

ESTTA Tracking number: **ESTTA1059072**

Filing date: **06/01/2020**

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	Julius Bruncken		
Entity	Individual	Citizenship	GERMANY
Address	HÄñinger Weg 180, KÄñln, 50969 GERMANY		

Attorney information	Laura J. Winston Offit Kurman, P.A. 10 East 40th Street Offit Kurman, P.A. New York, NY 10016 UNITED STATES trademarks@offitkurman.com, lwinston@offitkurman.com, alison.pratt@offitkurman.com 3475898536		
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**Registration Subject to Cancellation**

Registration No.	3021773	Registration date	11/29/2005
Registrant	SG GAMING, INC. 6601 BERMUDA ROAD LAS VEGAS, NV 89119 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 028. First Use: 2003/09/00 First Use In Commerce: 2004/09/00 All goods and services in the class are subject to cancellation, namely: Casino card games, casino gaming tables
Class 041. First Use: 2003/09/00 First Use In Commerce: 2004/09/00 All goods and services in the class are subject to cancellation, namely: Casino gaming services, namely, providing card games; leasing of casino games

**Grounds for Cancellation**


Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation of BLACKJACK BULLETS.pdf(626129 bytes )
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Signature	/Laura J. Winston/
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Name	Laura J. Winston
Date	06/01/2020

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

-----X	:	
JULIUS BRUNCKEN,	:	Cancellation No. _____
	:	
Petitioner,	:	
	:	Mark:
	:	
- against -	:	Registration No. 3021773
	:	Registered: November 29, 2005
SG GAMING, INC.,	:	
	:	
Registrant.	:	
	:	
-----X	:	

**PETITION FOR CANCELLATION**

Petitioner, Julius Bruncken, an individual citizen of Germany with an address at Höniger Weg 180, 50969 Köln, Germany, believes that he will be damaged by Registrant’s continued registration of Registration No. 3021773, and hereby petitions to cancel the same pursuant to Sections 14(1) and 14(3) of the Lanham Act, 15 U.S.C. §§1064(1) and (3).

As grounds therefor, Petitioner alleges as follows:

1. Petitioner is an entrepreneur and seller of articles for playing games including card games.
2. On September 4, 2019, Petitioner and Patrick Gebhardt, also an entrepreneur and seller of the same types of articles, jointly filed an International Registration including a Request for Extension of Protection to the United States for the trademark:



The USPTO assigned Serial No. 79276314 to the Request for Extension of Protection (the “314 Application”). The ‘314 Application covers “Toys, games, playthings and novelties; card games; poker cards; poker chips; chips for gambling; toys being for sale in kit form; poker equipment, namely, poker chips; play mats for table use; poker mats; poker chips; poker sets comprising poker cards, chips and mats; poker cases adapted for carrying poker equipment; poker case sets, namely, poker cases sold filled with poker cards, chips and mats; board games; poker tables; parts and accessories for all the aforesaid goods, included in this class” in International Class 28. A printout from the USPTO TSDR database showing the status of the ‘314 Application is attached as Exhibit A.

3. The International Registration is based on Petitioner’s and Mr. Gebhardt’s jointly filed European Union Trademark Application, No. 018049347 filed April 10, 2019; thus, the constructive filing date of the ‘314 Application is April 10, 2019.

4. On February 10, 2020, the USPTO issued a refusal of registration in the ‘314 Application, based on likelihood of confusion with Registrant’s Registration No. 3021773 for the trademark:



covering “Casino card games, casino gaming tables” in International Class 28 and “Casino gaming services, namely, providing card games; leasing of casino games” in International Class

41 (the “’773 Registration”). A printout from the USPTO TSDR database showing the status of the ‘773 Registration is attached as Exhibit B.

5. Upon information and belief, Registrant has not used the trademark shown in the ‘773 Registration in interstate commerce in more than three years.

6. Upon information and belief, more than three years ago Registrant ceased use of the trademark shown in the ‘773 Registration in connection with the goods identified in the ‘773 Registration with no intention to resume use and has abandoned whatever rights it ever could have claimed to own in the mark.

7. Because Registrant has abandoned the trademark shown in the ‘773 Registration, Registrant is no longer entitled to own the ‘773 Registration.

