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Filing date: **01/20/2023**

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	Play'n GO Marks Ltd		
Entity	Limited Liability Company	Citizenship	Malta
Address	LEVEL 4, THE CENTRE, PJAZZA TIGNÃ© TIGNÃ© POINT SLIEMA, TP01 MALTA		

Attorney information	GREGORY J. CHINLUND MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE #6300 CHICAGO, IL 60606 UNITED STATES Primary email: gchinlund@marshallip.com Secondary email(s): mgbtmlitdocket@marshallip.com, kgordon@marshallip.com, tkey@marshallip.com No phone number provided
Docket no.	33384/61195

Registration subject to cancellation

Registration no.	5403060	Registration date	02/13/2018
Register	Principal		
Registrant	Wild Streak LLC 5575 S DURANGO DR STE 101 LAS VEGAS, NV 89113 UNITED STATES		

Goods/services subject to cancellation

Class 009. First Use: Jan 15, 2017 First Use In Commerce: Jan 15, 2017
All goods and services in the class are subject to cancellation, namely: Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)

Mark cited by petitioner as basis for cancellation

U.S. application no.	97072853	Application date	10/13/2021
Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	CATS AND CASH		
Design mark			
Description of mark	The mark consists of a smiling yellow cat from the waist up wearing a purple and gold suit holding a microphone in the left hand and pointing straight ahead with the right hand in front of a red background encompassed in a gold, incomplete circular border with the literal element CATS AND CASH directly below in yellow with a purple background encompassed in a gold border.		
Goods/services	Class 009. First use: First Use: Apr 15, 2015 First Use In Commerce: Apr 15, 2015 Computer games and video games (apps and software), hereunder apps and software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; apps and software for games with monetary or non-monetary prizes; software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones Class 041. First use: First Use: Apr 15, 2015 First Use In Commerce: Apr 15, 2015 Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing on-line computer games; prize draws (lotteries); organizing and conducting lotteries; Services for the operation of computerized bingo		

Attachments	Petition for Cancellation Likelihood of Confusion 5403060.pdf(216619 bytes) Exhibit A 5403060.pdf(132160 bytes) Exhibit B 5403060.pdf(28746 bytes)

Signature	/Thomas S. Key/
Name	Thomas Key, Associate Attorney, Marshall, Gerstein & Borun LLP, Illinois Bar Member
Date	01/20/2023

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

Play'n GO Marks Ltd., Petitioner, v. Wild Streak LLC, Registrant.	Registration No. 5,403,060 Cancellation No. _____ Mark: CANDY, CATS AND CASH

PETITION FOR CANCELLATION

Play'n GO Marks Ltd. ("PGM"), a Malta limited liability company with a primary place of business located at Level 4, The Centre Pjazza Tigné, Tigné Point Sliema MALTA SLM1022, states that it is and will continue to be damaged by the registration of the mark CANDY CATS AND CASH shown in Registration No. 5,403,060 in connection with "Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals" in International Class 9 ("Registrant's Mark"), owned by Registrant Wild Streak LLC ("Registrant"), a Nevada Limited Liability Company with an address at 5575 S Durango Dr Ste 101, Las Vegas, Nevada, United States 89113.

PGM hereby petitions to cancel the registration for the Registrant's Mark pursuant to 15 U.S.C. § 1064 on the basis of priority and likelihood of confusion.

In support of its Petition for Cancellation, PGM states as follows:

PGM's Mark

1. PGM has a currently pending application for the mark CATS AND CASH (with design) with serial number 97/072,853 for goods and services in Class 41 ("PGM's Mark") as identified in the table below:

Class	Identification
41	Games services provided via computer networks, namely, providing slot machine games, betting and wagering games, video slot games, casino games and bingo games, playable via local or global computer networks; online electronic gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, namely, providing on-line computer games; prize draws in the nature of operating lotteries; organizing and conducting lotteries; entertainment services, namely, operating computerized bingo

2. PGM has received an office action refusal for a likelihood of confusion with Registrant's Mark and anticipates that PGM will be denied registration due to Registrant's Mark. Thus, PGM will continue to be damaged by the registration for CANDY, CATS AND CASH by Registrant.

