

ESTTA Tracking number: **ESTTA773586**

Filing date: **09/29/2016**

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

Proceeding	92064436
Party	Plaintiff MG Restaurants, Inc.
Correspondence Address	AMANDA ALAMEDDINE BUCHALTER NEMER, A PROFESSIONAL CORPORATION 18400 VON KARMAN AVENUE, SUITE 800 IRVINE, CA 92612 UNITED STATES trademark@buchalter.com
Submission	Other Motions/Papers
Filer's Name	Amanda Alameddine
Filer's e-mail	trademark@buchalter.com
Signature	/aalameddine/
Date	09/29/2016
Attachments	Notice to Board and Exhibits_MIX.pdf(147131 bytes)

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. 92064436
v.)	
)	
Ducasse Holding Corp.)	
)	
Registrant.)	
_____)	

NOTICE TO BOARD

Petitioner MG Restaurants, Inc. hereby notifies the Trademark Trial and Appeal Board that the service copy mailed to Ducasse Holding Corp. on September 9, 2016 has been returned to Petitioner as undeliverable. Petitioner received the return notice on September 26, 2016, which states that the Post Office was “unable to forward” the mailing. As indicated in the Proof of Service, attached as **Exhibit A**, the service copy was sent to 155 W. 58th Street, New York, New York 10019. According to printouts from TESS and TSDR, attached as **Exhibit B**, this is Registrant’s address of record as of today’s date on record with the USPTO. .

Respectfully Submitted,
MG Restaurants, Inc.

Dated: September 28, 2016

By:____/aalameddine/_____
Buchalter Nemer, A Professional Corporation
Amanda Alameddine, California Bar No. 294981
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Irvine, California 92612
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Attorneys for the Petitioner

EXHIBIT A

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

EXHIBIT B



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Typed Drawing

Word Mark	MIX
Goods and Services	IC 043. US 100 101. G & S: restaurant services. FIRST USE: 20030903. FIRST USE IN COMMERCE: 20030903
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78146644
Filing Date	July 23, 2002
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	February 18, 2003
Registration Number	2807460
Registration Date	January 20, 2004
Owner	(REGISTRANT) 68 W. 58th Street, LLC LIMITED LIABILITY COMPANY DELAWARE c/o The Core Group 242 N. 22nd Street, 1st Floor Philadelphia PENNSYLVANIA 19103 (LAST LISTED OWNER) DUCASSE HOLDING CORP. CORPORATION NEW YORK 155 W. 58TH STREET NEW YORK NEW YORK 10019
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nancy C. DiConza
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130702.
Renewal	1ST RENEWAL 20130702
Live/Dead Indicator	LIVE

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2. The Trademark organization is beta testing a next generation examination system. As a result, there may be instances where Office actions have unexpected formatting or spacing issues. The Office is working on improvements to resolve these issues and appreciates your patience. Please contact us at [TMFeedback](#) if you have comments or issues with the appearance of a particular Office action or its attachments.

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STATUS	DOCUMENTS ?	Download	Print Preview
Generated on: This page was generated by TSDR on 2016-09-28 23:02:54 EDT			
Mark: MIX		No Image exists for this case.	
US Serial Number:	78146644	Application Filing Date:	Jul. 23, 2002
US Registration Number:	2807460	Registration Date:	Jan. 20, 2004
Register:	Principal		
Mark Type:	Service Mark		
TM5 Common Status Descriptor:	 LIVE/REGISTRATION/Cancellation/Invalidation Pending This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.		
Status:	A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.		
Status Date:	Sep. 16, 2016		
Publication Date:	Feb. 18, 2003	Notice of Allowance Date:	May 13, 2003
▲ Mark Information ▼ Expand All ▲ Goods and Services ▲ Basis Information (Case Level) ▼ Current Owner(s) Information			
Owner Name:	DUCASSE HOLDING CORP.		
Owner Address:	155 W. 58TH STREET NEW YORK, NEW YORK UNITED STATES 10019		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	NEW YORK
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