

ESTTA Tracking number: **ESTTA817920**

Filing date: **05/01/2017**

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 parties request to cancel indicated registration.

Petitioner Information

Name	Lucasfilm Entertainment Company Ltd. LLC		
Entity	Corporation	Citizenship	California
Address	One Letterman Drive Bldg. B San Francisco, CA 94129 UNITED STATES		

Name	Lucasfilm Ltd. LLC		
Entity	Corporation	Citizenship	California
Address	One Letterman Drive Bldg. B San Francisco, CA 94129 UNITED STATES		

Attorney information	Linda K. McLeod Kelly IP, LLP 1919 M Street, N.W., Suite 610 Washington, DC 20036 UNITED STATES linda.mcleod@kelly-ip.com, disneyopp@kelly-ip.com, lit-docketing@kelly-ip.com		
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Registration Subject to Cancellation

Registration No	5025710	Registration date	08/23/2016
International Registration No.	NONE	International Registration Date	NONE
Registrant	Ren Ventures Limited Flat 2 London, W140AL UNITED KINGDOM		

Goods/Services Subject to Cancellation

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are cancelled, namely: Computer game software; computer game entertainment software; video game software; downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for application and database integration, computer system and application development, deployment and management, and for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications, for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; computer and video game cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing photographic images and</p>

artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases specially adapted for holding or carrying for mobile telephones and telephone equipment; parts and fittings for theaforesaid goods

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are cancelled, namely: Entertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SABACC		
Goods/Services	motion picture films, television programs, books, card games, and games		

Attachments	Petition to Cancel SABACC Mark.pdf(770479 bytes)
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Signature	/Linda K. McLeod/
Name	Linda K. McLeod
Date	05/01/2017

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

<p>LUCASFILM LTD. LLC and LUCASFILM ENTERTAINMENT COMPANY LTD. LLC,</p> <p style="text-align:center">Petitioners</p> <p style="text-align:center">v.</p> <p>REN VENTURES LIMITED,</p> <p style="text-align:center">Respondent.</p>	<p>Cancellation No.:</p> <p>Mark: SABACC Registration No.: 5025710 Issued: August 23, 2016</p>
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PETITION FOR CANCELLATION

Lucasfilm Ltd. LLC, a limited liability company, is organized in the State of California, and has a principal place of business at One Letterman Drive, Bldg. B, San Francisco, California 94129. Lucasfilm Entertainment Company Ltd. LLC, a limited liability company and wholly-owned subsidiary of Lucasfilm Ltd. LLC, has a principal place of business at One Letterman Drive, Bldg. B, San Francisco, CA 94129 (collectively, "Petitioners" or "Lucasfilm"). Petitioners believe that they are being and will be damaged by the registration of the mark shown in Registration No. 5025710, and hereby petition to cancel the same. As grounds for its cancellation, Petitioners allege that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

Petitioners and their SABACC Mark

1. Founded in 1971, Lucasfilm Ltd. LLC, through its predecessors-in-interest, related companies and licensees, is one of the world's leading producers and providers of entertainment, films, and a wide variety of consumer products.

2. In 1977, Lucasfilm released its blockbuster film *Star Wars*, followed by the release of *Star Wars Episode V: The Empire Strikes Back* (1980), *Star Wars Episode VI: Return of the Jedi* (1983); *Star Wars Episode I: The Phantom Menace* (1999); *Star Wars Episode II: Attack of the Clones* (2002); *Star Wars Episode III: Revenge of the Sith* (2005); *Star Wars: The Clone Wars* (2008), *Star Wars: The Force Awakens* (2015); and *Rogue One: A Star Wars Story* (2016) (collectively, the “STAR WARS Film Franchise”). Lucasfilm has announced plans to release several new films as part of the STAR WARS Film Franchise.

3. Lucasfilm's STAR WARS Film Franchise include four of the top eleven all time highest grossing movies in the domestic market: *Star Wars* (1977), *Star Wars Episode I: The Phantom Menace* (1999), *Star Wars Episode VII: The Force Awakens* (2015), which is the number one highest grossing film of all time, and *Rogue One: A Star Wars Story* (2016).

