

ESTTA Tracking number: **ESTTA820793**

Filing date: **05/15/2017**

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    | The Brooklyn Brewery Corporation                            |             |          |
| Entity  | Corporation   | Citizenship | New York |
| Address | 79 North 11th Street<br>Brooklyn, NY 11249<br>UNITED STATES |             |          |

|                      |   |  |  |
|----------------------|---|--|--|
| Attorney information | John J. Dabney<br>McDermott Will & Emery LLP<br>500 North Capitol Street NW<br>Washington, DC 20001<br>UNITED STATES<br>jdabney@mwe.com, mhallerman@mwe.com, kbukrinsky@mwe.com,<br>dcipit@mwe.com, ksandacz@mwe.com Phone:202-756-8000 |  |  |
|----------------------|---|--|--|

### Registration Subject to Cancellation

|                 |   |                   |            |
|-----------------|---|-------------------|------------|
| Registration No | 4388012   | Registration date | 08/20/2013 |
| Registrant      | Voice Media Group, Inc.<br>1201 East Jefferson Street<br>Phoenix, AZ 85034<br>UNITED STATES |                   |            |

### Goods/Services Subject to Cancellation


|   |
|---|
| Class 041. First Use: 2011/10/15 First Use In Commerce: 2011/10/15<br>All goods and services in the class are cancelled, namely: Conducting entertainment exhibitions in the nature of beer festivals |
|---|


### Grounds for Cancellation

|                                      |                                       |
|--------------------------------------|---------------------------------------|
| Priority and likelihood of confusion | Trademark Act Sections 14(1) and 2(d) |
|--------------------------------------|---------------------------------------|

### Marks Cited by Petitioner as Basis for Cancellation

|                       |                    |                       |            |
|-----------------------|--------------------|-----------------------|------------|
| U.S. Registration No. | 3186499            | Application Date      | 12/21/2005 |
| Registration Date     | 12/19/2006         | Foreign Priority Date | NONE       |
| Word Mark             | B BROOKLYN BREWERY |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | The mark consists of Stylized letter B within concentric circles.   |
| Goods/Services      | Class 032. First use: First Use: 1987/11/20 First Use In Commerce: 1988/06/16 Brewed malt-based alcoholic beverage inthe nature of a beer |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3186503   | Application Date      | 12/21/2005 |
| Registration Date     | 12/19/2006  | Foreign Priority Date | NONE       |
| Word Mark             | BROOKLYN BREWERY  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 032. First use: First Use: 1987/11/20 First Use In Commerce: 1988/06/16 Brewed malt-based alcoholic beverage inthe nature of a beer |                       |            |

|                       |                  |                       |            |
|-----------------------|------------------|-----------------------|------------|
| U.S. Registration No. | 5094732          | Application Date      | 04/07/2016 |
| Registration Date     | 12/06/2016       | Foreign Priority Date | NONE       |
| Word Mark             | BROOKLYN BREWERY |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         | <b>BROOKLYN BREWERY</b>   |
| Description of Mark | NONE  |
| Goods/Services      | Class 021. First use: First Use: 1987/11/00 First Use In Commerce: 1987/11/00<br>Beer mugs; Coffee cups; Cups; Cups and mugs; Dinnerware, namely, cups and glasses; Drinking cups; Drinking glasses; Glass mugs; Goblets; Mugs; Pilsner drinkingglasses; plastic cups<br>Class 025. First use: First Use: 1987/11/00 First Use In Commerce: 1987/11/00<br>Caps; Caps with visors; Golf shirts; Hats; Hooded sweat shirts; Knit shirts; Knitted caps; Long-sleeved shirts; Polo shirts; Baseball shirts; Shirts; Sport shirts; T-shirts; tops, footwear, headwear,jackets, shirts, socks, sweatshirts; cycling shirts; Knit caps; zippered sweatshirts; tennis shirts; track jackets; cycling caps; tank tops; scarves |

|                      |   |                       |            |
|----------------------|---|-----------------------|------------|
| U.S. Application No. | 86818336  | Application Date      | 11/12/2015 |
| Registration Date    | NONE  | Foreign Priority Date | NONE       |
| Word Mark            | BROOKLYN  |                       |            |
| Design Mark          | <b>BROOKLYN</b>   |                       |            |
| Description of Mark  | NONE  |                       |            |
| Goods/Services       | Class 032. First use: First Use: 1987/11/00 First Use In Commerce: 1987/11/00<br>Beer |                       |            |

|             |   |
|-------------|---|
| Attachments | 78778400#TMSN.png( bytes )<br>78778456#TMSN.png( bytes )<br>86968215#TMSN.png( bytes )<br>86818336#TMSN.png( bytes )<br>BROOKLYN POUR Petition for Cancellation.pdf(28451 bytes )<br>Brooklyn Pour - Exhibit 1.pdf(105885 bytes )<br>Brooklyn Pour - Exhibit 2.pdf(147476 bytes ) |
|-------------|---|

|           |                  |
|-----------|------------------|
| Signature | /John J. Dabney/ |
| Name      | John J. Dabney   |
| Date      | 05/15/2017       |

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

THE BROOKLYN BREWERY  
CORPORATION,

Petitioner,

v.

