

ESTTA Tracking number: **ESTTA1312944**
Filing date: **09/28/2023**

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	Trill Burgers LLC		
Entity	Limited Liability Company	Incorporated or registered in	Texas
Address	2313 EDWARDS STREET, #190 HOUSTON, TX 77007 UNITED STATES		

Correspondence information	NICHOLAS D. MYERS ATTORNEY OF RECORD THE MYERS LAW GROUP 4695 MACARTHUR COURT, SUITE 200 NEWPORT BEACH, CA 92660 UNITED STATES Primary email: nicholas@themyerslg.com Secondary email(s): litigation@themyerslg.com, trademarks@themyerslg.com 949-825-5590
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Registration subject to cancellation

Registration no.	6983277	Registration date	02/21/2023
Register	Principal		
Registrant	Trill Taco 2887 DULLES AVE MISSOURI CITY, TX 77459 UNITED STATES		

Goods/services subject to cancellation

Class 043. First Use: Mar 1, 2019 First Use In Commerce: Sep 7, 2019 All goods and services in the class are subject to cancellation, namely: Restaurant; Restaurant and bar services, including restaurant carryout services; Restaurant services; Mobile restaurant services; Providing of food and drink via a mobile truck

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Abandonment	Trademark Act Section 14(3)

Mark cited by petitioner as basis for cancellation

U.S. application no.	97237904	Application date	01/25/2022
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Register	Principal		
Registration date	NONE	Foreign priority date	NONE
Word mark	TRILL BURGERS		
Design mark			
Description of mark	NONE		
Goods/services	Class 043. First use: First Use: Aug 2021 First Use In Commerce: Aug 2021 Restaurant and bar services; Restaurant and caf�� services; Restaurant and catering services; Restaurant services		

Attachments	Petition for Cancellation.pdf(665900 bytes)
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Signature	/Nicholas D. Myers/
Name	Nicholas D. Myers
Date	09/28/2023

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

In the matter of Reg. No. 6,983,277
Registered on February 21, 2023
For the mark: TRILL TACO

Trill Burgers, LLC,

 Petitioner,

 v.

Trill Taco, LLC,

 Registrant.

Petition for Cancellation No.

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. Box 1451
Alexandria, VA 22313-1451

PETITION FOR CANCELLATION

Petitioner, Trill Burgers, LLC, (“Petitioner”), by and through its undersigned attorneys of record, THE MYERS LAW GROUP, hereby submits this Petition for Cancellation (the “Petition”) of United States Patent and Trademark Office (“USPTO”) Registration No. 6,983,277 for TRILL TACO (the “Registrant’s Mark”) with a record owner of Trill Taco, LLC, 2887 Dulles Avenue, Missouri City, Texas 77459 (the “Registrant”). Petitioner believes that it has been and will be damaged by the continued registration of Registrant’s Mark because Registrant’s Mark is preventing the registration of Petitioner’s mark.

As grounds for cancellation, Petitioner alleges that:

PETITIONER’S APPLICATION

1. Petitioner is a Limited Liability Company located in Houston, Texas.
2. Petitioner is seeking trademark registration for the word mark “TRILL BURGERS” in its USPTO application Serial No. 97,237,904 (“Petitioner’s Application”). Petitioner’s Application was filed on January 25, 2022, under section 1(a) with a First Use and First Use in

Commerce date of August 2021. A true and correct copy of Petitioner's Application is attached hereto as Exhibit A and is incorporated by reference as though fully set forth herein.

3. The goods and services identified in Petitioner's Application are for use on "*Restaurant and bar services; Restaurant and café services; Restaurant and catering services; Restaurant services*" ("Petitioner's Goods") in International Class 043.

4. Petitioner's Application was refused registration on the basis of likelihood of confusion with Registrant's Mark.

REGISTRANT'S MARK

5. Registrant's Mark was registered on February 21, 2023 with a first use date of March 1, 2019 and a first use in commerce date of September 7, 2019. A true and correct copy of Registrant's Registration Certificate is attached hereto as Exhibit B and is incorporated by reference.

6. The goods identified in Registrant's Certificate are for use on: *Restaurant; Restaurant and bar services, including restaurant carryout services; Restaurant services; Mobile restaurant services; Providing of food and drink via a mobile truck* ("Registrant's Goods") in International Class 043.

FIRST CAUSE FOR CANCELLATION

(Abandonment/Non-Use of Trademark in Commerce)

7. Petitioner hereby realleges and incorporates by reference Paragraphs 1 through 6 of this Petition as though fully set forth herein.

