

ESTTA Tracking number: **ESTTA1167010**

Filing date: **10/20/2021**

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	The Alley Cat Corporation		
Entity	Corporation	Citizenship	Rhode Island
Address	17 BLUFF STREET EAST PROVIDENCE, RI 02915 UNITED STATES		
Attorney information	ALAN F FEENEY FEENEY IP LAW 235 PROMENADE STREET SUITE 141 PROVIDENCE, RI 02908 UNITED STATES Primary Email: Alan@FeeneyLawGroup.com Secondary Email(s): JSHyde@FeeneyLawGroup.com, docketing@FeeneyLawGroup.com, donald@FeeneyLawGroup.com, Max@FeeneyLawGroup.com 14016606079		
Docket Number	ALLE_001_CAN		

**Registration Subject to Cancellation**

Registration No.	5616179	Registration date	11/27/2018
Registrant	Lana Acquisitions, LLC 140 BROADWAY, 41ST FLOOR NEW YORK, NY 10005 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 043. First Use: 2018/04/06 First Use In Commerce: 2018/04/06 All goods and services in the class are subject to cancellation, namely: Bar services; Bar services featuring wine, beer, cocktails, liquor, alcoholic beverages of all types; Bar and cocktail lounge services; Bar and restaurant services; Hotel and restaurant services; Hotel, bar and restaurant services; Hotel, motel, restaurant, bar and catering services; Hotel, restaurant and catering services; Hotel, restaurant and bar services; Provision of food and drink in restaurants; Restaurant; Restaurant services; Restaurant services featuring dinner; Restaurant and bar services; Restaurant and catering services; Restaurant and hotel services; Restaurants
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**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. Registration No.	1471053	Application Date	04/16/1987
Registration Date	12/29/1987	Foreign Priority Date	NONE
Word Mark	ALLEY CATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1987/01/01 First Use In Commerce: 1987/01/01 NIGHTCLUB AND BAR SERVICES		

Attachments	Petition to Cancel Trademark 5616179.pdf(111075 bytes )
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Signature	/alan f feeney/
Name	Alan F. Feeney, Esq.
Date	10/20/2021

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	The Alley Cat Corp
Entity	Corporation                      Citizenship      UNITED STATES
Address	17 Bluff St.  East Providence,

Correspondence information	Feeney IP Law  235 Promenade St. #141  Providence, RI 02908
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Registration Subject to Cancellation

Registration No.	5616179                      Registration date    11/27/2018
Registrant	Lana Acquisitions, LLC  140 Broadway, 41st Floor  New York, NEW YORK UNITED STATES 10005

Goods/Services Subject to Cancellation

Class 043. First Use: 2018/04/06 First Use In Commerce: 2018/04/06

All goods and services in the class are subject to cancellation, namely: Bar services; Bar services featuring wine, beer, cocktails, liquor, alcoholic beverages of all types; Bar and cocktail lounge services; Bar and restaurant services; Hotel and restaurant services; Hotel, bar and restaurant services; Hotel, motel, restaurant, bar and catering services; Hotel, restaurant and catering services; Hotel, restaurant and bar services; Provision of food and drink in restaurants; Restaurant; Restaurant services; Restaurant services featuring dinner; Restaurant and bar services; Restaurant and catering services; Restaurant and hotel services; Restaurants

Grounds for Cancellation

Priority	Trademark Act Sections 14(1) and 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/	1471053	Application	N/A
Registration Date	12/29/1987		
Word Mark	Alley Cats		
Goods/Services	042: NIGHTCLUB AND BAR SERVICES		

Attachments	Petition to Cancel Trademark 5616179.pdf
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration of ALLEY CAT AMATEUR THEATRE

Mark: ALLEY CAT AMATEUR THEATRE

Reg. No.: 5,616,179

The Alley Cat Corp.	:	
	:	
Petitioner,	:	CANCELLATION NO.
Lana Acquisitions, LLC	:	
	:	
Registrant.	:	

**PETITION TO CANCEL**

1. Lana Acquisitions, LLC, a company organized under the laws of New York, with an address at 140 Broadway, 41st Floor, New York, NY10005 (“Registrant”), is listed in the records of the U.S. Patent and Trademark Office (“USPTO”) as the registrant of U.S. Registration No. 5,616,179 (the “Registration”) of ALLEY CAT AMATEUR THEATRE (the “Mark”), issued on November 27, 2018, for “Bar services; Bar services featuring wine, beer, cocktails, liquor, alcoholic beverages

of all types; Bar and cocktail lounge services; Bar and restaurant services; Hotel and restaurant services; Hotel, bar and restaurant services; Hotel, motel, restaurant, bar and catering services; Hotel, restaurant and catering services; Hotel, restaurant and bar services; Provision of food and drink in restaurants; Restaurant; Restaurant services; Restaurant services featuring dinner; Restaurant and bar services; Restaurant and catering services; Restaurant and hotel services; Restaurants” in International Class 043.

2. Jay R. Yablon, Esq., 910 Northumberland Drive, Schenectady, New York, 12309-2814 is listed as attorney of record.
3. The Alley Cat Corporation (“Petitioner”), a company organized under the laws of the State of Rhode Island, with an address of 17 Bluff St., East Providence, 02915, is listed in the records of the U.S. Patent and Trademark Office (“USPTO”) as the registrant of U.S. Registration No. 1,471,053 (the “Registration”) of ALLEY CATS (the “Mark”), issued on December 29, 1987 for “NIGHTCLUB AND BAR SERVICES” in International Class 042.
4. The grounds for cancellation are as follows:

## **COUNT I**

### **LIKLIHOOD OF CONFUSION**

5. Petitioner hereby incorporates by reference Paragraphs 1 through 4.

6. The ALLEY CATS Registration has become incontestable as a matter of law under 15 U.S.C. §1065.
7. Petitioner's dates of use of its ALLEY CATS Mark are prior to the date of filing of Respondent's Application and the date of Respondent's claimed date of first use.
8. The ALLEY CATS Registration is valid and subsisting and is prima facie evidence of Petitioner's exclusive right to use the ALLEY CATS Mark in commerce on the goods specified in such registrations.
9. In view of the similarity of the respective marks, identical channels of trade and the identical goods offered for sale by the respective parties, Respondent's ALLEY CAT AMATEUR THEATRE Mark so resembles Petitioner's ALLEY CATS Mark, previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive as to source by suggesting that Respondent's goods are associated with or approved, endorsed, affiliated, authorized or sponsored by Petitioner.
10. The continued presence of the Registration on the federal trademark register constitutes an obstacle to Petitioner's intended use of the term "ALLEY CATS" in future marketing materials, advertising, and branding. The Registration, thus, is causing injury and damage to Petitioner.
11. The Registration creates a legal presumption that Registrant has valid and exclusive rights in the Mark for goods identified in the Registration.

12. For the reasons set forth above, Registrant is not entitled to the Registration or to the legal presumptions that the Registration creates.

WHEREFORE, Petitioner The Alley Cat Corporation prays that Registration No. 5,616,179 be canceled.

Respectfully submitted,

Dated: 10/20/2021

/alan feeney/

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