THE VILLAGE VOICE, LLC

Registrant.

Cancellation No. \_\_\_\_\_

Mark: BROOKLYN POUR

Registration No. 4,388,012

**PETITION FOR CANCELLATION**

The Brooklyn Brewery Corporation (“Petitioner”), a New York corporation located at 79 North 11th Street Brooklyn, New York, is being damaged by Registration No. 4,388,012 for BROOKLYN POUR owned by The Village Voice, LLC, a Pennsylvania limited liability company, located at 19 Blacksmith Road, Oley, Pennsylvania, and petitions to cancel this registration.<sup>1</sup>

1. Petitioner is the largest brewer in New York and among the largest brewers in the United States. Continuously since 1987, Petitioner has used the marks BROOKLYN and BROOKLYN BREWERY in connection with the advertising, promotion, distribution and sale of beer and related goods and services.

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<sup>1</sup> According to the records of the United States Patent and Trademark Office, on October 20, 2015, the original registrant, Voice Media Group, Inc., assigned Registration No. 4,388,012 to VV Publication Acquisition, LLC. Exhibit 1. VV Publication Acquisition, LLC changed its name to The Village Voice, LLC, the current Registrant. Exhibit 2.

2. Petitioner owns Registration Nos. 3,186,499 and 3,186,503 for BROOKLYN BREWERY and B BROOKLYN BREWERY for beer, both of which issued in December 2006. These registrations are incontestable.

3. Petitioner also owns Application Serial No. 86,818,336 for BROOKLYN for beer which has passed the opposition period and which will register in due course. This application alleges a first use date of 1987.

4. Petitioner also owns Registration No. 5,094,732 for BROOKLYN BREWERY for a wide variety of items of clothing and glassware. This registration alleges a date of first use of 1987.

5. Petitioner also owns common law marks for BROOKLYN and BROOKLYN BREWERY for beer, clothing, glassware and related goods and services, including conducting and offering entertainment exhibitions in the nature of beer festivals and beer tastings; offering classes and workshops in the fields of beer, beer tasting and beer brewing; providing entertainment services, namely arranging and conducting parties, happy hours, concerts; and arranging and conducting tours of breweries for educational and entertainment purposes. Petitioner's BROOKLYN and BROOKLYN-formative marks are referred to collectively as Petitioner's "BROOKLYN Marks."

6. Since long before Registrant or Registrant's predecessor-in-interest used, applied to register or registered BROOKLYN POUR, consumers associated Petitioner's BROOKLYN Marks with beer, clothing, glassware and entertainment and educational services emanating exclusively from a single source, Petitioner.

7. On January 15, 2013, Registrant's predecessor-in-interest applied for BROOKLYN POUR for "conducting entertainment exhibitions in the nature of beer festivals," alleging a first use date of October, 15, 2011. On August 20, 2013, the United States Patent and Trademark Office issued Registration No. 4,388,012 for that mark for those services to Registrant's predecessor-in-interest, who subsequently assigned it to Registrant in October 2015. *See* footnote 1 *supra*.

8. Registrant's BROOKLYN POUR mark is substantially similar to Petitioner's BROOKLYN Marks in sight, sound, meaning and commercial impression.

9. Registrant's services and Petitioner's beer and beer-related goods and services are substantially identical and related. The parties offer their goods and services in the same channels of trade to the same customers and use the same advertising media.

10. Registrant's use of BROOKLYN POUR for Registrant's services is likely to cause confusion, deception and mistake with Petitioner's BROOKLYN Marks.

11. Registrant's registration of BROOKLYN POUR for Registrant's services is damaging Petitioner.

WHEREFORE, Petitioner prays that Registrant's registration be cancelled.

