

ESTTA Tracking number: **ESTTA696498**

Filing date: **09/17/2015**

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	Lake Tahoe Aleworx, LLC		
Entity	limited liability company	Citizenship	CALIFORNIA
Address	1263 Golden Bear Trail South Lake Tahoe, CA 96150 UNITED STATES		

Attorney information	Candace L. Moon The Craft Beer Attorney, APC 3914 Murphy Canyon Rd. Ste. A244 San Diego, CA 92123 UNITED STATES TM@craftbeerattorney.com Phone:619-749-4115
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Registration Subject to Cancellation

Registration No	4379464	Registration date	08/06/2013
Registrant	Lake Tahoe Brewing Company, Inc. P.O. Box 7608 Tahoe City, CA 96145 UNITED STATES		

Goods/Services Subject to Cancellation

Class 032. First Use: 1993/08/18 First Use In Commerce: 1993/08/18 All goods and services in the class are cancelled, namely: Beers
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Grounds for Cancellation

Abandonment	Trademark Act section 14
The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)

Attachments	Petition to Cancel - Lake Tahoe.pdf(2312726 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	09/17/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Trademark Application Registration No. 4,379,464
For the mark **LAKE TAHOE BREWING COMPANY**
Date Registered: August 6, 2013

_____)	
Lake Tahoe Aleworx, LLC)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
Lake Tahoe Brewing Company, Inc.)	
)	
Respondent.)	
_____)	

PETITION FOR CANCELLATION

Lake Tahoe Aleworx, LLC (hereinafter “Petitioner”), a limited liability company duly organized and existing under the laws of California, having a principal place of business located at 1263 Golden Bear Trail, South Lake Tahoe, CA, 96150, United States, by its attorney, believes that it is damaged by the registration of the mark shown in Registration No. 4,379,464, issued on August 6, 2013, for the mark LAKE TAHOE BREWING COMPANY (hereinafter “the Registration”), for the goods listed in International Class 32 owned by Lake Tahoe Brewing Company, Inc. (hereinafter “Respondent”), presumably a corporation organized under the laws of California, having a principal place of business located at 302 North Carson Street, Carson City, Nevada 89701, and hereby petitions for cancellation of the same.

As grounds for this Cancellation, Petitioner hereby states as follows:


1. Respondent has obtained under the provisions of the Lanham Act, registration on the Principal Register of the Trademark "LAKE TAHOE BREWING COMPANY" on August 6, 2013, for "beers" claiming acquired distinctiveness "through the [Registrant]'s substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before" through ownership of the of U.S. Registration No. 1,948,700 for the stylized mark "LAKE TAHOE BREWING COMPANY" on "beer" (hereinafter "700 Registration")
2. On April 8, 2015, Petitioner filed an intent-to-use application seeking registration on the Principal Register for the Trademark "Lake Tahoe Aleworx" (stylized) in International Class 32 for: "beer."
3. On July 16, 2015, the United States Patent and Trademark Office refused registration of the Trademark stylized "Lake Tahoe Aleworx" for "beer," citing a likelihood of confusion with the Registration.
4. On information and belief, Respondent's first use of the mark as indicated in the Registration dates to 2014 at the earliest and thus Respondent has not acquired distinctiveness through substantially continuous use for the previous five years.
5. On information and belief, Respondent did not, and does not, own the 700 Registration.
6. On information and belief, the 700 Registration was abandoned, at the latest, in 2010 causing the mark to lose its significance as an indication of origin for the goods in International Class 32, namely "beer."

7. On information and belief, Respondent is a corporation neither duly organized nor validly existing under the laws of the state of California, as claimed in the Registration, given that the corporation was suspended by the Franchise Tax Board.

8. Continued registration of the mark shown in the Registration for the goods in International Class 32 will result in damage to Petitioner pursuant to the allegations stated above, and will create a cloud on the lawful right of Petitioner to adopt and use the stylized mark Lake Tahoe Aleworx and will prevent Petitioner from obtaining federal registration of the same in the name of the Petitioner.

WHEREFORE, Petitioner respectfully requests that its Petition for Cancellation be sustained and that the Registration of the mark LAKE TAHOE BREWING COMPANY for International Class 32 as set forth therein be cancelled.

This Notice of 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
3914 Murphy Canyon Road, Suite A244
San Diego, CA 92123
Attorney for Petitioner

Date: September 17, 2015

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

In the Matter of:

Trademark Application Registration No. 4,379,464
For the mark **LAKE TAHOE BREWING COMPANY**
Date Registered: August 6, 2013

Lake Tahoe Aleworx, LLC)	
)	
Petitioner,)	Cancellation No. _____
)	
v.)	
)	
Lake Tahoe Brewing Company, Inc.)	
)	
Respondent.)	
)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for Cancellation, duly signed by attorney for Petitioner, has been served upon Registrant, September 17, 2015 by mailing a copy by U.S. Certified Mail on September 17, 2015, addressed to:

Lake Tahoe Brewing Company, Inc.
P.O. Box 7608
Tahoe City, California 96145

Date: September 17, 2015

By: 
Candace L. Moon, Esq.