8. The continued existence of the ‘773 Registration, to which Registrant is not entitled, damages Petitioner, as the registration is preventing Petitioner from obtaining registration of the mark shown in the ‘314 Application.

WHEREFORE, Petitioner requests that Registration No. 3021773 be cancelled and that this Petition to Cancel be sustained in favor of Petitioner.

Dated: New York, New York  
June 1, 2020

Respectfully submitted,

OFFIT KURMAN, P.A.



By: /Laura J. Winston/  
Laura J. Winston

10 East 40<sup>th</sup> Street  
New York, New York 10016  
(347) 589-8536

*Attorneys for Petitioner*

# **EXHIBIT A**

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2020-05-28 11:01:19 EDT			
<b>Mark:</b> BULLETS PLAYING CARDS			
			
<b>US Serial Number:</b>	79276314	<b>Application Filing Date:</b>	Sep. 04, 2019
<b>Register:</b>	Principal		
<b>Mark Type:</b>	Trademark		
<b>TM5 Common Status Descriptor:</b>		LIVE/APPLICATION/Under Examination	
<b>Status:</b>	A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents, click the Trademark Document Retrieval link at the top of this page.		
<b>Status Date:</b>	Feb. 10, 2020		
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>			
<b>Mark Literal Elements:</b>	BULLETS PLAYING CARDS		
<b>Standard Character Claim:</b>	No		
<b>Mark Drawing Type:</b>	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)		
<b>Color(s) Claimed:</b>	Color is not claimed as a feature of the mark.		
<b>Design Search Code(s):</b>	05.01.04 - Vines 05.05.25 - Daffodils; Other flowers; Iris (flower) 21.01.01 - Playing cards; Fortune telling cards; Cards, tarot; Cards, playing 23.03.08 - Cannon balls; Bullets 25.01.25 - Other framework and ornamental borders; Borders, ornamental		
<b>▼ Related Properties Information</b>			
<b>International Registration Number:</b>	<a href="#">1508742</a>		
<b>International Registration Date:</b>	Sep. 04, 2019		
<b>▼ Goods and Services</b>			
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services:			
<ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *.* identify additional (new) wording in the goods/services.</li> </ul>			
<b>For:</b>	Toys, games, playthings and novelties; card games; poker cards; poker chips; chips for gambling; toys being equipment, namely, poker chips; play mats for table use; poker mats; poker chips; poker sets comprising pocket poker cases adapted for carrying poker equipment; poker case sets, namely, poker cases sold filled with pocket board games; poker tables; parts and accessories for all the aforesaid goods, included in this class		
<b>International Class(es):</b>	028 - Primary Class	<b>U.S Class(es):</b>	022, 023
<b>Class Status:</b>	ACTIVE		

**Basis:** 66(a)

### ▼ Basis Information (Case Level)

**Filed Use:** No**Filed ITU:** No**Filed 44D:** No**Filed 44E:** No**Filed 66A:** Yes**Filed No Basis:** No**Currently Use:** No**Currently ITU:** No**Currently 44E:** No**Currently 66A:** Yes**Currently No Basis:** No

### ▼ Current Owner(s) Information

**Owner Name:** Julius Bruncken**Owner Address:** Höninger Weg 180  
50969 Köln  
GERMANY**Legal Entity Type:** INDIVIDUAL**Citizenship:** GERMANY**Owner Name:** Patrick Gebhardt**Owner Address:** Höninger Weg 180  
50969 Köln  
GERMANY**Legal Entity Type:** INDIVIDUAL**Citizenship:** GERMANY

### ▼ Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Sarah M. Stemer**Docket Number:** T-11320**Attorney Primary Email Address:** [trademarks@patentusa.com](mailto:trademarks@patentusa.com)**Attorney Email Authorized:** Yes

#### Correspondent

**Correspondent Name/Address:** Sarah M. Stemer

Lerner Greenberg Stemer LLP

PO Box 2480

Fort Lauderdale, FLORIDA UNITED STATES 33022

**Phone:** 9549251100**Correspondent e-mail:** [trademarks@patentusa.com](mailto:trademarks@patentusa.com)**Correspondent e-mail Authorized:** Yes

#### Domestic Representative

**Domestic Representative Name:** Sarah M. Stemer**Phone:** 9549251100**Domestic Representative e-mail:** [trademarks@patentusa.com](mailto:trademarks@patentusa.com)**Domestic Representative e-mail Authorized:** No