Respectfully submitted,

THE BROOKLYN BREWERY CORPORATION

Dated: May 15, 2017

By: Mary D. Hallerman  
John J. Dabney  
Mary D. Hallerman  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street, NW  
Washington, D.C. 20001

Telephone: (202) 756-8000  
Facsimile: (202) 756-8087  
jdabney@mwe.com  
mhallerman@mwe.com

Attorneys for Petitioner



**CERTIFICATE OF SERVICE**

Petitioner Brooklyn Brewery Corporation, by and through its attorneys, hereby certifies that a copy of this PETITION FOR CANCELLATION has been served upon Registrant on this 15th day of May, 2017 by First-Class Mail at the following address for Registrant's correspondent of record:

Elliott J. Stein  
Stevens & Lee, P.C.  
100 Lenox Drive  
Suite 200  
Lawrenceville, New Jersey 08648

/Mary D. Hallerman/  
Mary D. Hallerman  
McDERMOTT WILL & EMERY LLP  
500 North Capitol Street NW  
Washington, D.C. 20001

Attorney for Petitioner

# **EXHIBIT 1**

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM369057

|   |  |  |                       |
|---|--|--|-----------------------|
| <b>SUBMISSION TYPE:</b>   | NEW ASSIGNMENT                                     |  |                       |
| <b>NATURE OF CONVEYANCE:</b>  | ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL |  |                       |
| <b>CONVEYING PARTY DATA</b>   |  |  |                       |
| <b>Name</b>   | <b>Formerly</b>                                    | <b>Execution Date</b>                  | <b>Entity Type</b>    |
| Voice Media Group, Inc.   |  | 10/20/2015                             | CORPORATION: COLORADO |
| <b>RECEIVING PARTY DATA</b>   |  |  |                       |
| <b>Name:</b>  | VV Publication Acquisition, LLC                    |  |                       |
| <b>Street Address:</b>  | 19 Blacksmith Road                                 |  |                       |
| <b>City:</b>  | Oley   |  |                       |
| <b>State/Country:</b>   | PENNSYLVANIA                                       |  |                       |
| <b>Postal Code:</b>   | 19547  |  |                       |
| <b>Entity Type:</b>   | LIMITED LIABILITY COMPANY: PENNSYLVANIA            |  |                       |
| <b>PROPERTY NUMBERS Total: 13</b>   |  |  |                       |
| <b>Property Type</b>  | <b>Number</b>                                      | <b>Word Mark</b>                       |                       |
| <b>Registration Number:</b>   | 2273913  | THE VILLAGE VOICE                      |                       |
| <b>Registration Number:</b>   | 0913683  | THE VILLAGE VOICE                      |                       |
| <b>Registration Number:</b>   | 1987845  | THE VILLAGE VOICE OBIES                |                       |
| <b>Registration Number:</b>   | 3176378  | THE VILLAGE VOICE SIREN MUSIC FESTIVAL |                       |
| <b>Registration Number:</b>   | 3479806  | BEST OF NYC                            |                       |
| <b>Registration Number:</b>   | 3538437  | CHOICE EATS                            |                       |
| <b>Registration Number:</b>   | 1994330  | OBIE                                   |                       |
| <b>Registration Number:</b>   | 3085730  | VILLAGE VOICE MEDIA                    |                       |
| <b>Registration Number:</b>   | 4291974  | 4KNOTS                                 |                       |
| <b>Registration Number:</b>   | 4327764  | CHOICE STREETS                         |                       |
| <b>Registration Number:</b>   | 4388012  | BROOKLYN POUR                          |                       |
| <b>Registration Number:</b>   | 2616804  | PAZZ AND JOP                           |                       |
| <b>Registration Number:</b>   | 1189256  | VOICE                                  |                       |
| <b>CORRESPONDENCE DATA</b>  |  |  |                       |
| <b>Fax Number:</b>  | 6103717367   |  |                       |
| <i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i> |  |  |                       |
| <b>Phone:</b>   | 609.987.7047                                       |  |                       |
| <b>Email:</b>   | mja@stevenslee.com                                 |  |                       |

CH \$340.00 2273913

**Correspondent Name:** Merilee J. Arevalo  
**Address Line 1:** Stevens & Lee PC  
**Address Line 2:** 100 Lenox Drive, Suite 200  
**Address Line 4:** Lawrenceville, NEW JERSEY 08648

**ATTORNEY DOCKET NUMBER:** 109781-00002

**NAME OF SUBMITTER:** Merilee J. Arevalo

**SIGNATURE:** /mja/

**DATE SIGNED:** 01/13/2016

**Total Attachments: 2**

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source=VV Trademark Assignment#page2.tif