8. Petitioner is informed and believes, and based thereon alleges, that Registrant has discontinued use of Registrant's Mark with no intention of resuming its use in the future thereby abandoning all rights in and to Registrant's Mark.

9. Therefore, Registrant's Mark is not entitled to continued registration due to abandonment of the mark.

WHEREFORE, the Registration is damaging to Petitioner, and Petitioner, accordingly, requests that this Petition for Cancellation be granted, that judgment be entered against Registrant,

and that the United States Registration No. 6,983,277 be cancelled.

Date: September 28, 2023

THE MYERS LAW GROUP

/Nicholas D. Myers/

Nicholas D. Myers

Clifford L. White

Ryan P. Malloy

4695 MacArthur Court, Suite 200

Newport Beach, CA 92660

litigation@themyerslg.com

(949) 825-5590

Attorneys for Trill Burgers, LLC

CERTIFICATE OF TRANSMITTAL AND SERVICE

I hereby certify that this Petition for Cancellation is being electronically transmitted in PDF format to the United States Patent and Trademark Office Trademark Trial and Appeal Board through the Electronic Systems for Trademark Trial and Appeals on the date indicated below.

I hereby further certify that on the date indicated below, a true and correct copy of this Petition for Cancellation was placed in the United States Mail, postage prepaid, addressed to the registrant and the correspondent for the subject registration listed in the United States Patent and Trademark Office online database, as follows:

Attorney of Record/Correspondent

John Davis
jdavis@kmd.law
trademarks@kmd.law

Kearney, McWilliams, & Davis, PLLC
55 Waugh Drive, #55
Houston, Texas 77007

Dated: September 28, 2023

/Nicholas D. Myers/

Nicholas D. Myers

EXHIBIT A

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97237904

Filing Date: 01/25/2022

NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	TRILL BURGERS
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	TRILL BURGERS
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Trill Burgers LLC
*MAILING ADDRESS	2313 Edwards Street, #190
*CITY	Houston
*STATE (Required for U.S. applicants)	Texas
*COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	77007
*EMAIL ADDRESS	XXXX
LEGAL ENTITY INFORMATION	
*TYPE	LIMITED LIABILITY COMPANY
*STATE/COUNTRY/REGION/JURISDICTION/U.S. TERRITORY WHERE LEGALLY ORGANIZED	Texas
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	043
*IDENTIFICATION	Restaurant and bar services; Restaurant and café services; Restaurant and catering services; Restaurant services
*FILING BASIS	SECTION 1(a)

FIRST USE ANYWHERE DATE	At least as early as 08/00/2021
FIRST USE IN COMMERCE DATE	At least as early as 08/00/2021
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT18\IMAGEOUT18\972\379\97237904.xml1 \ FTK0003.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\972\379\97237904.xml1 \ FTK0004.JPG
	\\TICRS\EXPORT18\IMAGEOUT18\972\379\97237904.xml1 \ FTK0005.JPG
SPECIMEN DESCRIPTION	The specimens consist of the mark being used in connection with the applied for services.
WEBPAGE URL	None Provided
WEBPAGE DATE OF ACCESS	None Provided
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	Nicholas D. Myers
ATTORNEY DOCKET NUMBER	TRI06-2001
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
FIRM NAME	THE MYERS LAW GROUP
STREET	4695 MacArthur Court, Suite 200
CITY	Newport Beach
STATE	California
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	92660
EMAIL ADDRESS	nicholas@themyerslg.com
CORRESPONDENCE INFORMATION	
NAME	Nicholas D. Myers
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	nicholas@themyerslg.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	trademarks@themyerslg.com
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus

NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Nicholas D. Myers/
* SIGNATORY'S NAME	Nicholas D. Myers
* SIGNATORY'S POSITION	Attorney of Record
SIGNATORY'S PHONE NUMBER	949-825-5590
* DATE SIGNED	01/25/2022
SIGNATURE METHOD	Signed directly within the form

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 97237904

Filing Date: 01/25/2022

To the Commissioner for Trademarks:

MARK: TRILL BURGERS (Standard Characters, see [mark](#))

The literal element of the mark consists of TRILL BURGERS. The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Trill Burgers LLC, a limited liability company legally organized under the laws of Texas, having an address of
2313 Edwards Street, #190
Houston, Texas 77007
United States
XXXX

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 043: Restaurant and bar services; Restaurant and café services; Restaurant and catering services; Restaurant services

Use in Commerce: The applicant is using the mark in commerce on or in connection with the identified goods/services. The applicant attaches, or will later submit, one specimen as a JPG/PDF image file showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, regardless of whether the mark itself is in the standard character format or is a stylized or design mark. The specimen image file may be in color, and the image must be in color if color is being claimed as a feature of the mark.