### ▼ Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2020	CORRECTION FROM IB ENTERED - NO REVIEW REQUIRED	73787
Mar. 27, 2020	CORRECTION TRANSACTION RECEIVED FROM IB	
Mar. 07, 2020	REFUSAL PROCESSED BY IB	
Feb. 11, 2020	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Feb. 10, 2020	REFUSAL PROCESSED BY MPU	71529
Feb. 10, 2020	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Feb. 10, 2020	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jan. 18, 2020	APPLICATION FILING RECEIPT MAILED	
Jan. 17, 2020	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	



Jan. 16, 2020	NON-FINAL ACTION WRITTEN	92987
Jan. 14, 2020	ASSIGNED TO EXAMINER	92987
Jan. 14, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 09, 2020	SN ASSIGNED FOR SECT 66A APPL FROM IB	

### ▼ International Registration Information (Section 66a)

<b>International Registration Number:</b>	1508742	<b>International Registration Date:</b>	Sep. 04, 2019
<b>Priority Claimed Flag:</b>	Yes	<b>Date of Section 67 Priority Claim:</b>	Apr. 10, 2019
<b>Intl. Registration Status:</b>	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	<b>Date of International Registration Status:</b>	Jan. 09, 2020
<b>Notification of Designation Date:</b>	Jan. 09, 2020	<b>Date of Automatic Protection:</b>	Sep. 26, 2021
<b>International Registration Renewal Date:</b>	Sep. 04, 2029		
<b>First Refusal Flag:</b>	Yes		

### ▼ TM Staff and Location Information

<b>TM Staff Information</b>			
<b>TM Attorney:</b>	BEGGS, MONICA L	<b>Law Office Assigned:</b>	LAW OFFICE 105
<b>File Location</b>			
<b>Current Location:</b>	TMEG LAW OFFICE 105 - EXAMINING ATTORNEY ASSIGNED	<b>Date in Location:</b>	Jan. 16, 2020

### ▼ Assignment Abstract Of Title Information - Click to Load

### ▼ Proceedings - Click to Load

## **EXHIBIT B**

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

STATUS	DOCUMENTS	MAINTENANCE	<a href="#">Back to Search</a>	Print
<b>Generated on:</b> This page was generated by TSDR on 2020-05-28 11:02:33 EDT				
<b>Mark:</b> BLACKJACK BULLETS				
<b>US Serial Number:</b>	78295096	<b>Application Filing Date:</b>	Sep. 02, 2003	
<b>US Registration Number:</b>	3021773	<b>Registration Date:</b>	Nov. 29, 2005	
<b>Register:</b>	Principal			
<b>Mark Type:</b>	Trademark, Service Mark			
<b>TM5 Common Status Descriptor:</b>		LIVE/REGISTRATION/Issued and Active		
<b>Status:</b>	The registration has been renewed.			
<b>Status Date:</b>	Dec. 01, 2015			
<b>Publication Date:</b>	Jun. 22, 2004	<b>Notice of Allowance Date:</b>	Sep. 14, 2004	
<b>▼ Mark Information</b> <span style="float: right;"><a href="#">▲ Collapse All</a></span>				
<b>Mark Literal Elements:</b>	BLACKJACK BULLETS			
<b>Standard Character Claim:</b>	No			
<b>Mark Drawing Type:</b>	3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)			
<b>Color(s) Claimed:</b>	Color is not claimed as a feature of the mark.			
<b>Disclaimer:</b>	"BLACKJACK"			
<b>Design Search Code(s):</b>	02.11.12 - Hearts as depicted on playing cards 21.01.01 - Cards, playing; Cards, tarot; Fortune telling cards; Playing cards 23.03.08 - Cannon balls; Bullets 24.09.07 - Banners; Advertising, banners			
<b>▼ Goods and Services</b>				
<b>Note:</b> The following symbols indicate that the registrant/owner has amended the goods/services:				
<ul style="list-style-type: none"> <li>• Brackets [...] indicate deleted goods/services;</li> <li>• Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *.* identify additional (new) wording in the goods/services.</li> </ul>				
<b>For:</b>	Casino card games, casino gaming tables			
<b>International Class(es):</b>	028 - Primary Class	<b>U.S Class(es):</b>	022, 023, 038, 050	
<b>Class Status:</b>	ACTIVE			
<b>Basis:</b>	1(a)			
<b>First Use:</b>	Sep. 2003	<b>Use in Commerce:</b>	Sep. 2004	
<b>For:</b>	Casino gaming services, namely, providing card games; leasing of casino games			
<b>International Class(es):</b>	041 - Primary Class	<b>U.S Class(es):</b>	100, 101, 107	
<b>Class Status:</b>	ACTIVE			
<b>Basis:</b>	1(a)			
<b>First Use:</b>	Sep. 2003	<b>Use in Commerce:</b>	Sep. 2004	

