

ESTTA Tracking number: **ESTTA20398**

Filing date: **12/01/2004**

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	Tri-Star Marketing, LLC		
Entity	Corporation	Citizenship	California
Address	712 Bancroft Road, #463 Walnut Creek, CA 94598 UNITED STATES		

Attorney information	J. Scott Gerien Owen, Wickersham & Erickson 455 Market Street, 19th Floor San Francisco, CA 94105 UNITED STATES sgerien@owe.com Phone:415-882-3221		
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Registration Subject to Cancellation

Registration No	2282461	Registration date	10/05/1999
Registrant	NINO FRANCO SPUMANTI S.R.L. Via Garibaldi N. 167, Postal Code 31049 Valdobbiadene, (Treviso), ITALY		
Goods/Services Subject to Cancellation	Class 033. First Use: 19770900, First Use In Commerce: 19820629 Goods/Services: wines and sparkling wines		
Grounds for	The registration is being used by, or with the permission of, the		

Cancellation	registrant so as to misrepresent the source of the goods or services on or in connection with which the mark is used.
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Attachments	pc-rustico.pdf (2 pages)
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Signature	/j.scott gerien/
Name	J. Scott Gerien
Date	12/01/2004

Owen, Wickersham & Erickson, P.C.
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1 2. Registrant is the owner of a trademark registration for the mark RUSTICO for wine
2 and sparkling wine. That trademark registration was issued on October 5, 1999 and assigned U.S.
3 Trademark Registration No. 2,282,461.

4 3. Registrant's mark so resembles Petitioner's previously used mark VINO RUSTICO
5 as to be likely, when applied to Registrant's goods set forth in the application, to cause confusion,
6 mistake or deception within the meaning of Section 2(d) of the Trademark Act. Such likelihood
7 of confusion will harm Petitioner and calls into question Petitioner's rights in its VINO RUSTICO
8 mark, thereby damaging Petitioner.


9 WHEREFORE, Petitioner prays that the petition to cancel be sustained and that the
10 registration be canceled.

11 This petition to cancel is being filed electronically, and in so doing Petitioner has requested
12 that the \$300.00 filing fee for the petition to cancel be debited from Petitioner's counsel's deposit
13 account.

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18 Dated: December 1, 2004

Respectfully submitted,

OWEN, WICKERSHAM & ERICKSON P.C.

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By 
J. Scott Gerien

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Attorneys for Petitioner
Tr-Star Marketing, LLC