In International Class 043, the mark was first used by the applicant or the applicant's related company or licensee predecessor in interest at least as early as 08/00/2021, and first used in commerce at least as early as 08/00/2021, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) The specimens consist of the mark being used in connection with the applied for services..

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

Webpage URL: None Provided

Webpage Date of Access: None Provided

The owner's/holder's proposed attorney information: Nicholas D. Myers. Nicholas D. Myers of THE MYERS LAW GROUP, is a member of the XX bar, admitted to the bar in XXXX, bar membership no. XXX, is located at

4695 MacArthur Court, Suite 200

Newport Beach, California 92660

United States

nicholas@themyerslg.com

The docket/reference number is TRI06-2001.

Nicholas D. Myers submitted the following statement: The attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

The applicant's current Correspondence Information:

Nicholas D. Myers

PRIMARY EMAIL FOR CORRESPONDENCE: nicholas@themyerslg.com

SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES): trademarks@themyerslg.com

Requirement for Email and Electronic Filing: I understand that a valid email address must be maintained by the applicant owner/holder and the applicant owner's/holder's attorney, if appointed, and that all official trademark correspondence must be submitted via the Trademark Electronic Application System (TEAS).

A fee payment in the amount of \$250 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application and was used on or in connection with the goods/services in the application as of the application filing date; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Nicholas D. Myers/ Date: 01/25/2022

Signatory's Name: Nicholas D. Myers

Signatory's Position: Attorney of Record

Signatory's Phone Number: 949-825-5590

Signature method: Signed directly within the form

Payment Sale Number: 97237904

Payment Accounting Date: 01/25/2022

Serial Number: 97237904

Internet Transmission Date: Tue Jan 25 18:48:07 ET 2022

TEAS Stamp: USPTO/FTK-XX.XXX.XXX.XXX-202201251848078

46646-97237904-8108aeae31e1f21dd58f8ba85

f7867314d2803688352a135c618a2c6d53575a70

-CC-48063232-20220125184502040172

TRILL BURGERS

Trill Burgers Sawyer Yards

2313 Edwards street, suite 190, Houston, TX
Online Ordering Unavailable [More Info](#)



We're not accepting online orders at this time, but feel free to browse our menu.

Popular Items

Seasoned Fries \$3.95		Grilled Onion Bur... \$9.95		OG Trill Burger \$9.95	
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Choose a Menu
Food

Burgers Sides

Burgers

OG Trill Burger 2 crispy 44 Farms patties with American Cheese on Martin's Potat... \$9.95		Grilled Onion Burger 2 crispy 44 Farms patties with American Cheese and Grilled Onio... \$9.95	
Vegan Trill Burger 2 smashed Beleaf Patties, vegan cheese, grilled onions, on vagan buns \$9.95			

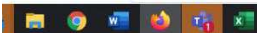
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@CAPTAINCEVICHE





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Los Angeles, California

 **trillburgers** 🍷🍷🍷 BELEAF x TRILL BURGERS 🍷🍷🍷

We've been getting a ton of requests for a vegan burger so we had to holler at our friends at @beleafburgers to get us right! The VEGAN TRILL BURGER collab with Beleaf Burgers will be launching in less than 2 weeks!

11/05-11/06 @astroworldfest in Houston, TX
11/06-11/07 @firstwe Feast Lagoon at @complexcon in Long Beach, CA

More dates and merch for the Vegan Trill Burger tour to be announced 🙌

10w

 **1trillcollins** Looks lovely
8w Reply

127 likes
OCTOBER 26, 2021

 Add a comment... Post

EXHIBIT B

United States of America

United States Patent and Trademark Office



Reg. No. 6,983,277

Registered Feb. 21, 2023

Int. Cl.: 43

Service Mark

Principal Register

Trill Taco (TEXAS LIMITED LIABILITY COMPANY)
2887 Dulles Ave
Missouri City, TEXAS 77459

CLASS 43: Restaurant; Restaurant and bar services, including restaurant carryout services; Restaurant services; Mobile restaurant services; Providing of food and drink via a mobile truck

FIRST USE 3-1-2019; IN COMMERCE 9-7-2019

The color(s) pink is/are claimed as a feature of the mark.

The mark consists of A pink taco with a city skyline. Under the skyline are the words "Trill Taco" in pink.

No claim is made to the exclusive right to use the following apart from the mark as shown: "TACO"

SER. NO. 90-876,759, FILED 08-11-2021



Katherine Kelly Vidal

Director of the United States
Patent and Trademark Office