4. Lucasfilm’s STAR WARS Film Franchise has received critical praise and many awards and accolades, including 10 Academy Awards and 29 Academy Award nominations. The first *Star Wars* film alone received 6 Academy Awards and 10 nominations, and an additional Special Achievement Oscar.

5. In addition to its films, Lucasfilm’s STAR WARS products and services have included books since as early as 1980 and television series since 1985. Recent television series include *Star Wars: Clone Wars* (2008-2014) and *Star Wars Rebels* (2014-present), among other television programs. (Collectively, the STAR WARS films, television series, and books are referred to as the “STAR WARS Franchise”.)

6. Lucasfilm has for many years used its characters, names, marks, and elements from its STAR WARS Franchise in connection with mobile applications, mobile games, board games, computer games, video games, and online games.

7. Further, Lucasfilm has a long history of licensing its famous characters, names, marks, and elements from its STAR WARS Franchise in connection with a wide variety of merchandise and products including, but not limited to toys, games, card games, books, video games, online games, clothing, bags, printed materials, mugs, and many other products. Lucasfilm maintains rigorous control over the quality of licensed merchandise and products bearing its trademarks, and all use of Lucasfilm's licensed marks inures to its benefit.

8. Lucasfilm used its SABACC mark in connection with in the STAR WARS Franchise as early as 1980 in the May 1980 novelization of the 1980 film *Star Wars Episode V: The Empire Strikes Back*. Lucasfilm's SABACC card game is played in the galaxy, and it is comprised of a number of face cards (including the Idiot, the Queen, the Evil One, and the Star) and four suits of fifteen pip cards (Flasks, Sabers, Staves, and Coins).

9. Lucasfilm's SABACC mark next appeared in a trilogy of Lando Calrissian novels published in July 1983, including *Lando Calrissian and the Mindharp of Sharu*, which explained the mechanics of Petitioners' SABACC game.

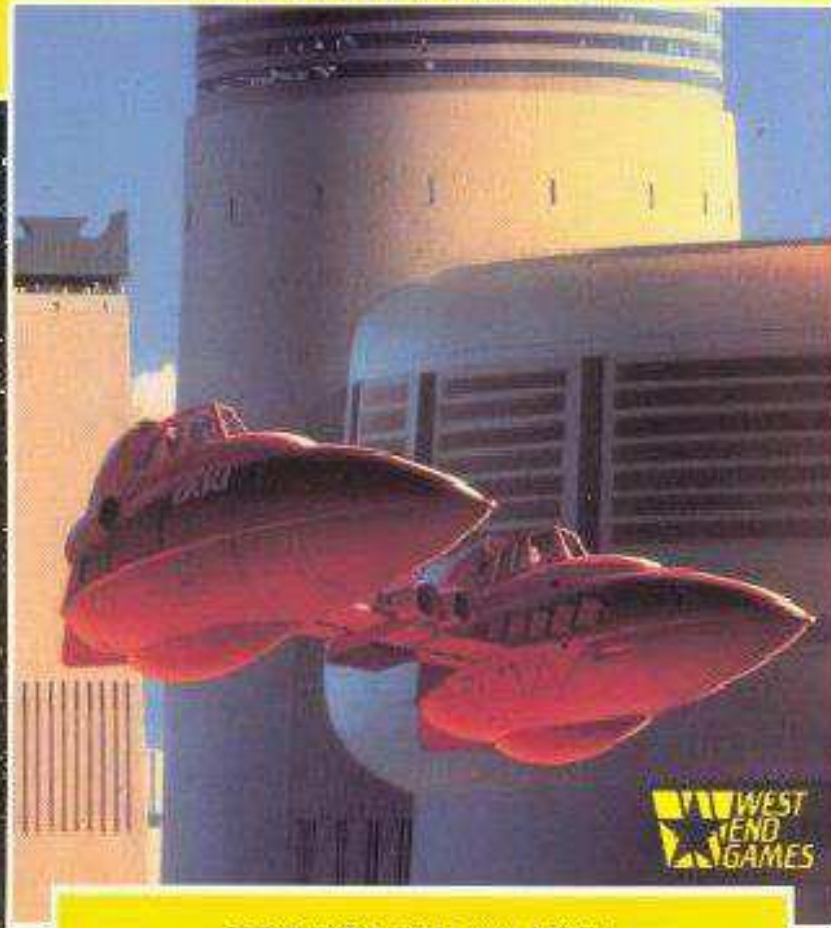
10. As early as November 1989, Lucasfilm licensed the SABACC mark for use in connection with a roleplaying card game featuring a card deck and rules for the game. Representative images of Lucasfilm's SABACC mark used in connection with this licensed card game are shown below:

STAR WARS

Crisis on Cloud City

An Adventure for use with Star Wars: The Roleplaying Game

Plus
Sabacc
Card Game Trade!