### ▼ Basis Information (Case Level)

<b>Filed Use:</b>	No	<b>Currently Use:</b>	Yes
<b>Filed ITU:</b>	Yes	<b>Currently ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44E:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 66A:</b>	No
<b>Filed 66A:</b>	No	<b>Currently No Basis:</b>	No
<b>Filed No Basis:</b>	No		

### ▼ Current Owner(s) Information

<b>Owner Name:</b>	SG GAMING, INC.		
<b>Owner Address:</b>	6601 BERMUDA ROAD LAS VEGAS, NEVADA UNITED STATES 89119		
<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	NEVADA

### ▼ Attorney/Correspondence Information

#### Attorney of Record

<b>Attorney Name:</b>	Jason Berta		
<b>Attorney Primary Email Address:</b>	<a href="mailto:Jason.Berta@scientificgames.com">Jason.Berta@scientificgames.com</a>	<b>Attorney Email Authorized:</b>	Yes

#### Correspondent

<b>Correspondent Name/Address:</b>	Jason Berta Scientific Games Corporation 350 N. ORLEANS, SUITE 2000S CHICAGO, ILLINOIS UNITED STATES 60654		
<b>Phone:</b>	312-768-5853		
<b>Correspondent e-mail:</b>	<a href="mailto:Jason.Berta@scientificgames.com">Jason.Berta@scientificgames.com</a> <a href="mailto:tm@ballytech.com">tm@ballytech.com</a>	<b>Correspondent e-mail Authorized:</b>	Yes

#### Domestic Representative - Not Found

### ▼ Prosecution History

Date	Description	Proceeding Number
Jan. 22, 2020	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 21, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 20, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 02, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 21, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 23, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 23, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 15, 2016	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 15, 2016	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 01, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 01, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76873
Dec. 01, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76873
Dec. 01, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Oct. 09, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 09, 2015	TEAS SECTION 8 & 9 RECEIVED	
Dec. 24, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 10, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 23, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	

Apr. 02, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 17, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 13, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 13, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 08, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 04, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 04, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Jan. 04, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Nov. 16, 2011	TEAS SECTION 8 & 15 RECEIVED	
Sep. 26, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 26, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 04, 2008	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 31, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 03, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 26, 2006	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 29, 2005	REGISTERED-PRINCIPAL REGISTER	
Oct. 14, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	74192
Oct. 14, 2005	ASSIGNED TO LIE	74192
Oct. 05, 2005	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 05, 2005	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 03, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 13, 2005	STATEMENT OF USE PROCESSING COMPLETE	64657
Sep. 13, 2005	EXTENSION 2 GRANTED	64657
Sep. 07, 2005	USE AMENDMENT FILED	64657
Sep. 07, 2005	EXTENSION 2 FILED	64657
Sep. 07, 2005	TEAS EXTENSION RECEIVED	
Sep. 07, 2005	TEAS STATEMENT OF USE RECEIVED	
Mar. 14, 2005	EXTENSION 1 GRANTED	74192
Mar. 14, 2005	EXTENSION 1 FILED	74192
Mar. 14, 2005	TEAS EXTENSION RECEIVED	
Sep. 14, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 22, 2004	PUBLISHED FOR OPPOSITION	
Jun. 02, 2004	NOTICE OF PUBLICATION	
Apr. 12, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 18, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 18, 2004	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 26, 2004	NON-FINAL ACTION E-MAILED	
Jan. 25, 2004	ASSIGNED TO EXAMINER	74677

### ▼ [TM Staff and Location Information](#)

#### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Dec. 01, 2015

### ▼ [Assignment Abstract Of Title Information - Click to Load](#)

### ▼ [Proceedings - Click to Load](#)