

ESTTA Tracking number: **ESTTA724069**

Filing date: **02/01/2016**

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	Cheryl A. Meads		
Entity	Individual	Citizenship	UNITED STATES
Address	P.O. Box 9537 Tavenier, FL 33070 UNITED STATES		

Attorney information	Douglas A. Cherry, Esq. Shumaker, Loop & Kendrick, LLP 240 South Pineapple Avenue Sarasota, FL 34236 UNITED STATES dcherry@slk-law.com Phone:941-364-2738		
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Registration Subject to Cancellation

Registration No	3832052	Registration date	08/10/2010
International Registration No.	NONE	International Registration Date	NONE
Registrant	SPEFRA GmbH Gloecklerstr. 4/1 Neu-Ulm, 89233 GERMANY		

Goods/Services Subject to Cancellation

Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are cancelled, namely: Alcoholic beverages except beers

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	SLK_SAR-#354510-v1-Cancellation_Petition_AAMEN.pdf(62068 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	/doug cherry/
Name	Douglas A. Cherry, Esq.

Date	02/01/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cheryl A. Meads,)	
)	
Petitioner)	
)	Cancellation No.
v.)	
)	
SPEFRA GmbH)	
)	
Registrant.)	
)	
)	

PETITION FOR CANCELLATION

COMES NOW Petitioner, Cheryl A. Meads, (hereinafter “Petitioner”), by and through her legal counsel, Shumaker, Loop & Kendrick, LLP, and in support of the instant Petition to Cancel, does hereby allege and aver:

1. Upon information and belief, SPEFRA GmbH, (hereinafter “Registrant”) is the owner of United States Trademark Registration No. 3,832,052 for the mark AAMEN.

2. Upon information and belief, the AAMEN mark is no longer in use anywhere and is no longer in use, or in the alternative, was never in use in commerce in the United States.

3. Petitioner is the owner of United States Trademark Application Serial No. 86/607,099 filed on April 23, 2015.

4. On August 4, 2015, the United States Patent and Trademark Office refused registration of Petitioner’s application to register the AMEN mark under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), based on a perceived likelihood of confusion with Registrant’s AAMEN mark.

5. The Response to the Office Action is due February 4, 2016.

6. Petitioner is being damaged by United States Trademark Registration No. 3,832,052 for the mark AAMEN because Petitioner's own application for AMEN, Serial No. 86/607,099, has been refused registration based on a likelihood of confusion with Registrant's mark which is not in use in commerce.

WHEREFORE, Petitioner prays that U.S. Registration No. 3,832,052 be cancelled and that this Petition for Cancellation be granted in Petitioner's favor.

Respectfully submitted,

DATED: February 1, 2016

SHUMAKER, LOOP & KENDRICK, LLP
/s/Douglas A. Cherry
Douglas A. Cherry
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Sarasota, FL 34236
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Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **PETITION TO CANCEL** was duly served upon the Registrant by delivering copies thereof, via First Class Mail, addressed to the following owner of record: SPEFRA GmbH, Glöcklerstraß 4/1, D-89233 Neu-Ulm, Germany.

This the 1st day of February, 2016.

Respectfully submitted,

/s/Douglas A. Cherry
Douglas A. Cherry
SHUMAKER, LOOP & KENDRICK, LLP
Attorneys for Petitioner