High above the swirling gases of Bespin, desperate Rebels struggle to unravel a mystery which could destroy the city in the clouds.

STAR WARS

Sabacc

A Card Game of the *Star Wars* Galaxy

Design: Michael Stern with Douglas Kaufman and Greg Gorden • Editing: Bill Slavtcek
Card Designs: Rosaria Baldari • Graphics: Cathleen Hunter • Assistance: C.J. Trambontano,
Jonatha Caspian

Sabacc is a game of skill and chance played in gambling halls and casinos across the *Star Wars* galaxy. It is the preferred game of infamous gambler Lando Calrissian, who participated in the most talked-about game ever. (That's the game in which he reportedly lost his ship, the *Millennium Falcon*, to the equally infamous Han Solo.) To play Sabacc, you need this rules sheet, the sabacc deck, a six-sided die, and something to represent credits (peanuts, jelly beans, etc.).

The Cards

Sabacc is played with a deck of 76 cards made up of four suits — *Sabres*, *Skaves*, *Flanks*, *Coins* — and a set of face cards. (The six cards with the Exo Droid symbols on them are only used in the Crisis on Cloud City adventure.) Each suit is made up of 11 regular cards (numbered 1-11) and four ranked cards; the *Commander*, the *Mistress*, the *Master*, and the *Ace* (numbered 12-15). The set of face cards consists of 16 cards, each with a negative value. (You can have a hand which has a negative total in Sabacc.) In addition, each face card has a special name and symbol. There are two of each face card in the deck.

If this were the *Star Wars* galaxy, electronic pulses would randomly shift the faces of the cards until they were locked in by the player via a "neutral field". In our galaxy, we've included several mechanics which simulate the effect of wild randomness, while allowing for strategy.

Rules of Play

The object of Sabacc is to have the highest card total which is less than or equal to 23. A total which is over 23, under negative 23, or exactly zero is a *bomb out*, and requires the holder of the hand to pay a *penalty* (see below).

There are two pots to be won in the game of sabacc. A pot is the total amount of credits (*Star Wars* money) staked by all the players in one hand of the card game. Each pot should be set apart from the other in seat piles somewhere on the table. The first of the two pots is the *hand pot*, which is taken by the player who wins the hand. The second is the *sabacc pot*, which continually builds, and can only be won with a special hand (see below).

To start a game of Sabacc, choose one player to be the dealer of the first hand. Other players wishing to be dealt into a hand must first ante by placing one credit into the hand pot. Each player must also ante one credit into the sabacc pot if it is ever empty. This includes the very first hand of the game.

Each player takes a *turn* in order, beginning with the player to the dealer's left, that includes the phases listed below. Once a player has completed all the phases in the turn, it becomes the turn of the player on his or her left. (Remember, the dealer plays each hand by taking a turn when it comes up in the order.)

After every hand, the player to the left of the dealer becomes the new dealer.

STAR WARS

Turn Phases

Betting Phase: Each player is dealt two cards. The player to the left of the dealer begins play with the option to bet. If he chooses to do so, the bet is placed in the hand pot. If a bet is placed, each player must match that bet if he or she wishes to remain in the hand.

Only the player whose turn it is may place a bet, but that bet may be raised by any of the players in turn. The betting and raising limits are three credits. Before moving on to the next phase, the player whose turn it is must ask each player if they wish to *fold* (drop out of the hand). A player may only fold during the betting phase, and must pay one credit to the sabacc pot to do so.

Shifting Phase: After the betting phase is completed, the player whose turn it is rolls a six-sided die. If the result is a 1, 2 or 3, *shifting* occurs.