Count I: Priority and Likelihood of Confusion

3. As set forth in its application, PGM first used PGM's Mark in commerce at least as early as April 2015 which pre-dates Registrant's January 15, 2017 first use of Registrant's Mark. PGM therefore has priority of use compared to Registrant's Mark. . *See* Exhibit A and Exhibit B.

4. Registrant's Mark includes the entirety of PGM's Mark, and has a similar appearance, sound, connotation, and commercial impression to PGM's Mark.

5. The goods offered under Registrant's Mark are highly similar to the services offered under PGM's Mark.

6. Registrant's mark so resembles PGM's Mark as to be likely, when applied to the goods of Registrant, to cause confusion with PGM's Mark. As a result, Registrant's Mark should be cancelled because PGM has priority of use.

PRAYER FOR RELIEF

WHEREFORE, Play'n GO Marks Ltd. prays that the mark CANDY, CATS AND CASH shown in Registration No. 5,403,060 be cancelled and that this Petition for Cancellation be sustained in favor of Play'n GO Marks Ltd.

Respectfully submitted,

Play'n GO Marks Ltd.

Dated: January 20, 2023

/Thomas S. Key /

Gregory J. Chinlund
Kelley S. Gordon
Thomas S. Key
MARSHALL, GERSTEIN & BORUN LLP
6300 Willis Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 474-6300

EXHIBIT A

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Mark: CATS AND CASH

US Serial Number: 97072853

Application Filing Date: Oct. 13, 2021

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jul. 20, 2022

Mark Information

Mark Literal Elements: CATS AND CASH

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a smiling yellow cat from the waist up wearing a purple and gold suit holding a microphone in the left hand and pointing straight ahead with the right hand in front of a red background encompassed in a gold, incomplete circular border with the literal element CATS AND CASH directly below in yellow with a purple background encompassed in a gold border.

Color Drawing: Yes

Color(s) Claimed: The color(s) yellow, gold, purple, and red is/are claimed as a feature of the mark.

Design Search Code(s):
03.01.04 - Cats in the nature of housecats; Domestic cats; Kittens
03.01.21 - Stylized felines, including cats of any size
03.01.24 - Costumed felines and those with human attributes, including cats of all sizes
03.01.26 - Costumed bears and those with human attributes
09.03.03 - Suits, men's
16.01.07 - Microphones; Headsets; Headphones; Head phones
26.01.03 - Incomplete circles (more than semi-circles); Circles, incomplete (more than semi-circles)
26.01.21 - Circles that are totally or partially shaded.
26.01.31 - Five or more circles; Circles - five or more
26.11.14 - Rectangles (three or more rectangles); Three or more rectangles
26.11.21 - Rectangles that are completely or partially shaded
26.17.01 - Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s); Bands, straight
26.17.05 - Lines, horizontal; Horizontal line(s), band(s) or bar(s); Bars, horizontal; Bands, horizontal
26.17.13 - Underlined words or letters; Overlined words or letters; Letters or words underlined and/or overlined by one or more strokes or lines

Goods and Services

Note:
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Computer games and video games (apps and software), hereunder apps and software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable

on any type of computing device including arcade games, personal computers, handheld devices and mobile phones; apps and software for games with monetary or non-monetary prizes; software for slot machine games, betting and wagering games, video slot games, casino games, games of chance and bingo games provided online and via computer networks and playable on any type of computing device including arcade games, personal computers, handheld devices and mobile phones

International Class(es): 009 - Primary Class
U.S Class(es): 021, 023, 026, 036, 038
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 15, 2015
Use in Commerce: Apr. 15, 2015

For: Games services provided online (via computer networks), hereunder providing slot machine games, betting and wagering games, video slot games, casino games, games of chance, games with monetary or non-monetary prizes and bingo games, playable via local or global computer networks; online gaming services; entertainment services, namely, conducting a game of chance simultaneously at multiple, independent gaming establishments; entertainment services, hereunder providing on-line computer games; prize draws (lotteries); organizing and conducting lotteries; Services for the operation of computerized bingo