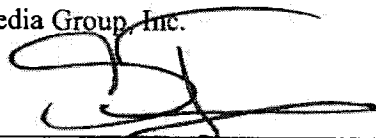
## Trademark Assignment

**WHEREAS**, Voice Media Group, Inc., a corporation under the laws of Colorado, with a principal address of 969 Broadway, Denver, Colorado 80203 (“Assignor”), is the owner of the following trademark application(s) and/or registration(s) set forth on the accompanying Schedule A (the “Mark(s)”);


**WHEREAS**, VV Publication Acquisition, LLC, a limited liability company under the laws of Pennsylvania, with a principal address of 19 Blacksmith Road, Oley, Pennsylvania 19547, (the “Assignee”), is desirous of acquiring said Mark(s) and all title and rights thereunder, together with the goodwill of the business with which the Mark(s) is used and which is symbolized by the Mark(s);

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee all right, title and interest in and to the Mark(s), including any applications to register the Mark(s), together with the goodwill of the business symbolized by the Mark(s), all common law rights related to the Mark(s), all rights of renewal and extension, and the right to recover for damages and profits for past infringements thereof.

Date: Oct 20, 2015

Voice Media Group, Inc.  
  
By \_\_\_\_\_  
Name: Scott Tobias  
Title: President and CEO

## SCHEDULE A

| Mark  | Registration No. | Class(es) |
|---|------------------|-----------|
| The Village Voice   | 2,273,913        | 42        |
| The Village Voice (stylized)<br> | 0,913,683        | 16        |
| The Village Voice Obies   | 1,987,845        | 41        |
| The Village Voice Siren Music Festival  | 3,176,378        | 41        |
| Best of NYC   | 3,479,806        | 16, 41    |
| Choice Eats   | 3,538,437        | 41        |
| Obie  | 1,994,330        | 41        |
| Village Voice Media   | 3,085,730        | 16, 42    |
| 4KNOTS  | 4,291,974        | 41        |
| Choice Streets  | 4,327,764        | 41        |
| Brooklyn Pour   | 4,388,012        | 41        |
| Pazz and Jop  | 2,616,804        | 16        |
| Voice   | 1,189,256        | 16        |

# **EXHIBIT 2**

## TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1  
Stylesheet Version v1.2

ETAS ID: TM369060

|   |   |  |   |
|---|---|--|---|
| <b>SUBMISSION TYPE:</b>   | NEW ASSIGNMENT                          |  |   |
| <b>NATURE OF CONVEYANCE:</b>  | CHANGE OF NAME                          |  |   |
| <b>CONVEYING PARTY DATA</b>   |   |  |   |
| <b>Name</b>   | <b>Formerly</b>                         | <b>Execution Date</b>                  | <b>Entity Type</b>                      |
| VV Publication Acquisition, LLC   |   | 10/20/2015                             | LIMITED LIABILITY COMPANY: PENNSYLVANIA |
| <b>RECEIVING PARTY DATA</b>   |   |  |   |
| <b>Name:</b>  | The Village Voice, LLC                  |  |   |
| <b>Street Address:</b>  | 19 Blacksmith Road                      |  |   |
| <b>City:</b>  | Oley                                    |  |   |
| <b>State/Country:</b>   | PENNSYLVANIA                            |  |   |
| <b>Postal Code:</b>   | 19547                                   |  |   |
| <b>Entity Type:</b>   | LIMITED LIABILITY COMPANY: PENNSYLVANIA |  |   |
| <b>PROPERTY NUMBERS Total: 13</b>   |   |  |   |
| <b>Property Type</b>  | <b>Number</b>                           | <b>Word Mark</b>                       |   |
| <b>Registration Number:</b>   | 2273913                                 | THE VILLAGE VOICE                      |   |
| <b>Registration Number:</b>   | 0913683                                 | THE VILLAGE VOICE                      |   |
| <b>Registration Number:</b>   | 1987845                                 | THE VILLAGE VOICE OBIES                |   |
| <b>Registration Number:</b>   | 3176378                                 | THE VILLAGE VOICE SIREN MUSIC FESTIVAL |   |
| <b>Registration Number:</b>   | 3479806                                 | BEST OF NYC                            |   |
| <b>Registration Number:</b>   | 3538437                                 | CHOICE EATS                            |   |
| <b>Registration Number:</b>   | 1994330                                 | OBIE                                   |   |
| <b>Registration Number:</b>   | 3085730                                 | VILLAGE VOICE MEDIA                    |   |
| <b>Registration Number:</b>   | 4291974                                 | 4KNOTS                                 |   |
| <b>Registration Number:</b>   | 4327764                                 | CHOICE STREETS                         |   |
| <b>Registration Number:</b>   | 4388012                                 | BROOKLYN POUR                          |   |
| <b>Registration Number:</b>   | 2616804                                 | PAZZ AND JOP                           |   |
| <b>Registration Number:</b>   | 1189256                                 | VOICE                                  |   |
| <b>CORRESPONDENCE DATA</b>  |   |  |   |
| <b>Fax Number:</b>  | 6103717367                              |  |   |
| <i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i> |   |  |   |
| <b>Phone:</b>   | 609.987.7047                            |  |   |
| <b>Email:</b>   | mja@stevenslee.com                      |  |   |
| <b>TRADEMARK</b>  |   |  |   |

