

ESTTA Tracking number: **ESTTA186368**

Filing date: **01/14/2008**

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 parties request to cancel indicated registration.

**Petitioner Information**

Name	Altwater Gessler - J.A. Baczewski International (USA) Inc.		
Entity	Corporation	Citizenship	New Jersey
Address	2179 South Street Fort Lee, NJ 07024 UNITED STATES		

Name	Altwater Gessler - J.A. Baczewski GmbH		
Entity	Limited Liability Company	Citizenship	Austria
Address	Strobelgasse 2/2 Stock 13 Vienna, A-1010 AUSTRIA		

Attorney information	Peter S. Sloane Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of the Americas New York, NY 10036 UNITED STATES psloane@ostrolenk.com, receipts@ostrolenk.com Phone:212-382-0700		
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**Registration Subject to Cancellation**

Registration No	2731948	Registration date	07/01/2003
Registrant	BECKENFELD, RONALD 962 SOMERA ROAD LOS ANGELES, CA 90077 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 033. First Use: 1972/11/00 First Use In Commerce: 1972/11/00 All goods and services in the class are cancelled, namely: Vodka
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**Grounds for Cancellation**

The registration is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.	Trademark Act section 14
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Attachments	00896726.pdf ( 7 pages )(248331 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/peter s sloane/
Name	Peter S. Sloane
Date	01/14/2008

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

In the Matter of Registration No. 2,731,948

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ALTVATER GESSLER – J.A. BACZEWSKI	:	
INTERNATIONAL (USA) INC. and ALTVATER	:	
GESSLER – J.A. BACZEWSKI GMBH,	:	
	:	Cancellation No.
Petitioners,	:	
	:	
v.	:	
	:	
RONALD BECKENFELD,	:	
	:	
Registrant.	:	
-----X		

**PETITION FOR CANCELLATION**

Petitioners, Altvater Gessler – J.A. Baczewski International (USA) Inc., a corporation organized and existing under the laws of the State of New Jersey, having its principal business address at 2179 South Street, Fort Lee, New Jersey 07024, and Altvater Gessler – J.A. Baczewski GmbH, a limited liability company organized and existing under the laws of Austria, having its principal business address at Strobelgasse 2/2, Stock 13, A-1010 Vienna, Austria, believe that they will be damaged by the continued existence of Registration No. 2,731,948 of the trademark MONOPOLOWA, issued July 1, 2003, for “vodka” in Class 33, and therefore petition to cancel the same. As grounds for their cancellation, Petitioners, by their attorneys Ostrolenk, Faber, Gerb & Soffen, LLP, allege as follows:

1. Petitioner Altvater Gessler – J.A. Baczewski GmbH (hereinafter referred to as “J.A. Baczewski”) was established in 1782.
2. Petitioner Altvater Gessler – J.A. Baczewski International (USA) Inc. is a company related to J.A. Baczewski.

3. Petitioners, by and through their predecessors in-interest, have produced high quality alcoholic beverages since the 1700s.

4. Petitioners produce a vodka made in Austria and sold under the mark MONOPOLOWA.

5. MONOPOLOWA brand vodka is an outstanding dry vodka that is very popular in Poland and the United States.

6. VODKA MONOPOLOWA is produced in accordance with an old family recipe from high quality rectified potato spirits obtained from special varieties of potatoes.

7. MONOPOLOWA brand vodka has won numerous awards for its taste and quality.

8. Petitioners have sold MONOPOLOWA brand vodka in the United States since at least as early as the late 1960s.

9. Since the 1980s, Petitioners have used a company named Mutual Wholesale Liquor Inc. d/b/a International Import Export (hereinafter referred to as "Mutual") to distribute their MONOPOLOWA brand vodka in the United States.

10. Mutual is a mere importer of the vodka produced by Petitioners and bottled under the label MONOPOLOWA.

11. Mutual has never produced a single drop of MONOPOLOWA brand vodka.

12. The labels for the vodka distributed and sold in the U.S. the under the mark MONOPOLOWA state "imported by International Import Export, Los Angeles, California" (hereinafter referred to as "International Import") in very small letters. A copy of the label for the vodka is attached as Exhibit A.

