

ESTTA Tracking number: **ESTTA13899**

Filing date: **08/25/2004**

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

Proceeding	92043274
Party	Defendant Isehan Company Limited Corporation . COMPANIA DE LICORES INTERNACIONALES, INC . 921 Pizarro Street Coral Gables, FL 33134
Correspondence Address	Isehan Company Limited Corporation . 921 Pizarro Street Coral Gables, FL 33134
Submission	Motion of Compania De Licores Internacionales, Inc. to Dismiss Petition for Cancellation (Petition mistakenly identifies registration owned by movant, rather than registration owned by Respondent)
Filer's Name	Michael C. Cesarano
Filer's e-mail	mcesarano@akerman.com
Signature	/Michael C. Cesarano/
Date	08/25/2004
Attachments	Motion to Dismiss Cancellation.pdf (2 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

DEBONAIR TRADING INTERNACIONAL LDA.,	:	
Petitioner	:	
vs.	:	Cancellation No. 92043274
	:	Reg. No. 1,956,660
ISEHAN COMPANY LIMITED CORPORATION,	:	
Respondent	:	

-----x

To: The Honorable Commissioner of Trademarks

MADAM:

MOTION OF COMPANIA DE LICORES INTERNACIONALES, INC.
TO DISMISS PETITION FOR CANCELLATION

Compania De Licores Internacionales, Inc. ("Licores"), registered owner of U.S. Reg. No. 1,956,660 for the mark CUBAN CLUB RUM for rum, files this Motion to Dismiss the Petition for Cancellation as it pertains to Registration No. 1,956,660, and states:

1. Licores is the registered owner of U.S. Reg. No. 1,956,660 for the mark CUBAN CLUB RUM for rum.
2. The Petition for Cancellation names Isehan Company Limited as Respondent, but mistakenly names Registration Number 1,956,660 as the registration whose cancellation is being sought.
3. Registration Number 1,956,660 is owned by Licores, and has been used for rum since 1995 and registered since 1996.
4. In a telephone conference with Petitioner's counsel, John M. Keene, Esq., Mr. Keene acknowledged that the Petition for Cancellation has identified the wrong registration

number, and further acknowledged that the Petition for Cancellation is not directed to Licores or to the mark CUBAN CLUB RUM.

5. The allegations of the Petition for Cancellation relate to entirely different marks, SO . . ? KISS ME for cosmetic products and KISS ME, also for cosmetic products.

WHEREFORE, Licores moves for an Order dismissing the Petition for Cancellation against Registration Number 1,956,660 or, in the alternative, amending the Petition for Cancellation to identify the correct registration number whose cancellation is sought.

Respectfully submitted,

AKERMAN SENTERFITT
1 S.E. 3rd Avenue, 28th Floor
Miami, Florida 33131-1714
305-374-5600 Telephone
305-374-5095 Telefax

s/ Michael C. Cesarano
Michael C. Cesarano
Counsel for Compania de Licores
Internacionales, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Dismiss Petition for Cancellation was served upon John M. Keene, Esq., GRAHAM CAMPAIGN P.C., 36 W. 44th Street, Suite 1300, New York, NY 10036-8178 by first class mail this 25th day of August, 2004.

s/ Michael C. Cesarano
Michael C. Cesarano