

ESTTA Tracking number: **ESTTA775760**

Filing date: **10/10/2016**

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	GL Rogers and Associates, Inc.		
Entity	Corporation	Citizenship	TEXAS
Address	1701 River Run Road, Suite 1014 Fort Worth, TX 76107 UNITED STATES		

Attorney information	Rishi Nair Keener & Associates, P.C. 161 N. Clark Street, Suite 1600 Chicago, IL 60601 UNITED STATES rishi.nair@keenerlegal.com, kevin.keener@keenerlegal.com, trademark@keenerlegal.com Phone:3123751573		
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Registrations Subject to Cancellation

Registration No	4556548	Registration date	06/24/2014
Registrant	Lighthouse Opportunity Fund LLC 707 East Palisade Avenue Englewood Cliffs, NJ 07632 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2012/08/02 First Use In Commerce: 2012/08/02 All goods and services in the class are cancelled, namely: Real estate funds investment services
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Abandonment	Trademark Act Section 14(3)		
Registration No	4560771	Registration date	07/01/2014
Registrant	Lighthouse Opportunity Fund LLC 707 East Palisade Avenue Engelwood Cliffs, NJ 07632 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2012/08/02 First Use In Commerce: 2012/08/02 All goods and services in the class are cancelled, namely: Real estate funds investment services
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
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Abandonment	Trademark Act Section 14(3)		
Registration No	4548212	Registration date	06/10/2014
Registrant	Lighthouse Realty Advisors LLC 707 East Palisade Avenue Engelwood Cliffs, NJ 07632 UNITED STATES		

Goods/Services Subject to Cancellation

Class 036. First Use: 2013/06/13 First Use In Commerce: 2013/06/13 All goods and services in the class are cancelled, namely: Real estate asset management services
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86214782	Application Date	03/07/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIGHTHOUSE FINANCIAL GROUP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2009/11/00 First Use In Commerce: 2009/11/00 Investment management		

Attachments	86214782#TMSN.png(bytes) 2d Petition for Cancellation LIGHTHOUSE OPPORTUNITY FUND.pdf(132462 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	/Rishi Nair/
Name	Rishi Nair
Date	10/10/2016

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

In the matter of:

Trademark Registration Nos. 4,556,548; 4,560,771; 4,548,212

Registration Dates: Jun. 24, 2014; Jul. 01, 2014; Jun. 10, 2014

Marks: LIGHTHOUSE OPPORTUNITY FUND; LIGHTHOUSE OPPORTUNITY
FUND; LIGHTHOUSE REALTY ADVISORS

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)	
GL Rogers and Associates, Inc.,)	
)	
Petitioner,)	
)	
v.)	Cancellation No.
)	
)	
Lighthouse Opportunity Fund LLC,)	
Lighthouse Realty Advisors LLC,)	
)	
Registrants.)	
)	
)	

PETITION FOR CANCELLATION

Petitioner GL Rogers and Associates, Inc., ("Petitioner"), a Texas corporation, located at 1701 River Run Road, Suite 1014, Fort Worth, TX 76107, believes it will be damaged by the continued registration of the marks shown in Trademark Registration Nos. 4,556,548; 4,560,771; 4,548,212, for the marks LIGHTHOUSE OPPORTUNITY FUND; LIGHTHOUSE OPPORTUNITY FUND; LIGHTHOUSE REALTY ADVISORS ("Registrations") filed by Registrants Lighthouse Opportunity Fund LLC and Lighthouse Realty Advisors LLC (hereby referred to as "Registrant" because they are likely the same entity as concluded by the USPTO), both Delaware Limited Liability Companies, both listed as being located at 707 East Palisade

Avenue Englewood Cliffs, NJ 07632 ("Registrant") and hereby seeks to cancel that registered mark, alleging as grounds for its cancellation:

1. Petitioner is the owner of US Ser. No. 86214782, for the mark LIGHTHOUSE FINANCIAL GROUP in IC036 for the goods and services of "Investment management". Registrant's three marks have been cited by the USPTO as creating a likelihood of confusion and therefore unworthy of registration in the Principal Register.
2. Petitioner would be damaged by the continued registration of the Registrant's marks because no likelihood of confusion exists.

FIRST CLAIM FOR RELIEF

(Abandonment)

3. On information and belief, Registrant's marks have been abandoned due to non-use. Registrant does not use them on its website, <http://www.lhofund.com/back-soon/index.html>, anymore and no usage can be discovered since 2012. Thus more than three years of intentional non-use has occurred, resulting in abandonment of Registrant's marks.
4. On information and belief, Registrant does not currently render services using the mark in commerce.
5. Thus, Registrant's marks cannot stand in the way of Applicant's proposed usage since they are abandoned.

SECOND CLAIM FOR RELIEF

(Priority and Likelihood of Confusion)

6. On information and belief, Registrant's marks claim a date of first use in commerce of August 2, 2012 for U.S. Reg. Nos. 4556548 and 4560771, whereas LIGHTHOUSE REALTY ADVISORS, U.S. Reg. No. 4548212 claims a first use date of June 13, 2013.
7. Applicant began using its Mark in commerce with the goods and services associated with its application at least as early as November 2009. Applicant's usage of its applied-for-mark predates Registrant's usage by over 2 years. Applicant's common law trademark rights supersede those claimed by Registrant for all of their Marks.
8. If there is any likelihood of confusion, it would bar Registrant's junior marks and not Applicant's senior mark.

WHEREFORE, Petitioner, by and through its attorneys, believing it is damaged by Reg. Nos. 4,556,548; 4,560,771; 4,548,212, respectfully requests that this Petition be granted and that the Registrations be cancelled.

Date: October 10, 2016

Respectfully Submitted,

/Rishi Nair/

GL Rogers and Associates, Inc.

Rishi Nair
Kevin J. Keener
KEENER & ASSOCIATES, P.C.
161 N. Clark Street, Suite 4700

Chicago, IL 60601

Telephone: (312) 375-1573

rishi.nair@keenerlegal.com

kevin.keener@keenerlegal.com

Attorneys for Petitioner GL Rogers and Associates, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing Notice of Opposition was served upon Registrant by first-class U.S. mail, postage prepaid, on this October 11, 2016, at the following addresses:

LIGHTHOUSE OPPORTUNITY FUND LLC

707 East Palisade Avenue

Englewood Cliffs, NJ 07632

Lighthouse Realty Advisors LLC

707 East Palisade Avenue

Englewood Cliffs, NJ 07632

_____/Rishi Nair/_____

Rishi Nair