought to be cancelled, Petitioner will be damaged by virtue of its inability to register its trademark. Petitioner has much to be gained in being granted federal trademark registration for use of Petitioner’s Mark. The ongoing inability of Petitioner to do so will cause direct and irreparable damage to Petitioner, effectively limiting Petitioner’s ability to protect and enforce its valuable trademark.

18. Given Petitioner's inability to successfully prosecute its pending trademark application because of the existence of the Registration on the record, the damage to Petitioner will be continuous until the Registration is cancelled.

WHEREFORE, Petitioner prays for judgment granting this petition and canceling Registration No. 2807460.

Please direct all correspondence and communications in this cancellation to the undersigned.

Respectfully Submitted,
MG Restaurants, Inc.

Dated: September 9, 2016

By:____/aalameddine/_____
Buchalter Nemer, A Professional Corporation
Amanda Alameddine, California Bar No. 294981
18400 Von Karman Avenue, Suite 800
Irvine, California 92612
trademark@buchalter.com
Attorneys for the Petitioner

Proof of Service

I hereby certify that a true and correct copy of the instant **PETITION FOR CANCELLATION** has been served on the registrant, Ducasse Holding Corp. at the address of record for the Registration. A copy of the instant Petition was sent via First Class mail, postage pre-paid, on, September 9, 2016 to:

Ducasse Holding Corp.
155 W. 58th Street
New York, New York 10019

By: _____/aalameddine/_____
Amanda Alameddine



Photos | Maps | Virtual Tour

Home > Dining > Mix

MIX

With miX, Alain Ducasse invites you to discover a new range of culinary and aesthetic sensations high above the Las Vegas strip...

Culinary artistry with strong French and American influences, edgy interior designed by Patrick Jouin and breathtaking views: this is miX, a restaurant and lounge imagined by Alain Ducasse, to be experienced in THEhotel at Mandalay Bay.

With newly appointed Chef Bruno Riou, who trained under Ducasse for ten years, the restaurant continues to remain a culinary favorite. Perfectly executed dishes and fine wines from the 15-foot tall wine cellar that holds up to 7,000 bottles, are served in this transparent showcase of a room, crowned in a halo of bubbles made from Murano glass. The ultimate enchantment in a city of unlimited possibilities.

Some signature dishes include: Spicy Crab Salad with guacamole, heart of palm & cilantro; Pepper crusted bison tenderloin with glazed vegetable and black pepper sauce; Roasted Maine lobster "Au Curry" with coconut basmati rice; and miX Candy Bar with coconut/lime sorbet.

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Location:



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WINTER PERFECTION

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Mobil Four Star rating in 2008
AAA Four Diamond Award two years in a row

About our Chef:

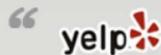
Bruno Riou

With a decade of experience working with Alain Ducasse in London, Bruno Riou now serves as the Executive Chef at miX in Las Vegas, on the top floor of the Mandalay Bay hotel, where he is recognized for interpreting classic and refined Ducasse cuisine in a contemporary way.

Riou attributes his passion for cooking to his family and traces his ardor for quality produce to his grandfather. He enrolled in culinary school at age twenty four and worked in southern France for two years before moving to London. He started at Le Suquet and in 2002, he took an opportunity to work at Alain Ducasse's Spoon at Sanderson in the Sanderson Hotel in London, where he was inspired to work for a renowned culinary master and by the fine ingredients available. Three years later he became sous chef, and in July 2007, Riou opened Alain Ducasse at the Dorchester. As executive sous chef, he helped the restaurant achieve its three Michelin stars in three years. He thrived in the demanding environment and credits Alain Ducasse for providing strong leadership, which pushed him to strive for perfection with rigorous practice and the simple goal of creating well-seasoned food.

When Ducasse asked Riou to take on the Executive Chef position at miX in Las Vegas, he was ready for a new challenge and to lead a team under the values that he has learned working for Alain Ducasse. Diners enjoy menu items that express his culinary artistry accomplished through both highly toned and edgy French technique.

