

ESTTA Tracking number: **ESTTA290993**

Filing date: **06/22/2009**

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	Harrah's License Company, LLC		
Entity	Limited Liability Company	Citizenship	Nevada
Address	One Caesars Palace Drive Las Vegas, NV 89109 UNITED STATES		

Attorney information	Kathryn W. Bina Alston & Bird LLP 1201 West Peachtree Street Atlanta, GA 30309-3424 UNITED STATES kitty.bina@alston.com, betsy.perkins@alston.com Phone:404-881-7000
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Registration Subject to Cancellation

Registration No	3123672	Registration date	08/01/2006
Registrant	Tsunami Express LLC 455 N. Cityfront Plaza Drive, Suite 3110 Chicago, IL 60611 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 2004/09/30 First Use In Commerce: 2004/09/30 All goods and services in the class are cancelled, namely: Bar services

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Harrah's Petition for Cancellation, with Cert of Svc.pdf (4 pages)(81247 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	/Kathryn W. Bina/
Name	Kathryn W. Bina
Date	06/22/2009

HARRAH'S LICENSE COMPANY, LLC)	
)	
Petitioner,)	
)	
v.)	Cancellation No. _____
)	
TSUNAMI EXPRESS LLC LTD,)	
)	
Registrant)	

PETITION FOR CANCELLATION

In the matter of Reg. No. 3,123,672
Date of Issue: August 1, 2006

HARRAH'S LICENSE COMPANY, LLC, a Nevada limited liability company, having its principal place of business at One Harrah's Court, Las Vegas, Nevada 89119, believes it will be damaged by Registration No. 3,123,672 and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges as follows:

1. Since at least as early as September 30, 2006, Harrah's has used the trademark and service mark THE RESERVE to identify restaurant services.
2. Petitioner filed an application to register the mark THE RESERVE, Serial No. 77/457,119, on April 24, 2008, but said application has been rejected on the grounds of likelihood of confusion with respect to the mark sought to be canceled.

3. On information and belief, Registrant is no longer operating bar services under the mark RESERVE.
4. On information and belief, Registrant has made no use of the mark RESERVE for bar services for at least the last three years.
5. On information and belief, Registrant was dissolved involuntarily on October 10, 2008, according to the record of the Office of the Secretary of State of Illinois.
6. On information and belief, Registrant has abandoned the design mark covered in Registration No. 3,123,672
7. Petitioner is or will be damaged by the registration sought to be canceled because Petitioner is using the mark THE RESERVE for restaurant services in commerce, and Registrant's registration is conclusive evidence of Registrant's exclusive right to use the registered mark in commerce on or in connection with bar services, thereby placing a cloud upon Petitioner's right to use and register its mark.
8. For the purpose of this cancellation, the subject marks are alleged to be confusingly similar.

WHEREFORE, Petitioner prays that Registration No. 3,123,672, issued August 1, 2006, be canceled.

Respectfully submitted,

HARRAH'S LICENSE
COMPANY, LLC

By Its Attorneys

ALSTON & BIRD LLP

By: /s/ Kathryn W. Bina
Kathryn W. Bina
Edward M. Prince

1201 West Peachtree Street
Atlanta, GA 30309
(404) 881-7000
(404) 881-7777 (fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document **PETITION FOR CANCELLATION** was served by First Class Mail upon Jason K. Schmitz, Esq., MAYOR, BROWN, ROWE & MAW LLP, 71 South Wacker Drive, Chicago, Illinois 60690-2828 on this 22nd day of June, 2009.

/s/Kathryn W. Bina
Kathryn W. Bina