

ESTTA Tracking number: **ESTTA940968**

Filing date: **12/12/2018**

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 has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	Eric Persson		
Entity	Individual	Citizenship	UNITED STATES
Address	2926 Montessouri Street Las Vegas, NV 89117 UNITED STATES		

Correspondence information	Michael McCue Attorney of Record, Nevada Bar Member Lewis Roca Rothgerber Christie LLP 3993 Howard Hughes Parkway Suite 600 Las Vegas, NV 89169 UNITED STATES pto@lrrc.com 7029498200
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Registration Subject to Cancellation

Registration No.	4386619	Registration date	08/20/2013
Registrant	LV Concepts Inc. 3770 Las Vegas Blvd. South Las Vegas, NV 89109 UNITED STATES		

Goods/Services Subject to Cancellation

Class 043. First Use: 1996/06/21 First Use In Commerce: 1996/06/21 All goods and services in the class are subject to cancellation, namely: Restaurant services
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Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation DRAGON NOODLE CO.pdf(8312 bytes)
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Signature	/Michael J McCue/
Name	Michael J. McCue
Date	12/12/2018

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

PERSSON, ERIC,
individual

Petitioner,

v.

LV Concepts Inc.,
a Nevada corporation

Respondent.

Cancellation No.

Registration No. 4,386,619

Mark: DRAGON NOODLE CO.

PETITION FOR CANCELLATION

Eric Persson (“Petitioner”), an individual residing at 2926 Montessouri Street, Las Vegas, Nevada, 89117, believes that he will be damaged by the continued registration of Registration No. 4,386,619 for the mark DRAGON NOODLE CO. mark on the Principal Register in International Class 43 (the “Registration”). Pursuant to 15 U.S.C. § 1064, Petitioner hereby petitions to cancel the registration of the DRAGON NOODLE CO. mark based on abandonment. As grounds for cancellation, Petitioner alleges the following:

1. Petitioner has filed a trademark application bearing U.S. Serial No. 88/207,640 for the mark DRAGON TIGER NOODLE CO. for restaurant services; bar services in International Class 43.
2. Respondent LV Concepts Inc. is a Nevada corporation located at 3770 Las Vegas Boulevard South, Las Vegas, Nevada 89109.
3. Respondent’s Registration for the mark DRAGON NOODLE CO. covers

restaurant services in International Class 43.

4. Upon information and belief, in 2017, Respondent's restaurant that used the DRAGON NOODLE CO. mark has permanently closed.

5. Upon information and belief, Respondent has ceased use of the DRAGON NOODLE CO. mark and does not intend to resume use. Accordingly, upon information and belief, Respondent has abandoned its rights.

6. Since Respondent's Registration will likely be cited against Petitioner's application to register the DRAGON TIGER NOODLE CO. mark, Petitioner will be damaged by continued registration of Respondent's Registration.

WHEREFORE, Petitioner requests that Registration No. 4,386,619 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Please process payment of the \$400 fee required by 37 C.F.R. § 2.6(a)(16) from deposit account No. 031728.

Dated this 12th day of December, 2018.

Respectfully submitted,

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Michael J. McCue

Michael J. McCue

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Attorneys for Petitioner

CERTIFICATE OF E-FILING

I hereby certify that the original of this Petition to Cancel is being electronically filed with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office through the website at <http://estta.uspto.gov> on December 12, 2018.

/s/ Michael J. McCue
Michael J. McCue,
an attorney of Lewis Roca Rothgerber Christie LLP