

ESTTA Tracking number: **ESTTA545418**

Filing date: **06/27/2013**

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	Bacardi & Company Limited		
Entity	Corporation	Citizenship	Liechtenstein
Address	5 Aeulestrasse Vaduz, 9490 LIECHTENSTEIN		

Attorney information	Janice Housey Symbus Law Group, LLC PO Box 11085 McLean, VA 22101 UNITED STATES jhousey@symbus.com, trademarks@symbus.com		
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Registration Subject to Cancellation

Registration No	3433372	Registration date	05/20/2008
Registrant	Giovanni Maggio Via F.lli Cervi 10 92017 Sicily, ITALY		

Goods/Services Subject to Cancellation

Class 033. First Use: 2006/11/01 First Use In Commerce: 2006/11/01 All goods and services in the class are cancelled, namely: wine

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	US Petition to Cancel LUSSO 6-27-13.pdf(38950 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	/janice housey/
Name	Janice Housey
Date	06/27/2013

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

Bacardi & Company Limited :
Petitioner, :
 :
v. :
 : Cancellation No. _____
 :
Giovanni Maggio :
Registrant. : Reg. No. 3,433,372
 : Mark: LUSSO
 :

PETITION FOR CANCELLATION

Bacardi & Company Limited, through its attorneys, hereby petitions to cancel the U.S. Reg. No. 3,433,372.

As grounds for this petition, it is alleged that:

1. Bacardi & Company Limited, a corporation of Liechtenstein, with a registered address at 5 Aeulestrasse, Vaduz 9490, Liechtenstein (hereinafter "Petitioner") asserts that it is and will continue to be damaged by registration of the mark that is the subject of the registration referenced above, and accordingly, for the reasons set forth herein, petitions to cancel registration of the same.
2. On information and belief, Giovanni Maggio is an Italian citizen with an address at Via F.lli Cervi 10 92017, Sicily, ITALY. (Hereinafter "Registrant")

3. Upon information and belief, Registrant filed the application for the subject registration, LUSSO (“Registrant’s Mark”), on September 6, 2006 for “wine” in International Class 33. The application proceeded to registration on May 20, 2008 and the registration was assigned Reg. No. 3,433,372. The same was filed based upon Section 1(b) and a Statement of Use was filed January 25, 2008.
4. Registrant claims that he first offered wine under the mark LUSSO in the United States on November 1, 2006.
5. Upon information and belief, Registrant is not currently offering wine under the LUSSO trademark.
6. Upon information and belief, Registrant intends not to resume *bona fide* use of the LUSSO mark in the ordinary course of trade.
7. Registrant has abandoned the LUSSO mark.
8. Petitioner is the owner of an application filed on February 15, 2013 and granted Ser. No. 85872531.
9. Application Ser. No. 85872531 was filed in International Class 33 to cover “alcoholic beverages, except beer.”
10. On May 20, 2013, the U.S. Trademark Office issued an Office Action refusing registration of Ser. No. 85872531 under Section 2(d) of the Trademark Act citing Registrant’s Reg. No. 3,433,372.

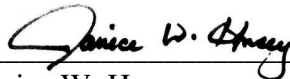
WHEREFORE, Petitioner respectfully requests that its Petition be granted and that the registration that is the subject of this petition be canceled.

Payment of \$300 for the official fees associated with this Cancellation is remitted herewith.

Respectfully submitted,

Bacardi & Company Limited

Date: June 27, 2013



Janice W. Housey
Counsel for Petitioner

Janice W. Housey
Symbus Law Group, LLC
PO Box 11085
McLean, VA 22102
703.957.5274 office
540.518.9037 fax

CERTIFICATE OF SERVICE

On this 27th day of June 2013, a true and correct copy of the foregoing PETITION FOR CANCELLATION is being sent to the Registrant's domestic representative via first class mail, postage prepaid and addressed as follows:

Tomaso Maggiore
6981 El Camino Real
Carlsbad CA 92009



Janice W. Housey