International Class(es): 041 - Primary Class
U.S Class(es): 100, 101, 107
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 15, 2015
Use in Commerce: Apr. 15, 2015

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Play'n GO Marks Ltd
Owner Address: Level 4, the Centre, Pjazza Tigné
Tigné Point
Sliema MALTA TP01
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: MALTA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Gregory J. Chinlund
Docket Number: 33384/61195
Attorney Primary Email Address: docket@marshallip.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Gregory J. Chinlund
MARSHALL, GERSTEIN & BORUN LLP
233 S. WACKER DR, SUITE 6300
CHICAGO, ILLINOIS UNITED STATES 60606
Phone: 312-474-6300
Fax: 312-474-0448
Correspondent e-mail: docket@marshallip.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Gregory J. Chinlund
Phone: 312-474-6300
Fax: 312-474-0448
Domestic Representative e-mail: docket@marshallip.com
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2022	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2022	NON-FINAL ACTION E-MAILED	6325
Jul. 20, 2022	NON-FINAL ACTION WRITTEN	96784
Jul. 14, 2022	ASSIGNED TO EXAMINER	96784
Jun. 14, 2022	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jun. 14, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 14, 2022	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Jun. 14, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 14, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 14, 2022	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 04, 2021	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Nov. 03, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Oct. 16, 2021	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information

TM Attorney: PANDIT, ROHINI NMN

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: TMO LAW OFFICE 302- EXAMINING ATTORNEY ASSIGNED

Date in Location: Jul. 20, 2022

EXHIBIT B

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Mark: CANDY, CATS AND CASH

CANDY, CATS AND CASH

US Serial Number:	87307510	**Application Filing Date:**	Jan. 19, 2017
US Registration Number:	5403060	**Registration Date:**	Feb. 13, 2018
Filed as TEAS Plus:	Yes	**Currently TEAS Plus:**	Yes
Register:	Principal		
Mark Type:	Trademark		
TM5 Common Status Descriptor:	LIVE/REGISTRATION/Issued and Active The trademark application has been registered with the Office.		
Status:	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
Status Date:	Feb. 13, 2018		

Publication Date: Jun. 27, 2017**Notice of Allowance Date:**Aug. 22, 2017

Mark Information

Mark Literal Elements:	CANDY, CATS AND CASH
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK
Disclaimer:	"CASH"

Goods and Services

Note:
The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For:	Computer software and firmware for playing games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals		
International Class(es):	009 - Primary Class	**U.S Class(es):**	021, 023, 026, 036, 038
Class Status:	ACTIVE		
Basis:	1(a)		
First Use:	Jan. 15, 2017	**Use in Commerce:**	Sep. 01, 2017

Basis Information (Case Level)

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

Filed 66A: No **Currently No Basis:** No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Wild Streak LLC

DBA, AKA, Formerly: DBA Wild Streak Gaming

Owner Address: 5575 S Durango Dr Ste 101
Las Vegas, NEVADA UNITED STATES 89113

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** NEVADA

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: WILD STREAK LLC
STE 101
5575 S DURANGO DR
LAS VEGAS, NEVADA UNITED STATES 89113

Phone: 702-417-5376

Correspondent e-mail: wildstreakllc@wildstreakgaming.com roxane@wildstreakgaming.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 13, 2018	REGISTERED-PRINCIPAL REGISTER	
Jan. 12, 2018	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 11, 2018	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 09, 2018	STATEMENT OF USE PROCESSING COMPLETE	69302
Dec. 20, 2017	USE AMENDMENT FILED	69302
Jan. 09, 2018	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Dec. 20, 2017	TEAS STATEMENT OF USE RECEIVED	
Aug. 22, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 27, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 27, 2017	PUBLISHED FOR OPPOSITION	
Jun. 07, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 20, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
May 10, 2017	ASSIGNED TO LIE	76568
Apr. 14, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 13, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 13, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 13, 2017	EXAMINERS AMENDMENT -WRITTEN	90324
Apr. 11, 2017	ASSIGNED TO EXAMINER	90324
Jan. 26, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jan. 23, 2017	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Jan. 11, 2018