In shifting, each player has one card, chosen randomly by the player to his right, discarded from his hand. All of the cards which were discarded are pooled together and shuffled by the dealer. The dealer then displays the discarded cards face down on the table, and each player, in order starting with the player to the dealer's left, picks one of the discarded cards and adds it to his hand.

Note: If a player folds on his own turn, he must still make the roll in the shifting phase, but his cards are not included in the shift.

Calling Phase: After the shifting phase is completed, the player whose turn it is asks if anyone would like to *call* the hand. When a hand is called, each player must immediately place their cards face-up on the table in front of them and declare what they have. See "Winning a Hand" for victory conditions and penalties.

A player may only call the hand during the calling phase of another player's turn, never during their own turn. No one may call the hand until every player has had at least one turn, including the dealer.

Calling simulates locking in your cards, since there is no "neutral field" included.

Note: You may wish to increase the minimum number of turns before the hand may be called when playing with fewer than four players. This allows for more interesting hands to develop.

Drawing Phase: After the calling phase, the player whose turn it is has the option to *draw* one card from the deck. If the player holds more than two cards, he may exchange one of the cards in his hand for a card drawn from the deck, or simply draw a card from the deck and add it to his hand (but not both).

There is no limit to the amount of cards that a player may hold in his or her hand, but he must always have at least two cards. Cards which are dropped from a player's hand during this phase are removed from play.

Winning a Hand

When a hand is called, the player with the highest card total which is 23 or less wins the hand. A player also wins the hand if everyone else folds. The winning player wins the *hand pot* only.

If two or more players are tied, they must participate in a *sudden demise*. In a sudden demise, the dealer deals each participating player one card from the deck which the players must add to their hands. The best modified hand takes the pot. If there is still a tie, the pot is split.

If any player has a total which is over 23, less than negative 23, or exactly zero when the hand is called, he or she has *bomb out*. In this circumstance, the bombed-out player must match the exact amount of credits which are currently in the hand pot, and pay it to the sabacc pot.

In addition to this, if the player who called the hand does not win it, he or she must also pay the sabacc pot as if they had bombed-out.

Special Hands

To win the sabacc pot, a player must have one of two special hands. The first is when a player has a card total of exactly 23. This is called a *Pure Sabacc*, and is usually accompanied by an enthusiastic cry of "Sabacc!" when the cards are turned over.

The other sabacc pot winning hand is called an *Idiot's Array*. To achieve this, a player must have an *Idiot* face card, a *two* card and a *three* card of any suit (a literal 23).

An *Idiot's Array* beats a *Pure Sabacc*, but if two or more players have the same special hand in contention for the sabacc pot, a *sudden demise* is held as usual.

Roleplaying Rules

If you are roleplaying a game of sabacc, the characters' *gambling* skills are used in conjunction with the above rules. Once during each hand, a character may choose to make a *gambling* roll. That character declares which opposing character he or she wishes to roll against, and opposed rolls are made. If the character who declared the *gambling* attempt wins the opposed roll, the other character must reveal his entire hand to his opponent.

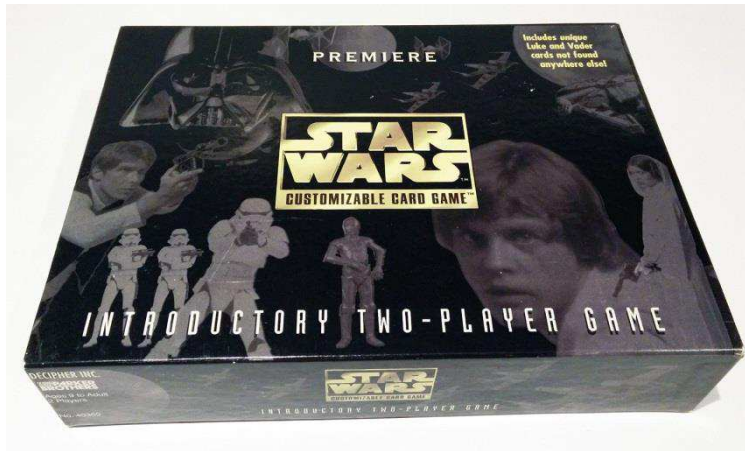
The *gambling* roll may be declared at any time during a hand, during anyone's turn.

