

ESTTA Tracking number: **ESTTA488699**

Filing date: **08/13/2012**

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	Treasury Wine Estates Americas Company		
Entity	Corporation	Citizenship	Delaware
Address	610 Airpark Road Napa, CA 94558-0005 UNITED STATES		

Attorney information	Gary D. Krugman Sughrue Mion, PLLC 2100 Pennsylvania Avenue NW Suite 800 Washington, DC 20037 UNITED STATES gkrugman@sughrue.com, mwhite@sughrue.com Phone:2026637484		
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Registration Subject to Cancellation

Registration No	3240096	Registration date	05/08/2007
International Registration No.	NONE	International Registration Date	NONE
Registrant	GIORDANO VINI S.P.A. Via Guido Cane, 47bis-50 I-12055 VALLE TALLORIA DI DIANO D'ALBA (Cuneo) ITALY		

Goods/Services Subject to Cancellation

Class 033. All goods and services in the class are cancelled, namely: ALCOHOLIC BEVERAGES, NAMELY, WINES AND SPARKLING WINES

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	H00129 Petition for Cancellation (August 13, 2012).PDF (4 pages)(100390 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	/Gary D. Krugman/
Name	Gary D. Krugman
Date	08/13/2012

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

In re Registration No. 3240096
Mark: RADIANTE

TREASURY WINE ESTATES AMERICAS COMPANY,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No. _____
	:	
GIORDANO VINI S.P.A.,	:	
	:	
Registrant.	:	
	:	

PETITION FOR CANCELLATION

Treasury Wine Estates Americas Company, hereby petitions to cancel Registration No. 3240096 for the mark RADIANTE.

As grounds in support of this Petition for Cancellation, Petitioner alleges as follows:

1. Petitioner, Treasury Wine Estates Americas Company, is a Delaware corporation with a business address of 610 Airpark Road, Napa, California 94558-0005.
2. Petitioner has adopted, used and is using the mark BE. RADIANT, in connection with wines. The mark was first used in commerce in connection with wine at least as early as February 9, 2012 and is still in use in commerce.
3. Petitioner is the owner of Trademark Application Serial No. 85606124 for the mark BE. RADIANT for wines.

4. The U.S. Patent and Trademark Office, in an Office Action issued June 30, 2012, refused registration to Petitioner's BE. RADIANT mark which is the subject of Serial No. 85606124. Registration was refused under Section 2(d) of the Trademark Act, in view of Registration No. 3240096 for the mark RADIANTE, which is the subject of this Petition for Cancellation. The Examining Attorney, in support of the refusal of registration, has concluded that the respective marks create similar commercial impressions while the respective goods involve alcoholic beverages and, based on these conclusions, the Examining Attorney has determined that there is a likelihood of confusion from the use of the respective marks on or in connection with the respective goods.

5. Registrant's mark RADIANTE, which is the subject of Registration No. 3240096 was the subject of an application filed March 23, 2006 based on an International Registration No. 0883339. The registration issued on May 8, 2007 and covers alcoholic beverages, namely, wines and sparkling wines.

6. On information and belief, there has been no use of the RADIANTE mark on or in connection with wines and sparkling wines by Registrant for at least three (3) consecutive years with no intention to resume such use. On information and belief, the registered mark is not currently in use in connection with the goods set forth in the registration. The registered mark, therefore, has become abandoned within the meaning of that term as set forth in the Trademark Act.

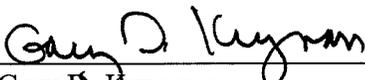
Petition for Cancellation
Mark: RADIANTE

WHEREFORE, it is respectfully requested that the petition for cancellation be granted and that Registration No. 3240096 be canceled.

With this electronic submission, authorization is provided to debit a credit card of the undersigned in the amount of \$300 for the government filing fee in connection with this Petition for Cancellation. Please charge any difference or credit any overpayment to the undersigned's Deposit Account No. 19-4880.

Respectfully submitted,

TREASURY WINE ESTATES
AMERICAS COMPANY

By: 
Gary D. Krugman
Attorneys for Petitioner
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Petition for Cancellation
Mark: RADIANTE

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **PETITION FOR CANCELLATION** has been served on Respondent this 13th day of August, 2012 via first class mail, postage prepaid to:

Giordano Vini S.p.A.
Via Guido Cane, 47bis-50 I-12055
Valle Talloria de Diano D'Alba (Cuneo)
Italy


Gary D. Krugman