

ESTTA Tracking number: **ESTTA722735**

Filing date: **01/26/2016**

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	Jailhouse Brewing Company, LLC		
Entity	Limited Liability Company	Citizenship	Georgia
Address	14 Cherry Street Hampton, GA 30228 UNITED STATES		

Attorney information	Chase E. Scott Taylor, Feil, Harper, Lumsden & Hess, P.C. 3340 Peachtree Road N.E. Suite 250 Atlanta, GA 30326-1148 UNITED STATES cscott@tfhlegal.com Phone:404-214-1200		
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### Registration Subject to Cancellation

Registration No	3810295	Registration date	06/29/2010
Registrant	Turtle Distributing Company of South Florida, LLC 1348 Fruitville Rd. Sarasota, FL 34236 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 032. First Use: 2009/10/20 First Use In Commerce: 2009/10/20 All goods and services in the class are cancelled, namely: Beer
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	JALEHOUSE - Petition for Cancellation.pdf(438386 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	/Chase E. Scott/
Name	Chase E. Scott
Date	01/26/2016



for use in connection with “beer, ale, lager, stout and porter.” The United States Patent and Trademark Office (“USPTO”) issued a refusal of Petitioner’s application because it believes that the mark so resembles Respondent’s Mark as to be likely to cause confusion, or cause mistake, or to deceive.

2. Upon information and belief, Respondent has abandoned U.S. Registration No. 3,810,295 pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3).

3. Upon information and belief, Respondent is not currently using Respondent’s Mark in connection with beer. Petitioner has tried repeatedly, without success, to find evidence of current use of Respondent’s Mark in connection with beer.

4. Upon information and belief, Respondent discontinued use of Respondent’s Mark in connection with beer many years ago.

5. Upon information and belief, for at least the last three consecutive years, Respondent has not used Respondent’s Mark in connection with beer, thereby constituting prima facie evidence of abandonment of Respondent’s Mark.

6. On April 4, 2013, Respondent filed Articles of Dissolution with the Florida Secretary of State indicating that Respondent was seeking dissolution because the “company lost money 4 years in a row.” The Articles of Dissolution lists the date that the dissolution was approved as December 31, 2012 (see Exhibit 1).

7. Petitioner is being damaged by the continuance of U.S. Registration No. 3,810,295 in that Petitioner is unable to obtain registration of U.S. Serial No. 86/217,455, and Petitioner’s legal use of its mark will be impaired by the continued registration of the mark that Respondent has abandoned.

8. In view of Respondent's non-use and abandonment of Respondent's Mark, Respondent is not entitled to continued registration of the mark pursuant to Section 14(3) of the Lanham Act, 15 U.S.C. § 1064(3).

**WHEREFORE**, Petitioner believes that it will be damaged by U.S. Registration No. 3,810,295 and prays that it be cancelled.

Dated: January 26, 2016




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Chase Scott  
Georgia Bar No. 940393  
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*Attorney for the Petitioner*

**CERTIFICATE OF SERVICE**

I, Chase Scott, hereby certify this 26th day of January 2016, that a copy of the foregoing **PETITION FOR CANCELLATION** was served on Respondent by depositing one copy thereof in the United States Mail, first-class postage prepaid, on January 26, 2016 to Respondent's address for U.S. Registration No. 3,810,295, 1348 Fruitville Rd., Suite 301, Sarasota, Florida 34236, as well as a copy to Morris E. Turek, Respondent's Attorney of Record for U.S. Registration No. 3,810,295, at 157 Lamp & Lantern Village #220, Chesterfield, Missouri 63017-8208.

  
Chase Scott

# **EXHIBIT 1**

## ARTICLES OF DISSOLUTION

Pursuant to section 608.445, Florida Statutes, this Florida limited liability company submits the following Articles of Dissolution:

- FIRST: The name of the limited liability company as currently filed with the Florida Department of State:  
TURTLE DISTRIBUTING COMPANY OF SOUTH FLORIDA, LLC,
- SECOND: The document number of the limited liability company: L08000060386
- THIRD: The file date of the articles of organization: June 19, 2008
- FOURTH: The date the dissolution was approved: December 31, 2012
- FIFTH: A description of occurrence that resulted in the limited liability company's dissolution pursuant to section 608.441, Florida Statutes:  
COMPANY LOST MONEY 4 YEARS IN A ROW.
- SIXTH: All debts, obligations and liabilities of the limited liability company have been paid or discharged.
- SEVENTH: All remaining property and assets have been distributed among its members in accordance with their respective rights and interests.
- EIGHTH: There are no suits pending against the company in any court.

I/we submit this document and affirm that the facts stated herein are true. I/we am/are aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: FRANCIS P SALTALAMACCHIA

Electronic Signature of Member having the same percentage of membership interest necessary to approve the dissolution

Signature: BRIAN L TRESIDDER

Electronic Signature of Member having the same percentage of membership interest necessary to approve the dissolution