In addition to using the *gambling* skill legally, a character may elect to *cheat*. To do this requires success on a *Difficult gambling* roll. This allows the character to be exempt from a card *shifting*, keeping the cards he has. The cheating attempt may be declared after a shift has been rolled.

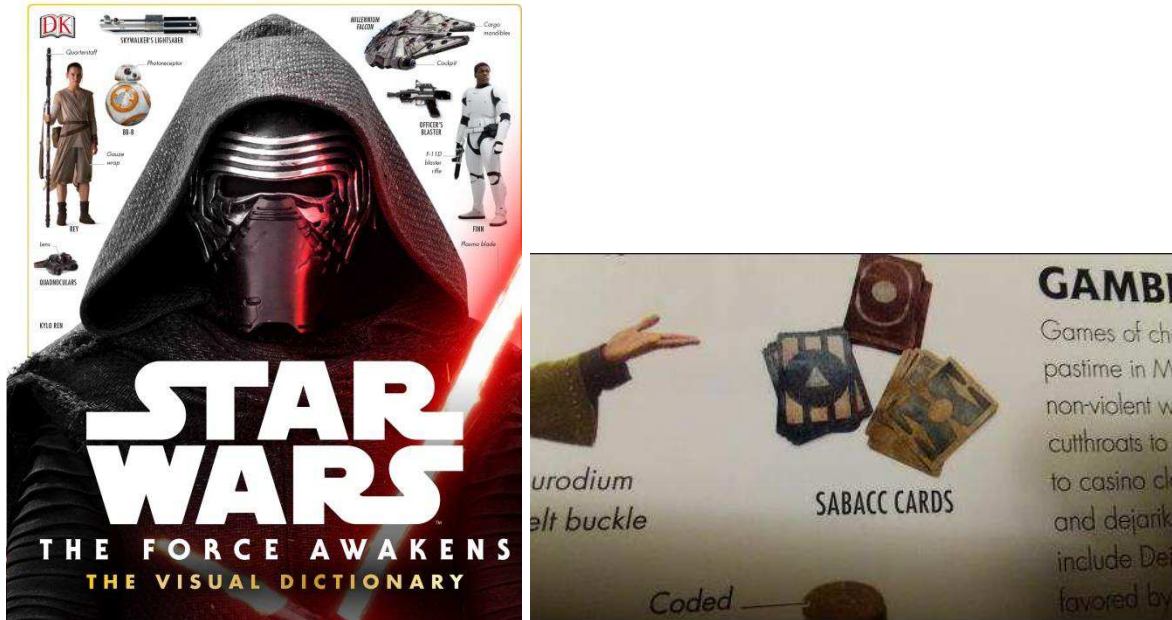
Failure on the cheating roll means that the character has been caught cheating and is out of the game. This situation should be roleplayed accordingly.



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14. In addition, Lucasfilm's SABACC mark has been used in connection with *STAR WARS: The Force Awakens, The Visual Dictionary* (published December 18, 2015). Representative images of such uses are shown below.



(Collectively, the references to Lucasfilm's SABACC mark and products and services in Paragraphs 8-14 are referred to as "Petitioners' SABACC Mark" and "Petitioners' Products," respectively).

Respondent and its SABACC Mark

15. Respondent, Ren Ventures Limited, is a private limited company with its principal place of business at Flat 2 6 Bolingbroke Road, London, United Kingdom W140AL.

16. Respondent is the listed owner of U.S. Registration No. 5025710, issued August 23, 2016, for the mark SABACC for "computer game software; computer game entertainment software; video game software; downloadable electronic game software

for use on mobile phones, tablets and other electronic mobile devices; interactive multimedia computer game software; games software for use on mobile phones, tablets and other electronic mobile devices; downloadable computer software for application and database integration, computer system and application development, deployment and management, and for the integration of text, audio, graphics, still images and moving pictures into an interactive delivery for multimedia applications, for mobile phones, tablets and other electronic mobile devices; computer application software featuring video and computer games; computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and computer games; computer and video game cartridges for use with electronic games apparatus; video recordings featuring computer games; downloadable image files containing photographic images and artwork, and text in the field of video and computer games; downloadable music files; downloadable ring tones for mobile phones; accessories for telephones, mobile telephones, smart phones and tablet computers, namely, hands free kits, covers, cases, battery chargers, and earphones; bags and cases specially adapted for holding or carrying for mobile telephones and telephone equipment; parts and fittings for the aforesaid goods,” in Class 9 and “entertainment services, namely, providing on-line computer games; entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; entertainment services, namely, providing non-downloadable computer games online; entertainment services, namely, providing temporary use of non-downloadable interactive games; entertainment services, namely, providing temporary use of non-downloadable electronic games; entertainment

