

ESTTA Tracking number: **ESTTA425973**

Filing date: **08/18/2011**

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	Caldera Brewing Company		
Entity	Corporation	Citizenship	Oregon
Address	540 Clover Lane Ashland, OR 97204 UNITED STATES		

Attorney information	Hillary A. Brooks Marger, Johnson & McCollom, P.C. 210 SW Morrison St., Ste. 400 Portland, OR 97204 UNITED STATES litigationdocketing@techlaw.com, hillary@techlaw.com Phone:503-222-3613		
----------------------	--	--	--

Registration Subject to Cancellation

Registration No	3167750	Registration date	11/07/2006
Registrant	Mersa Family Vineyards P.O. Box 1134 Healdsburg, CA 95448 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 2002/01/01 First Use In Commerce: 2002/01/01 All goods and services in the class are cancelled, namely: Wines
--

Grounds for Cancellation

Abandonment	Trademark Act section 14
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The mark has not been used as a trademark.

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	85169705	Application Date	11/04/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	OLD GROWTH		

Design Mark	OLD GROWTH
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1999/02/00 First Use In Commerce: 2000/08/26 Beer; Porter; Stout

Attachments	85169705#TMSN.jpeg (1 page)(bytes) Petition_to_Cancel.pdf (3 pages)(186851 bytes)
-------------	---

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	/Hillary A. Brooks/
Name	Hillary A. Brooks
Date	08/18/2011

As second, alternative, grounds for cancellation, Petitioner alleges as follows:

4. Respondent has not, or is no longer, using the mark shown in U.S. Trademark Registration No. 3,167,750 as a trademark for the Registrant's goods in the United States, and has no intent to resume such use.

5. Respondent has abandoned any and all rights it may have had in U.S. Trademark Registration No. 3,167,750.

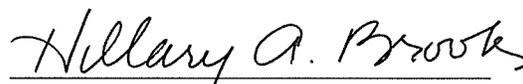
As third, alternative, grounds for cancellation, Petitioner alleges that the term for which registration has been obtained has not been used a trademark or service mark.

6. Petitioner will be damaged by continuance of Registration No. 3,167,750 in that the Registration has been cited against Petitioner's U.S. Trademark Application Serial No. 85/169,705 and may delay or impair Petitioner's ability to register its mark.

Petitioner requests the Board cancel U.S. Trademark Registration No. 3,167,750.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Hillary A. Brooks
Reg. No. 45,815
Attorney for Petitioner

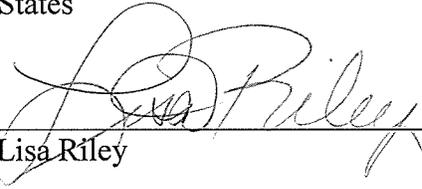
MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street
Portland, OR 97204
(503) 222-3613

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF CANCELLATION was served upon Registrant on August 18, 2011 by forwarding said copy via first class mail to Registrant at the following address:

Mersa Family Vineyards
Sadie F. Dahlgren
P.O. Box 1134
Healdsburg, CA 95448
United States

By:



Lisa Riley