GQ Best Chef in 2002 "Men of the Year" issue
American Academy of Hospitality Sciences "Finest Chef in the World" in 2003



AMAZING!!! I loved everything about this restaurant; the food, the service, the views! We sat on the outdoor patio for dinner and it was perfect! [READ MORE...](#)

-Megan M.

We love MIX! We come here every time we are in Vegas now. The food is really great, and the drinks are always good. And did I mention the view.... I always get the filet mignon rossini. Probably the most expensive thing on the menu, but you have to try it at least once in your life! And the baba ah rhum cake is a perfect end to the meal. Try MIX at least once in Vegas. Great atmosphere and food. This would be a great special occasion meal. [READ MORE...](#)

-Sharon S.

This is an amazing restaurant with an amazing menu.

THEhotel

Hours:

Restaurant

Sunday to Thursday: 6 to 10 pm
Friday & Saturday: 6 to 10:30 pm

Bar & lounge

Sunday to Wednesday: 5 pm to 1 am
Thursday: 5 pm to 2 am
Friday & Saturday: 5 pm to 3 am

Reservations:

Recommend

Cuisine:

French Cuisine with an American Influence

Attire:

Dressy

Price:

\$\$\$\$

Entertainment:

Yes

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THEhotel
AT MANDALAY BAY

CONCIERGE

We have eaten at Alain Ducasse in The Dorchester London and whilst it was lovely the menu was super dooper fancy which doesnt suit me. The menu here was much better in my opinion although still of an extremely high standard.

[READ MORE...](#)

-Megan M.

”

*Be sure to stop by **Mix Lounge** next door and have a signature cocktail on the wide balcony overlooking the spectacular Strip.*

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DEPARTURE DATE



NUMBER OF ADULTS



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mIX AT Mandalay Bay To Close

TOPICS: [Delano](#) [Mandalay Bay](#)



POSTED BY: [THE EDITOR](#) MAY 31, 2015

Michelin starred Chef Alain Ducasse restaurant called mIX at the Mandalay Bay is due to close today and reopen at a later date with a new name and a Southern Mediterranean theme. The new restaurant is going to be called Rivea and have food in the style of Southern France as well as Italian food which

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could be a popular mix and might be a good fit for this part of the property that has switched over from being THEhotel to becoming The Delano. No word yet on when the new revamped restaurant will open or how huge the remodel is.



Related



Delano Las Vegas Now Open In "Hotel"



Expansion Complete At Mandalay Bay In "Convention"

Preview Of Delano <http://youtu.be/aBkz9f58PwY> The above video is a preview video of the Delano Las In "Hotel"

- Ellis Island Cafe
- Wiener's Circle
- Red velvet pancakes
- LAGO opens at Bellagio
- Little Tony's at Palace Sta
- Edge Steakhouse
- Rainforest Cafe

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www.yelp.com › Restaurants › French ▼ Yelp ▼
 ★★★★★ Rating: 4 - 962 reviews - Price range: Above \$61
 (702) 632-9500 · Mandalay Bay Resort & Casino 3950 Las Vegas Boulevard Las Vegas, NV 89119.

Images for mix las vegas

Report images



More images for mix las vegas

Mix Restaurant Info and Reservations - Las Vegas Restaurants

www.lasvegasrestaurants.com › Las Vegas Restaurants ▼
 Internationally acclaimed Chef Alain Ducasse opened his first Las Vegas venture, Mix, in grand style in 2004, delivering not just a restaurant but an entire ...
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RIVEA Las Vegas | Alain Ducasse

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 With MiX, Alain Ducasse invites you to discover new culinary sensations on the hills in Las Vegas.



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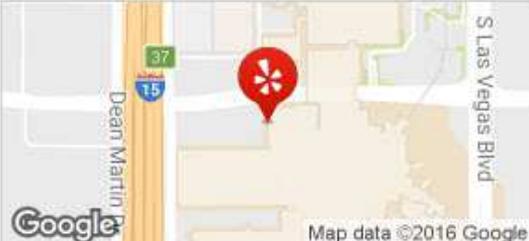
MIX

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MIX - Las Vegas, NV, United States by David R.



