



08-27-2002

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

In the matter of:

EXPRESS MAIL LABEL

CEL 732726164 US

Trademark Registration No. 1,289,293  
For the Mark: SOMMELIERE  
Date Registered: August 7, 1984  
Registrant: Sica Les Vignerons Provencaux Cooperative

CASINO GUICHARD PERRACHON S.A.	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No.
	)	
SICA LES VIGNERONS PROVENCAUX	)	
COOPERATIVE	)	
	)	
Registrant.	)	

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TRADEMARK TRIAL AND APPEAL BOARD

PETITION FOR CANCELLATION

Box TTAB FEE  
ASSISTANT COMMISSIONER  
FOR TRADEMARKS  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

Petitioner is Casino Guichard Perrachon S.A., a corporation organized under the laws of the France and having a principal place of business at 24 rue de la Montat, 42000 Saint-Etienne, France.

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To the best of Petitioner's knowledge, the name and address of the current owner of the registration is Sica Les Vignerons Provencaux Cooperative, Domaine de Beaulieu, 13840 Rognes, France.

The above-identified Petitioner believes that it will be damaged by the above-identified registration and hereby petitions to cancel the same.

As grounds for the petition for cancellation, it is alleged that:

1. Petitioner is engaged in the business of providing wine products.
2. Petitioner in connection with the aforementioned goods has filed a trademark application under Sections 1(b) and 44 of the Trademark Act for the mark CLUB DES SOMMELIERS AND DESIGN, Serial Number 76/342271.
3. Registrant is owner of Registration Number 1,289,293 for the mark SOMMELIERE.
4. The Examining Attorney who examined Petitioner's aforementioned trademark application refused registration of Petitioner's mark on the Principal Register under Section 2(d) of the Trademark Act due to the existence of Registrant's mark. If, as the Trademark Examining Attorney contends, Petitioner's mark so resembles Registrant's mark as to be likely, when applied to the goods and/or services of the Petitioner, to cause confusion, then Petitioner will be damaged by the registration of Registrant's mark.
5. Upon information and belief, Registrant has ceased business activities and no longer uses the SOMMELIERE mark, therefore having abandoned said mark and registration.

Moreover, upon information and belief, no goods or services of any kind bearing the SOMMELIERE mark are presently being sold by Registrant.

6. Based upon the foregoing, Petitioner believes and, therefore, alleges that the continued registration of the SOMMELIERE mark by Registrant damages Petitioner by denying Petitioner's right to register its own CLUB DES SOMMELIERES AND DESIGN mark in its application.

WHEREFORE, Petitioner respectfully prays that the registration held by the Registrant be cancelled and that the Petition for Cancellation be sustained.

A duplicate Petition for Cancellation is being filed herewith, along with the filing fee of Three Hundred Dollars (\$300.00) required in Section 2.6(a)(16) of the Rules of Practice.

Respectfully submitted,

CASINO GUICHARD PERRACHON S.A.

By: 

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Petitioner's Attorneys