

ESTTA Tracking number: **ESTTA739834**

Filing date: **04/13/2016**

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	Moonlight Brewing Company		
Entity	sole proprietorship	Citizenship	California
Address	Box 6 Fulton, CA 95439 UNITED STATES		

Attorney information	Candace L. Moon The Craft Beer Attorney, APC 5095 Murphy Canyon Rd. Ste. 240 San Diego, CA 92123 UNITED STATES TM@craftbeerattorney.com Phone:619-749-4115
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Registration Subject to Cancellation

Registration No	4076907	Registration date	12/27/2011
Registrant	Moonlight Meadery LLC 23 Londonderry Road #17 Londonderry, NH 03053 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 2006/08/21 First Use In Commerce: 2010/07/07
All goods and services in the class are cancelled, namely: Honey wine; Wine

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	86339183	Application Date	07/16/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MOONLIGHT BREWING COMPANY		

Design Mark	MOONLIGHT BREWING COMPANY
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1992/09/30 First Use In Commerce: 2014/04/30 Beer

Attachments	86339183#TMSN.png(bytes) Moonlight Meadery Cancellation.pdf(894509 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	/clm/
Name	Candace L. Moon
Date	04/13/2016

14. Petitioner will be damaged by the continued registration of Registrant's mark in International Class 033.

WHEREFORE, Petitioner respectfully requests that its Petition for Cancellation be sustained and that the Registration of the mark MOONLIGHT MEADERY for International Class 033 set forth therein be cancelled.

This Petition for Cancellation is being filed electronically with the United States Patent and Trademark Office Trademark Trial and Appeal Board.

By: 
Candace L. Moon (CA Bar No. 260141)
The Craft Beer Attorney, APC
5095 Murphy Canyon Road, Suite 240
San Diego, CA 92123
Attorney for Petitioner

Date: 4/13/14

1. Petitioner is a craft brewery located in Fulton, California, which has been in operation since 1992.
2. Petitioner began using the MOONLIGHT mark at least as early as September 30, 1992.
3. Petitioner has exclusively and continuously used the MOONLIGHT mark at least as early as September 30, 1992.
4. Petitioner has spent a considerable amount of time and resources to develop, promote, and market its goods under the marks.
5. Petitioner's MOONLIGHT mark has garnered a strong reputation and considerable goodwill in the United States.
6. Petitioner has a real interest in the current action and will likely be damaged by the above-identified mark.

Priority of Use; Likelihood of Confusion

7. Petitioner repeats and realleges each and every allegation set forth in the above paragraphs.
8. Petitioner has priority of use in the use of the term "MOONLIGHT" based on its continuous use since as early as 1992.
9. On information and belief, Registrant has allegedly been using the mark since 2006.
10. On information and belief, Registrant has allegedly been using the mark in commerce since 2010.
11. Registrant's mark is confusingly similar to Petitioner's mark in sight, sound, meaning, and connotation.
12. Registrant's claimed goods are identical in some respects and, at the very least, highly related to those of the Petitioner, so as to cause consumer confusion.
13. Registrant's goods travel in the same trade channels as Petitioner's goods.

