

ESTTA Tracking number: **ESTTA547148**

Filing date: **07/08/2013**

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	La Motte Wynlandgoed (Edms) Bpk		
Entity	Limited Liability Company	Citizenship	South Africa
Address	La Motte Estate Franschhoek, - SOUTH AFRICA		

Attorney information	John P. Margiotta Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES jmargiotta@fzlz.com, agreenberg@fzlz.com Phone:212-813-5900		
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Registration Subject to Cancellation

Registration No	1415219	Registration date	10/28/1986
Registrant	MILLENNIUM LICENSING CORP. 442 WEST KENNEDY BLVD., #200 TAMPA, FL 33606 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 1985/04/03 First Use In Commerce: 1985/06/03 All goods and services in the class are cancelled, namely: WINE

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition to Cancel (F1259077).PDF(186213 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	/John P. Margiotta/
Name	John P. Margiotta
Date	07/08/2013

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

LA MOTTE WYNLANDGOED (EDMS) BPK,

Petitioner,

-against-

MILLENNIUM LICENSING CORP.,

Registrant.

Cancellation No. _____

PETITION FOR CANCELLATION

La Motte Wynlandgoed (Edms) Bpk (“Petitioner”), a limited liability company organized and existing under the laws of South Africa, with an address of La Motte Estate, Franschhoek, South Africa, believes that it will be damaged by the continued existence of Registration No. 1,415,219 issued on October 28, 1986 (the “Registration”) for the mark MILLENNIUM for use in connection with “wine” in International Class 33 (the “Registered Mark”), registered in the name of Millennium Licensing Corp., and hereby petitions to cancel the same pursuant to Section 14(3) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1064(3).

As grounds therefor, Petitioner alleges as follows:

1. Petitioner owns application Serial No. 85/921,474 to register the mark MILLENNIUM for use in connection with “wines” in International Class 33 (“Petitioner’s Application”).
2. A printout from the United States Patent and Trademark Office’s online database reflecting the current status and title of the above application is attached as **Exhibit A**.

3. Due to the identity of the marks and the subject goods, Petitioner anticipates that the Registration will be cited under Section 2(d) of the Trademark Act as a basis for refusal of registration to Petitioner's Application.

4. According to the records of the U.S. Patent and Trademark Office, the Registration issued on October 28, 1986, to Millennium Licensing Corp., a Florida corporation located and doing business at 442 West Kennedy Blvd., #200 Tampa, Florida 33606.

5. According to the records of Florida Department of State, Millennium Licensing Corp. has been administratively dissolved as of September 24, 2010. *See Exhibit B.*

6. Upon information and belief, no later than the date of the administrative dissolution, Registrant abandoned the Registered Mark without intent to resume use.

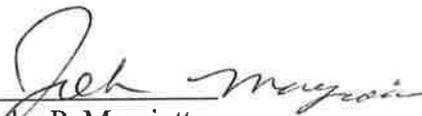
7. Because the Registration is likely to be cited as a bar to Petitioner's Application, Petitioner will be harmed by the continued registration of the Registered Mark.

WHEREFORE, Petitioner requests that Registration No. 1,415,219 be cancelled pursuant to Section 14(3) of the Lanham Act based on Registrant's abandonment of the Registered Mark.

Dated: New York, NY
July 8, 2013

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
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Attorneys for Petitioner

EXHIBIT A

Generated on: This page was generated by TSDR on 2013-07-08 14:24:41 EDT

Mark: MILLENNIUM

MILLENNIUM

US Serial Number: 85921474

Application Filing Date: May 02, 2013

Register: Principal

Mark Type: Trademark

Status: New application will be assigned to an examining attorney approximately 3 months after filing date.

Status Date: May 09, 2013

Mark Information

Mark Literal Elements: MILLENNIUM

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Foreign Information

Foreign Registration Number: 88/9193

Foreign Registration Date: Oct. 17, 1988

Foreign Application/Registration Country: SOUTH AFRICA

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Wines

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: La Motte Wynlandgoed (Edms) Bpk

Owner Address: La Motte Estate
Franschhoek
SOUTH AFRICA

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: SOUTH AFRICA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence E. Apolzon

Docket Number: LMW 1305293

Correspondent

Correspondent: LAWRENCE E. APOLZON

Name/Address: FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLZ
NEW YORK, NEW YORK 10017-1822
UNITED STATES

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative

Domestic Representative Name: Fross Zelnick Lehrman & Zissu, P.C.

Phone: 212-813-5900

Fax: 212-813-5901

Prosecution History

Date	Description	Proceeding Number
May 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 06, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: May 09, 2013

EXHIBIT B

{F1222744.1}

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

Detail by Entity Name

Florida Profit Corporation

MILLENNIUM LICENSING CORPORATION

Filing Information

Document Number	P96000058198
FEI/EIN Number	593392854
Date Filed	07/11/1996
State	FL
Status	INACTIVE
Last Event	ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed	09/24/2010
Event Effective Date	NONE

Principal Address

442 W KENNEDY BLVD
SUITE 160
TAMPA, FL 33606

Changed: 04/29/2008

Mailing Address

442 W KENNEDY BLVD
SUITE 160
TAMPA, FL 33606

Changed: 04/29/2008

Registered Agent Name & Address

WALKER, TODD F
442 W KENNEDY BLVD
SUITE 160
TAMPA, FL 33606

Address Changed: 04/29/2008

Officer/Director Detail

Name & Address

Title DPST

WALKER, TODD F
 442 W. KENNEDY BLVD., SUITE 160
 TAMPA, FL 33606

Annual Reports

Report Year	Filed Date
2007	05/01/2007
2008	04/29/2008
2009	05/01/2009

Document Images

05/01/2009 -- ANNUAL REPORT	View image in PDF format
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05/22/2002 -- ANNUAL REPORT	View image in PDF format
05/17/2001 -- ANNUAL REPORT	View image in PDF format
05/31/2000 -- ANNUAL REPORT	View image in PDF format
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04/27/1998 -- ANNUAL REPORT	View image in PDF format
03/13/1997 -- ANNUAL REPORT	View image in PDF format
07/11/1996 -- DOCUMENTS PRIOR TO 1997	View image in PDF format

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CERTIFICATE OF SERVICE

I hereby certify that this 8th day of July, 2013, I caused a copy of the foregoing PETITION FOR CANCELATION to be sent by First Class mail, postage pre-paid, to the correspondent of record for the registration:

H. William Larson, Esq.
Larson & Larson, P.A.
11199-69th Street North
Largo, Florida 33773

With a copy to the owner of record:

Millennium Licensing Corp.
442 West Kennedy Blvd., #200
Tampa, Florida 33606


John P. Margiotta