13. Upon information and belief, International Import is a d/b/a for Mutual.

14. The labels for the vodka distributed and sold in the U.S. under the mark MONOPOLOWA prominently state “PRODUCED AND BOTTLED BY J.A. BACZEWSKI” in very large letters. See Exhibit A.

15. Petitioners’ mark MONOPOLOWA symbolizes extensive goodwill and consumer recognition in Petitioners as developed through decades of continuous and exclusive use of the mark, substantial sales of goods under the mark, and considerable advertising and promotion of the MONOPOLOWA brand in the U.S. and worldwide.

16. Upon information and belief, without authority from Petitioners, Mutual filed an application to register the mark MONOPOLOWA for vodka (hereinafter referred to as the “Application”) with the U.S. Patent and Trademark Office on or about September 16, 2002.

17. Upon information and belief, the Application issued to registration on or about July 1, 2003 under U.S. Registration No. 2,731,948 (hereinafter referred to as the “Registration”)

18. Upon information and belief, without authorization from Petitioners, Mutual assigned the Registration to Registrant, Ronald Beckenfeld (hereinafter referred to as “Beckenfeld”) on or about October 4, 2007.

19. Upon information and belief, Beckenfeld is the son of the owner of Mutual.

20. Upon information and belief, the assignment of the Registration from Mutual to Beckenfeld was recorded in the Assignment Branch of the U.S.P.T.O. at Reel 3685 and Frame 0081 on or about December 27, 2007.

21. Beckenfeld is not, and never has been, the owner of the mark MONOPOLOWA, or any of the goodwill associated with the mark, for the goods described in the Registration.

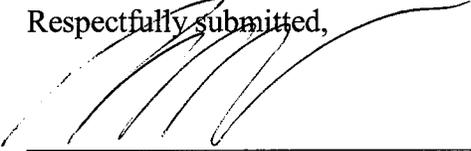
22. Petitioners will be seriously damaged and injured by the continued registration of the mark MONOPOLOWA for vodka because Petitioners are the true owners of the mark for the designated goods. Cancellation of the Registration is also necessary to prevent deception among the trade and public.

**WHEREFORE**, it is respectfully requested that this cancellation action be sustained and that Registration No. 2,731,948 be cancelled.

The cancellation fee in the amount of \$600.00 for one class for two petitioners is filed herewith. If for any reason this amount is insufficient, it is requested that Petitioners' attorneys' deposit account No. 15-0700 be charged with any deficiency.

Date: January 14, 2008  
New York, New York

Respectfully submitted,



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Joseph M. Manak  
Peter S. Sloane  
Angela M. Martucci

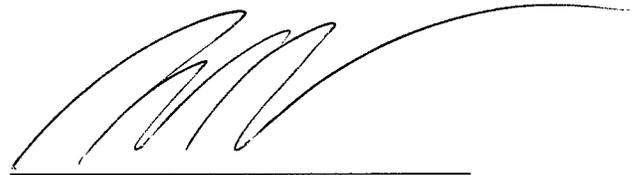
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Tel: (212) 382-0700

Attorneys for Petitioner

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing **PETITION FOR CANCELLATION** was served upon Registrant, this 14th day of January, 2008, by First-Class mail, postage prepaid, addressed as follows:

Mr. Ronald Bekenfeld  
962 Somera Road  
Los Angeles, California 90077

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Peter S. Sloane

# Exhibit A

ESTABLISHED

1782

# VODKA MONOPOLOWA

1 liter

DISTILLED FROM POTATOES

PRODUCED AND BOTTLED BY

40% ALC/VOL  
(80 PROOF)

## J.A. BACZEWSKI

VIENNA

AUSTRIA

Product of Austria

Imported by

International Import Export  
Los Angeles, California

### IMPORTED

GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF THE RISK OF BIRTH DEFECTS. (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS.