services, namely, providing a website featuring games and puzzles; entertainment services, namely, providing online video games; entertainment services, namely, providing electronic games, including provision of computer games online, on social networks, or by means of a global computer network; entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks and via a global computer network; organising sporting and cultural activities, namely, conducting tournaments, contests and competitions in the field of computer games; multimedia publishing of software, namely, publishing of computer game software, electronic games and video game software; information, advisory and consultancy services related to the aforesaid services, all of the aforesaid services also being provided online from a computer database or the Internet” in Class 41. (Collectively referred to as “Respondent’s SABACC Mark” and “Respondent’s Products and Services”). This registration issued under Section 44E, claiming a priority date of November 20, 2015.

17. Respondent has affirmatively promoted and advertised Respondent’s SABACC Mark and Respondent’s Products and Services using references to Lucasfilm’s STAR WARS Franchise, including the following:

Speaking about the arrival of the app, Ime Ekong, Viceroy of the Trade Federation’s gaming guild, commented that “Fans of Sabacc have been clamoring for an authentic gaming experience for some time, so to now be providing that experience and sending it out to Sabacc enthusiasts is something we are really excited about. (<http://eprnews.com/fans-from-mos-eisley-to-cloud-city-rejoice-as-sabacc-comes-to-ios-android-65516/>)

From a Cantina far, far away to your mobile device, welcome to the world’s largest Sabacc site. Play the high stakes card game of the Star Wars universe online with friends. (<https://itunes.apple.com/us/app/sabacc-the-high-stakes-card-game/id1105884765?mt=8>)

Popularised by the Star Wars universe, Sabacc features highly social gameplay, fast action and the ability to play either as a single player or to take on other enthusiasts online. For more information about Sabacc, visit www.sabacccreative.com/#!sabacc-game/p3wls. (<https://www.einpresswire.com/article/338447409/major-update-for-sabacc-the-card-game-of-the-star-ward-universe-released-on-ios-and-android>)

Likelihood of Confusion, 15 U.S.C. § 1052(d)

18. Petitioners have priority based on prior use of Petitioners' SABACC Mark in commerce on or in connection with Petitioners' Products before the November 20, 2015 priority date of Respondent's U.S. Registration No. 5025710, and before any date of first use that may be proven by Respondent.

19. Respondent's SABACC Mark is identical in sound, appearance, and connotation to Petitioners' SABACC Mark.

20. Respondent's Products and Services are identical to or related to Petitioners' Products advertised, promoted, offered, and/or sold in connection with Petitioners' SABACC Mark.

21. Further, as noted above, Petitioners have a history of licensing and using its marks, names, characters, and elements from its STAR WARS Franchise in connection with a wide variety of products and services including, but not limited to, computer games, video games, board games, card games, mobile applications, books, and entertainment services. As a result, consumers are accustomed to encountering Petitioners' names, marks, characters, and elements from its STAR WARS Franchise in connection with such products and services. This increases the likelihood that consumers are likely to associate Respondent's SABACC mark and Respondent's

Products and Services with Petitioners, Petitioners' SABACC Mark, and Petitioners' Products.

22. Accordingly, Respondent's SABACC Mark shown in U.S. Registration No. 5025710 so resembles Petitioners' previously used SABACC Mark set forth above as to be likely, when used in connection with Respondent's Products and Services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

23. Accordingly, Petitioners have priority and Respondent's U.S. Registration No. 5025710 should be cancelled under Section 2(d), 15 U.S.C. § 1052(d).

WHEREFORE, Petitioners believe that they are being and will continue to be damaged by the registration of the mark SABACC shown in U.S. Registration No. 5025710 and requests that the Petition for Cancellation be sustained, and that the registration be cancelled.

A filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 506154.

Respectfully submitted,

Dated: May 1, 2017

By: Linda K. McLeod/

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