"So there is a bias to my review as it's from that limited perspective*
 ~~****HAPPY HOUR** 5-7p EVERY DAY= 15% off drinks & appetizers!!"
 in 17 reviews



"not uppity, **expensive** yes, but one Michelin star and Alain ducasse pedigree
 gotta just do it." in 111 reviews
 Ambience: Upscale



"My daughter got addicted to the **dance** floor zone and was dancing her little
 heart away on the flashing colors." in 111 reviews
 Good For Dancing: Yes

[Full menu](#)

\$\$\$\$ Price range

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Hours

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Menu

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BACK BAR USA'S WEEKLY NEWSLETTER

DELANO UNVEILS RIVEA AND SKYFALL LOUNGE

OCTOBER 1ST, 2015

One of Las Vegas' premier views is set to return next month. The top floor of Delano Las Vegas will reopen to the public in October with the debut of Rivea and Skyfall Lounge. The opening will mark the completion of the transformation from The Hotel at Mandalay Bay to Delano Las Vegas.



Rivea, a new dining concept from award-winning chef Alain Ducasse will replace his own former dining concept in the same space, miX. Gone is the renowned French cuisine, replaced by a Mediterranean concept that will mark the third Rivea location, with Las Vegas joining a portfolio which includes London and Saint-Tropez.



Although few official pictures of its design have been released, some details have been disclosed hinting at the decor. One of the influences of the new space is the seaside. Rivea's "Wave Wall" by the acclaimed Parisian design duo Patrick Jouin and Sankit Manku contains hundreds of glass pieces that mimic the lapping water. A breezy, laid-back atmosphere of white and maritime blues welcomes guests and sets a relaxed vibe, while offering unparalleled, 180-degree views of the city below.

The view and decor are two of the reasons to head up to Rivea, but let's not forget about the third, an impressive Alain Ducasse menu featuring delectable cuisine inspired by food markets of Provence and Italy. Executive Chef Bruno Riou will lead the kitchen to prepare dishes featuring best seasonal ingredients from the West Coast.



CATEGORIES

- September 8th, 2016
- September 1st, 2016
- August 24th, 2016
- August 18th, 2016
- August 11th, 2016
- August 4th, 2016
- July 28th, 2016
- July 21st, 2016
- July 14th, 2016
- July 7th, 2016
- June 30th, 2016
- June 23rd, 2016
- June 16th, 2016
- June 9th, 2016
- June 2nd, 2016
- May 26th, 2016
- May 18th, 2016
- May 13th, 2016
- May 5th, 2016
- April 28th, 2016
- April 21st, 2016
- April 14th, 2016
- April 7th, 2016



Now that we've wet your appetite talking about all the new food items and new space at Rivea, it's time to mention what's going in the old space of miX Lounge. Do you remember when your friends would visit you from out of town and they wanted you to play tour guide? Well, the one go to spot for most Vegas locals was to take their friends up 64 floors to miX Lounge. The space was elegant, yet approachable. It was a premier ultra lounge that offered a tantalizing and breathtaking view of the Las Vegas skyline without all the hassle of a nightclub. miX will now be reborn as Skyfall.

Delano Las Vegas introduces Skyfall Lounge, a lounge that's name evokes vivid scenic views while lending itself as a formidable hangout spot for those who like chic cocktails with elevated nighttime energy. miX Lounge was a very memorable spot, but Skyfall Lounge seems destined to bring that Delano edge to one of the best vantage points in all of Las Vegas.

The view alone isn't the reason Skyfall Lounge will be a must experience destination. The cocktail program that has been tailored to the space will be managed by some familiar faces to the Las Vegas nightlife scene. Alex Day, Devon Tarby and David Kaplan comprise a renowned bar team known as Proprietors LLC. The team currently operates in both New York City and Los Angeles. Their venues include: Death & Co, Nitecap and One Fifty One, and L.A.'s Honeycut, The Normandie Club and The Walker Inn.



