

ESTTA Tracking number: **ESTTA415564**

Filing date: **06/21/2011**

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 requests to cancel indicated registration.

Petitioner Information

Name	Phenix Brands, LLC		
Entity	Limited Liability Company	Citizenship	Missouri
Address	2808 S. Ingram Mill Road Springfield, MO 65804 UNITED STATES		

Attorney information	Debra Deardourff Faulk Gray Robinson PA PO Box 3324 Tampa, FL 33601 UNITED STATES ptotpa@gray-robinson.com Phone:813-273-5000		
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Registration Subject to Cancellation

Registration No	3712427	Registration date	11/17/2009
Registrant	Stiletto Brands, LLC Suite 2000 365 Canal Street New Orleans, LA 70130 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 2007/09/00 First Use In Commerce: 2007/09/00
All goods and services in the class are cancelled, namely: Distilled Spirits

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition For Cancellation of Registration.pdf (4 pages)(2007461 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	/debra deardourff faulk/
Name	Debra Deardourff Faulk
Date	06/21/2011

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

Phenix Brands, LLC,)	
)	Cancellation No. _____
Petitioner,)	Mark: STILETTO
)	Registration No.: 3,712,427
v.)	
)	
Stiletto Brands, LLC)	
)	
Registrant.)	
_____)	

**PETITION FOR CANCELLATION
OF REGISTRATION**

Phenix Brands, LLC, a Limited Liability Company organized and existing under the laws of the State of Missouri, and having a place of business at 2808 S. Ingram Mill Road, Springfield, Missouri 65804 (hereinafter the "Petitioner") believes that it will be damaged by the continued registration of the mark STILETTO which is the subject of Registration No. 3,712,427 registered November 17, 2009, listing "distilled spirits" (hereinafter the "Registration"), whose current owner of record is Stiletto Brands, LLC (hereinafter "Registrant"), and hereby petitions for a cancellation of the Registration.

The grounds in support of this Petition are as follows:

1. Petitioner is a Spirits Importer that is part of the AYU Group of Companies. Phenix Brands KG is the manufacturing and distillation arm and Phenix Brands, LLC is the importer, sales and marketing arm of the company. Petitioner has and is building a portfolio of unique spirits under the marks SAMOGON (Serial No. 85/103,922), SHPILKA (Serial No. 85/069,427), and MIG FUEL (Serial No. 85/041,352), which are Russian in heritage and uniquely address a particular market or

demographic segment. Petitioner is headquartered in Kansas City, MO with distribution in the US, and planned distribution in Canada, Latin America and the Caribbean.

2. Petitioner is the owner of the following pending application for U.S. registration of the mark SHPILKA:

SHPILKA Serial No. 85/069,427, filed June 23, 2010, applied to “Distilled Spirits; Potable spirits; Spirits; Spirits and liqueurs.”

3. The application listed in Paragraph 2 of this Petition has been refused registration by the U.S. Patent and Trademark Office under §2(d) of the Trademark Act, 15 U.S.C. §1052(d) because of a purported likelihood of confusion with the Registration owned by Registrant, when Petitioner’s mark is translated from Russian to English.

4. On information and belief, Registrant is no longer using the mark which is the subject of the Registration cited against Petitioner’s pending application for the mark SHPILKA listed in Paragraph 2 of this Petition. While Petitioner does not agree that the mark SHPILKA literally translates to the Registration or is foreign equivalent to the Registration, Petitioner believes that the Registrant is no longer using the mark STILETTO in the United States.

5. On information and belief, Registrant has abandoned use of the mark which is the subject of the Registration.

6. Petitioner believes that it has been damaged, and will continue to be damaged by the Registration because existence of the Registration has already resulted in a initial refusal to register Petitioner’s SHPILKA mark, and continued existence of the Registration threatens to further delay and/or deny Petitioner substantive legal rights under federal registration of that mark which Petitioner believes it is entitled to obtain, and would be likely to obtain, but for the Registration. Petitioner also believes that the

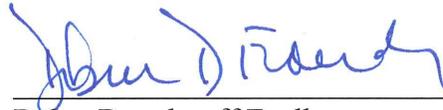
Registration has also caused, and would continue to cause damage and injury to
Petitioner because the continued existence of the Registration.

WHEREFORE, Petitioner prays that the Registration be cancelled and that this
Petition be sustained.

Respectfully submitted,

Phenix Brands, LLC

By its Attorneys,

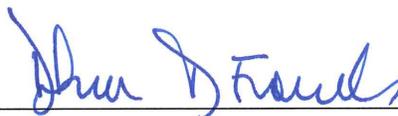


Date: June 21, 2011

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via U.S. mail this 21st day of June, 2011 to: Haverly A. Rauen, of the law firm of Adams and Reese LLP, 424 Church Street Suite 2800, Nashville TN 37219, the present Attorney of Record of the Registration.



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