

ESTTA Tracking number: **ESTTA722109**

Filing date: **01/22/2016**

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	Juan Pablo Eljuri Vintimilla		
Entity	Individual	Citizenship	ECUADOR
Address	Gil Ramirez Davalos Avenue Cuenca, ECUADOR		

Correspondence information	Jonathan Purow Gottlieb, Rackman & Reisman PC 270 Madison Avenue, 8th Floor New York, NY 10016 UNITED STATES jpurow@grr.com, efilings@grr.com, dmuller@grr.com, mrowland@grr.com, abowie@grr.com
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### Registration Subject to Cancellation

Registration No	4063634	Registration date	11/29/2011
Registrant	Tequiliars Tres Hermanos, LLC 44 South State Street Vineland, NJ 08360 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 033. First Use: 2011/04/16 First Use In Commerce: 2011/04/16 All goods and services in the class are cancelled, namely: Tequila
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	Petition for Cancellation CIEN FUEGOS FOR FILING.pdf(13752 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	/Jonathan Purow/
Name	Jonathan Purow
Date	01/22/2016



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

**JUAN PABLO ELJURI VINTIMILLA,**

*Petitioner,*

v.

**TEQUILIARS TRES HERMANOS, LLC,**

*Registrant.*

Cancellation No.

**PETITION FOR CANCELLATION**

Petitioner, Juan Pablo Eljuri Vintimilla, an Ecuadorian citizen with address at Gil Ramirez Davalos Avenue, Cuenca, Ecuador believes that he is or will be damaged by Registration No. 4,063,634 for the mark CIEN FUEGOS in International Class 33 covering “tequila” and hereby petitions to cancel said Registration No. 4,063,634, pursuant to § 14 (3) of the Trademark Act of 1946, 15 U.S.C. § 1064 (3).

As grounds for the Petition, Petitioner, through its attorneys, alleges as follows:

1. Registrant owns Registration No. 4,063,634 for the mark CIEN FUEGOS in International Class 33 for “tequila”.
2. Petitioner has filed an application (Serial No. 86/781,178) for the mark RON 100 FUEGOS in International Class 33 for “alcoholic beverages except beer”.
3. Petitioner has received a refusal under Section 2 (d) of the Trademark Act, 15 U.S.C. § 1052 (d), on the ground that Petitioner’s mark so resembles Registrant’s mark as to be likely, when used in connection with the identified services, to cause confusion, or to cause mistake, or to deceive.

4. If, as the Trademark Examining attorney contends, Petitioner's mark so resembles Registrant's mark as to be likely, when applied to the services of Petitioner, to cause confusion, then Petitioner is and will be damaged by the continued registration of Registrant's mark.

5. Upon information and belief, Registrant has terminated use of the mark CIEN FUEGOS, and Registrant's CIEN FUEGOS mark is not now in use.

6. Upon information and belief, Registrant has no intention to resume use of its CIEN FUEGOS mark.

7. Registrant has abandoned the CIEN FUEGOS mark within the meaning of 15 U.S.C. § 1127.

WHEREFORE, Petitioner prays that its Petition To Cancel be granted, and that Registration No. 4,063,634 for CIEN FUEGOS be canceled pursuant to Section 14 (3) of the Trademark Act of July 5, 1946, 15 U.S.C. § 1064 (3)

Respectfully submitted,  
GOTTLIEB, RACKMAN & REISMAN  
Attorneys for Petitioner  
270 Madison Avenue  
New York, New York 10016-0601  
(212) 684-3900

By /s/ Jonathan M. Purow  
Jonathan M. Purow

Dated: New York, New York  
January 22, 2016