This cocktail program will feature classic cocktails made with contemporary techniques and one-of-a-kind flavor profiles. Skyfall will separate itself from much of its competition by crafting homemade syrups in-house, and offer bottle service that is anything but typical. The bottle service will be for the most discerning of liquor aficionados, so don't expect bottles of vodka or champagne to be flowing. Instead guests will choose from a selection of aged spirits (Scotch, Cognac, rye, bourbon, rum, etc.). The bottles themselves will be accompanied by traditional mixers, sans pineapple juice and soda water and enter seltzer with fresh lime and mint syrup, or fresh lemon juice sweetened with honey.



On October 15th, Back Bar USA will be one of the partners involved in the Rivea and Skyfall grand opening party. Make plans on your calendar to visit these two new additions to the Delano Las Vegas, as they are sure to become prominent hot spots for years to come.

Rivea and Skyfall Lounge both open their doors for business starting October 1st.

For more information on Rivea and Skyfall Lounge click [here](#)

- March 31st, 2016
- March 24th, 2016
- March 17th, 2016
- March 10th, 2016
- March 3rd, 2016
- February 25th, 2016
- February 18th, 2016
- February 11th, 2016
- February 4th, 2016
- January 28th, 2016
- January 21st, 2016
- January 14th, 2016
- January 7th, 2016
- December 31st, 2015
- December 24th, 2015
- December 17th, 2015
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- December 3rd, 2015
- November 26th, 2015
- November 19th, 2015
- November 12th, 2015
- November 05th, 2015
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- LA TRATTORIA – SPORTING MONTE-CARLO
- UNITED KINGDOM
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London

- UNITED STATES
- RIVEA LAS VEGAS
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RESERVATION



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Discover the new Parisian address located at 9 rue du Marché-Saint-Honoré in the...

DISCOVER



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At the moment, enjoy a Paris - a traditional Bistrot in the heart of Paris...
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RESERVATION



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\$50 FOOD & BEVERAGE CREDIT

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BOOK OFFER



LARGE PARTY BOOKINGS

At Mandalay Bay, we offer special group dining options for parties of many sizes.

SEE DETAILS



LIBERTINE SOCIAL

James Beard Award-winning chef Shawn McClain challenges diners to free their minds from preconceived notions...

BOOK TABLE



RX BOILER ROOM

Combining the alchemy of food and drink, Celebrity Chef Rick Moonen showcases his spin on classic comfort food.

BOOK TABLE



CHARLIE PALMER STEAK AT FOUR SEASONS

Voted "best steakhouse in Las Vegas" by the Las Vegas Review Journal...

BOOK TABLE



STRIPSTEAK

Don't miss the A5 Japanese Kobe beef and 100 Single Malt Scotches.

BOOK TABLE



RIVEA

French and Italian influenced cuisine by Chef Alain Ducasse, located atop Delano Las Vegas.

SEE DETAILS



AUREOLE

Charlie Palmer's renowned New York Aureole enjoys a reputation as one of the finest restaurants in the United...

BOOK TABLE



FLEUR BY HUBERT KELLER

From the global travels of Master Chef Hubert Keller comes a completely new and unique dining experience.

BOOK TABLE



RICK MOONEN'S RM SEAFOOD

Serving fresh sustainable ingredients.



BORDER GRILL

Welcome to the vibrant, modern Mexican restaurant overlooking the Lazy River just off Mandalay Beach.



KUMI

A modern Japanese menu with a Korean American twist

BOOK TABLE



DELLA'S KITCHEN

Creating an essence of "historic farmhouse meets urban kitchen."

SEE DETAILS



SEE DETAILS



LUPU BY WOLFGANG PUCK

The open and airy dining room provides the perfect setting for people watching without leaving the hotel....

BOOK TABLE



BOOK TABLE



RI RA IRISH PUB

Constructed from a pub meticulously restored in Ireland then shipped to The Shoppes at Mandalay Place

SEE DETAILS



RED SQUARE

Red Square at Mandalay Bay Resort & Casino is the premier dinner, cocktail, and nightlife destination.

BOOK TABLE



FOUNDATION ROOM

Elevate Your Dining at this luxurious den and taste their International Fine Dining and Lounge fare transcending...

