

ESTTA Tracking number: **ESTTA439985**

Filing date: **11/08/2011**

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

Proceeding	92053537
Party	Plaintiff Modern Housing, LLC
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Submission	Other Motions/Papers
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Signature	/Michelle C. Morris/
Date	11/08/2011
Attachments	ACE PLAY_ Notice of Disposition.pdf (7 pages)(107680 bytes)

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

MODERN HOUSING, LLC,	-	X	
	:		
Petitioner,	:		
	:		Cancellation No.: 92,053,537
v.	:		Mark: ACE PLAY
	:		Reg No.: 3,824,189
AMERICAN CASINO AND ENTERTAINMENT	:		
PROPERTIES, LLC,	:		
	:		
Respondent.	:		
	-	X	

NOTICE OF FINAL DISPOSITION OF CIVIL ACTION

Petitioner Modern Housing, LLC (“Modern Housing”) hereby notifies the Board of the final disposition of the civil action which served as the basis for suspension of this proceeding. (*American Casino and Entertainment Properties, LLC v. Modern Housing, LLC* (Case No. 11-cv-00222) in the Federal District Court of Nevada (the “Civil Action”)).

On October 19, 2011, the Federal District Court of Nevada entered an order in the Civil Action granting Modern Housing’s Motion to Dismiss under Rule(s) 12(b)(1) and/or 12(c) of the Federal Rules of Civil Procedure (the “Order of Dismissal”). A copy of the Order of Dismissal is attached hereto as Exhibit A.

In light of the foregoing, Modern Housing respectfully requests that the Board resume the proceeding and reset all deadlines herein.

Respectfully submitted,

KENYON & KENYON LLP

Dated: November 8, 2011

By: *Jonathan D. Reichman*

Jonathan D. Reichman

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Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document, entitled "Notice of Final Disposition of Civil Action," was served by first-class mail, postage prepaid, on this 8th day of November, 2011, on the attorney of record for American Casino and Entertainment Properties, LLC, as follows:

Mr. Michael J. McCue, Esq.
Lewis and Roca LLP
3993 Howard Hughes Pkwy
Suite 600
Las Vegas, Nevada 89169-5996


Michelle C. Morris

EXHIBIT A

JOLLEY URG WIRTH WOODBURY & STANDISH
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12 UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 AMERICAN CASINO AND
15 ENTERTAINMENT PROPERTIES, LLC, a
Delaware limited liability company,

16 Plaintiff,

17 v.

18 MODERN HOUSING, LLC, a Washington
19 limited liability company,

20 Defendant.

Case No. 2:11-cv-00222-JCM -LRL

21
22 **ORDER**

23
24 Presently before the Court is Defendant Modern Housing, LLC's Motion to Dismiss
25 Pursuant to Fed. R. Civ. P. 12(b)(1) and/or 12(c) (Doc. # 9), filed on May 20, 2011. Plaintiff
26 American Casino and Entertainment Properties, LLC filed an opposition (Doc. #19) on June
27 20, 2011. Defendant filed a reply (Doc. #22) on July 7, 2011.

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The motion came on for hearing before the Honorable James C. Mahan on September 21, 2011, at 10:00 a.m.

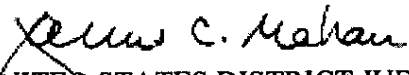
After consideration of the pleadings and papers on file, and the oral arguments by counsel, and for the reasons stated in court,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's motion to d ismiss is GRANTED without prejudice.

ORDER

IT IS SO ORDERED.

DATED this 19th day of October, 2011.


UNITED STATES DISTRICT JUDGE

Submitted by:
JOLLEY URGA WIRTH WOODBURY & STANDISH

By: /s/ William R. Urga
WILLIAM R. URGA, ESQ.
3800 Howard Hughes Pkwy., 16th Floor
Las Vegas, Nevada 89169

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CERTIFICATE OF SERVICE

1
2 This will hereby certify that I am employed in the County of Clark, State of Nevada, am
3 over the age of 18 years and not a party to this action. My business address is that of Jolley Urga
4 Wirth Woodbury & Standish, 3800 Howard Hughes Parkway, Suite 1600, Las Vegas, Nevada
5 89169.

6 This is to certify that on October 13th, 2011, I electronically filed the **PROPOSED**
7 **ORDER** with the Clerk of Court using the CM/ECF system, which will cause the document to
8 be served upon the following counsel of record:
9

10 Michael J. McCue
11 Jonathan W. Fountain
12 LEWIS AND ROCA LLP
13 3993 Howard Hughes Parkway, Suite 600
14 Las Vegas, Nevada 89169

15 I certify under penalty of perjury that the foregoing is true and correct, and that this
16 Certificate of Service was executed by me on October 13th, 2011 at Las Vegas, Nevada.

17 /s/ Kelly McGee

18 An Employee of JOLLEY URGA WIRTH
19 WOODBURY & STANDISH
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