

ESTTA Tracking number: **ESTTA119624**

Filing date: **01/15/2007**

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	River West Brands LLC		
Entity	limited liability company	Citizenship	Delaware
Address	141 West Jackson Boulevard Suite 3620 Chicago, IL 60604 UNITED STATES		

Attorney information	Sana Hakim Bell, Boyd & LLOYD LLP P.O. Box 1135 Chicago, IL 60690-1135 UNITED STATES trademarks@bellboyd.com, shakim@bellboyd.com Phone:312 807-4350
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**Registrations Subject to Cancellation**

Registration No	1832980	Registration date	04/26/1994
Registrant	HARDEE'S FOOD SYSTEMS, INC. 100 N. Broadway, Suite 1200 St. Louis, MO 63102 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 1978/04/01 , First Use In Commerce: 1978/04/01 Goods/Services: restaurant services		
Grounds for Cancellation	The registered mark has been abandoned.		
Registration No	1776896	Registration date	06/15/1993
Registrant	HARDEE'S FOOD SYSTEMS, INC. 100 N. Broadway, Suite 1200 St. Louis, MO 63102 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 1957/05/03 , First Use In Commerce: 1957/05/03 Goods/Services: restaurant services		
Grounds for Cancellation	The registered mark has been abandoned.		

Attachments	BURGER CHEF CANCELLATION.pdf ( 3 pages )(74811 bytes )
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Signature	/sh/
Name	Sana Hakim
Date	01/15/2007



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

In the Matter of Trademark Registration Nos. 1,832,980 and 1,776,896  
Date Registered: April 26, 1994 and June 15, 1993

River West Brands, LLC, a Delaware limited liability company	)	
	)	
Petitioner,	)	Cancellation No. _____
	)	
v.	)	
	)	
Hardee's Food Systems, Inc., a	)	
California Corporation,	)	
Respondent.	)	
	)	

**PETITION FOR CANCELLATION**

River West Brands, LLC, a Delaware limited liability company, having a principal place of business at 141 West Jackson Boulevard, Suite 3620, Chicago, Illinois 60604 ("Petitioner"), believes that it will be damaged by the above-identified registrations and hereby petitions to cancel the same. The grounds for cancellation are as follows:

1. Registration No. 1,832,980 is for the mark BURGER CHEF and Design and was filed on October 13, 1992 for restaurant services. The mark registered on April 26, 1994. The current registrant is Hardee's Food Systems, Inc.

2. Registration No. 1,776,896 is for the mark BURGER CHEF and was filed on October 9, 1992 for restaurant services. The mark registered on June 15, 1993. The current registrant is Hardee's Food Systems, Inc.

3. Petitioner filed an intent to use application to register the mark BURGER CHEF, Serial No. 78/839,336, for frozen fish and meat and for restaurant services on March 16, 2006.

4. On July 13, 2006, Petitioner's application was refused registration on the grounds of a likelihood of confusion with Registration Nos. 1,832,980 and 1,776,896.

5. On information and belief, Respondent has not used its BURGER CHEF or BURGER CHEF and Design marks in connection with the restaurant services identified in U.S. Registration Nos. 1,832,980 or 1,776,896 for at least the past three years and has no intention to resume use. Accordingly, Petitioner asserts that the marks have become abandoned, such that Registration Nos. 1,832,980 and 1,776,896 should be cancelled pursuant to 15 U.S.C. §1064.

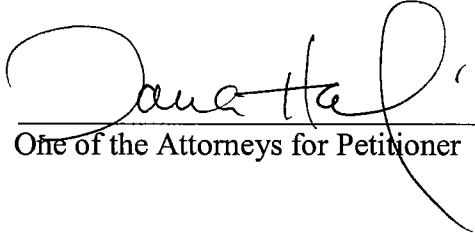
6. Petitioner's mark and Respondent's marks are nearly identical in appearance and cover identical services. Petitioner will be damaged by the continued registration of Respondent's marks.

7. Pursuant to 37 C.F.R. § 2.112(b), Petitioner has consolidated and combined this Petition for Cancellation of both trademark registrations because the claims against each involve common questions of law and fact.

WHEREFORE, Petitioner prays that the Trademark Trial and Appeal Board enter judgment in its favor and cancel the above-identified registrations. A duplicate copy of this Petition for Cancellation and the fee in the amount of \$600.00 required in 37 C.F.R. § 2.6 are enclosed herewith.

DATED this 15th day of January, 2007.

Respectfully submitted,

By:   
One of the Attorneys for Petitioner

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