SEE DETAILS



MEET OUR SOMMELIERS

Our highly trained wine professionals make Mandalay Bay a premier destination for wine lovers.

LEARN MORE



CITIZENS KITCHEN & BAR

In the mood for comfort food? You're in luck. Citizens Kitchen & Bar is located in the heart of Mandalay Bay!

SEE DETAILS



NOODLE SHOP

Seated under dozens of massive Chinese lanterns

SEE DETAILS



BURGER BAR

The ultimate burger experience from the famous restaurateur Hubert Keller of Fleur de Lys.

SEE DETAILS



VERANDA

Veranda offers a relaxed dining experience for breakfast, afternoon tea, lunch and dinner.

SEE DETAILS



SEABREEZE CAFE

Resortists™ and beach-goers alike will enjoy the all-day breakfast and lunch options and sweeping views of the...

SEE DETAILS



HUSSONG'S CANTINA

Fabled to be the originator of the margarita, Hussong's Cantina has universal appeal.

SEE DETAILS



SLICE OF VEGAS

New York-style pizza in a fun, laid-back atmosphere in the Shoppes at Mandalay Place.

SEE DETAILS





OPEN
UNTIL 12:00 AM



HOUSE OF BLUES RESTAURANT & BAR

House of Blues Restaurant & Bar is truly the place where food, music and art intersect.

[SEE DETAILS](#) ☰



OPEN
UNTIL 1:00 AM



PRESS

Four Seasons Hotel Las Vegas' new lounge, PRESS, gives the term "meet me in the lobby" new meaning.

[SEE DETAILS](#) ☰



OPEN
UNTIL 2:00 AM



BAYSIDE BUFFET

With views of the tropical water garden, you'll find an ever-changing menu of diverse tastes.

[SEE DETAILS](#) ☰



OPEN
UNTIL 12:00 AM



SPORTS BOOK GRILL

Tasty sandwiches, burgers and such while watching the game in the race & sports book.

[SEE DETAILS](#) ☰



OPEN
UNTIL 11:00 PM



MIZUYA SUSHI/SAKE

Dive into delectable sushi and an extensive sake menu within a tranquil water setting.

[SEE DETAILS](#) ☰



OPEN
UNTIL 9:00 PM



BEACH COFFEE & ICE CREAM

Start your Summer experience with a cool blended tropical treat from Beach Coffee and Ice Cream.

[SEE DETAILS](#) ☰



BEACH BAR & GRILL

Beach Bar & Grill provides sustenance on the sand.

[SEE DETAILS](#) ☰



OPEN
UNTIL 9:00 PM



STARBUCKS

Our passion for coffee is rivaled only by our love of sharing it.

[SEE DETAILS](#) ☰



OPEN
UNTIL 12:00 AM



YOGURT IN

Sweet and savory crepes, shakes and do-it-yourself, soft-serve frozen yogurt shop offering 16 rotating flavors...

[SEE DETAILS](#) ☰

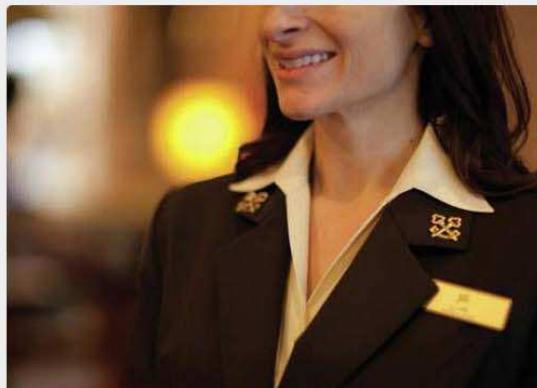


RECOMMENDED



LARGE PARTY BOOKING

AT MANDALAY BAY



CONCIERGE

AT MANDALAY BAY

We offer special group dining options for large parties. With the finest restaurants in Las Vegas—an eclectic combination of international menus, famous restaurateurs and spectacular settings—we can make sure your group has an adventurous and unforgettable dining experience.

[EMAIL US](#)

A resortist knows that with the right army, Las Vegas can be conquered. From bookings to recommendations, our concierge service can help you make the most of your visit.

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