

ESTTA Tracking number: **ESTTA688453**

Filing date: **08/08/2015**

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	Propolis Brewing LLC		
Entity	Limited Liability Company	Citizenship	Washington
Address	1510 Hastings Ave Port Townsend, WA 98368 UNITED STATES		

Attorney information	Danielle M. Teagarden Reiser Legal PLLC 918 S Horton St Ste 810 Seattle, WA 98134 UNITED STATES danielle@reiserlegal.com,tm@reiserlegal.com Phone:(206) 905-1390		
----------------------	---	--	--

Registration Subject to Cancellation

Registration No	4740861	Registration date	05/19/2015
Registrant	Oregon Honey Products LLC 33848 SE Eastgate Circle Corvallis, OR 97333 UNITED STATES		

Goods/Services Subject to Cancellation

Class 033. First Use: 2015/03/01 First Use In Commerce: 2015/03/01 All goods and services in the class are cancelled, namely: Mead

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PROPOLIS		
Goods/Services	Beer		

Attachments	Petition to Cancel Propolis Mark.pdf(120275 bytes)
-------------	---

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	/Danielle M. Teagarden/
Name	Danielle M. Teagarden
Date	08/08/2015

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

In the Matter of Trademark Registration No. 4740861

Mark: PROPOLIS

Date Registered: May 19, 2015

**Propolis Brewing LLC
(Petitioner)**

v.

**Oregon Honey Products LLC dba
Nectar Creek Honeywine
(Registrant)**

Cancellation No. _____

Petition to Cancel

Petitioner, Propolis Brewing LLC, a limited liability company organized under the laws of Washington, having its principal place of business at 1510 Hastings Ave, Port Townsend, Washington 98368, believes that it is being and will continue to be damaged by the registration of Registration Number 4,740,861 for the PROPOLIS word mark (the “Registered Mark”) and hereby petitions to cancel the same.

The grounds for cancellation are as follows:

1. Petitioner is a brewery in the business of producing and selling beer.
2. Petitioner has used the PROPOLIS mark (“Petitioner’s PROPOLIS Mark”) in connection with beer continuously in commerce in the United States since at least as early as March 21, 2014.
3. Petitioner’s PROPOLIS Mark is inherently distinctive and also enjoys strong recognition and secondary meaning.

4. As a result of Petitioner's use of Petitioner's PROPOLIS mark, Petitioner owns valid common law rights in Petitioner's PROPOLIS mark in connection with beer products.

5. As a result of Petitioner's use of Petitioner's PROPOLIS Mark and Petitioner's extensive marketing, advertising, distribution, and sale of beer products in connection with it, Petitioner's PROPOLIS Mark represents the extensive goodwill and consumer recognition established by Petitioner in it, and Petitioner's PROPOLIS Mark identifies the beer products offered and sold in connection with Petitioner's PROPOLIS Mark.

6. On information and belief, Registrant Oregon Honey Products LLC dba Nectar Creek Honeywine ("Registrant") is a limited liability company organized under the laws of Oregon, having its principal place of business at 1143 Westhills Place, Corvallis, OR 97330.

7. On November 18, 2014, Registrant filed an intent-to-use application for the word mark "PROPOLIS", the Registered Mark.

8. On March 10, 2015, Registrant filed a Statement of Use, providing a specimen of use consisting of a labeled bottle. On April 17, 2015, the United States Patent and Trademark Office ("USPTO) issued a notice of acceptance of the statement of use.

9. On May 19, 2015, USPTO issued a registration certificate for the Registered Mark.

10. Registrant claims use of the Registered Mark in connection with mead.

11. Registrant claims it first made use of the Registered Mark in connection with mead before March 1, 2015.

12. On information and belief, Petitioner's common law rights in Petitioner's PROPOLIS mark are senior to the rights Registrant owns in the Registered Mark.

13. On information and belief, the goods covered by the Registered Mark compete with, or are related to, the goods offered in connection with Petitioner's PROPOLIS mark and have overlapping and similar channels of trade and consumers.

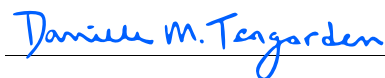
14. Petitioner is being and will continue to be damaged by the continued registration of the Registered Mark because the Registered Mark and its associated goods are likely to cause confusion, mistake, and deception with Petitioner's PROPOLIS mark, causing damage under the provisions of 15 U.S.C. § 1052(d).

Prayer for Relief

WHEREFORE, Petitioner prays that the Registered Mark be cancelled pursuant to the Lanham Act (including Section 2(d), 15 USC § 1052(d)), and that this Petition to Cancel be sustained in favor of Petitioner.

Respectfully submitted,

August 8, 2015



Danielle M. Teagarden

danielle@reiserlegal.com
Reiser Legal PLLC
918 S. Horton St. Ste 810
Seattle, WA 98134-1948
Telephone: (206) 905-1390

Attorney for Petitioner

Certificate of Service

I certify that I served the foregoing Petition to Cancel on the attorney for Applicant, Ronald M. Rubin, to the **correspondence address of record with the USPTO** as follows:


Ronald M. Rubin
Rubin & Zimmerman PC
9725 E Hampden Ave Ste 330
Denver, Colorado 80231-4918

by causing a full, true, and correct copy thereof to be sent by mailing in a sealed, first class postage-prepaid envelope and deposited with the United States Postal Service at Seattle, Washington.

As a courtesy, I certify that I also sent the foregoing Petition to Cancel to the attorney for Applicant at his email address as follows:

ron.rubin@rzpc.com

DATED: August 8, 2015



Danielle M. Teagarden

danielle@reiserlegal.com
Reiser Legal PLLC
918 S. Horton St. Ste 810
Seattle, WA 98134-1948
Telephone: (206) 905-1390

Attorney for Petitioner