CH \$340.00 2273913



**Correspondent Name:** Merilee J. Arevalo  
**Address Line 1:** Stevens & Lee PC  
**Address Line 2:** 100 Lenox Drive, Suite 200  
**Address Line 4:** Lawrenceville, NEW JERSEY 08648

**ATTORNEY DOCKET NUMBER:** 109781-00002

**NAME OF SUBMITTER:** Merilee J. Arevalo

**SIGNATURE:** /mja/

**DATE SIGNED:** 01/13/2016

**Total Attachments: 3**

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COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS  
401 NORTH STREET, ROOM 206  
P.O.BOX 8722  
HARRISBURG, PA 17105-8722  
WWW.CORPORATIONS.PA.GOV

Stevens & Lee PC \*\*\* COUNTER PICK-UP - DO NOT MAIL \*\*\*  
Counter Pickup  
PA


The Village Voice, LLC

THE BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS IS HAPPY TO SEND YOU YOUR FILED DOCUMENT. THE BUREAU IS HERE TO SERVE YOU AND WANTS TO THANK YOU FOR DOING BUSINESS IN PENNSYLVANIA.

IF YOU HAVE ANY QUESTIONS PERTAINING TO THE BUREAU, PLEASE VISIT OUR WEBSITE LOCATED WWW.CORPORATIONS.STATE.PA.US/Search/CorpSearch OR PLEASE CALL OUR MAIN INFORMATION TELEPHONE NUMBER (717)787-1057. FOR ADDITIONAL INFORMATION REGARDING BUSINESS AND /OR UCC FILINGS , PLEASE VISIT OUR ONLINE "SEARCHABLE DATABASE" LOCATED ON OUR WEBSITE.

ENTITY NUMBER : 6302774

PENNSYLVANIA DEPARTMENT OF STATE  
BUREAU OF CORPORATIONS AND CHARITABLE ORGANIZATIONS

|   |  |
|---|--|
| <input type="checkbox"/> Return document by mail to:<br>Melissa Zeiders of Stevens & Lee      Counter pick up<br>Name<br>17 N 2 <sup>nd</sup> Street, 16 <sup>th</sup> Floor<br>Address<br>Harrisburg      PA      17101<br>City      State      Zip Code<br><input checked="" type="checkbox"/> Return document by email to: <u>mmz@stevenslee.com</u> | <p>Certificate of Amendment - Domestic<br/>Limited Partnership/Limited Liability Company</p>  <p>TCO151021MC0783</p> |
|---|--|

Read all instructions prior to completing. This form may be submitted online at [www.pennsylvania.gov](http://www.pennsylvania.gov)

Fee: \$70

Check one:     Limited Partnership (§ 8512)       Limited Liability Company (§ 8951)

In compliance with the requirements of the applicable provisions (relating to certificate of amendment), the undersigned, desiring to amend its Certificate of Limited Partnership/Organization, hereby certifies that:

1. The name of the limited partnership/limited liability company is:  
VV Publication Acquisition, LLC

2. The date of filing of the original Certificate of Limited Partnership/Organization: 9/28/2015  
Date (MM/DD/YYYY)

3. Check, and if appropriate complete, one of the following:

The amendment adopted by the limited partnership/limited liability company, set forth in full, is as follows:  
The name of the limited liability company shall be: The Village Voice, LLC

The amendment adopted by the limited partnership/limited liability company is set forth in full in Exhibit A attached hereto and made a part hereof.

4. Check, and if appropriate complete, one of the following:

The amendment shall be effective upon filing this Certificate of Amendment in the Department of State.

The amendment shall be effective on: \_\_\_\_\_ at \_\_\_\_\_  
Date (MM/DD/YYYY)      Hour (if any)

5. Check if the amendment restates the Certificate of Limited Partnership/Organization:

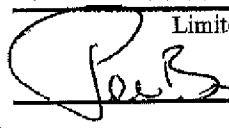
The restated Certificate of Limited Partnership/Organization supersedes the original Certificate of Limited Partnership/Organization and all previous amendments thereto.

IN TESTIMONY WHEREOF, the undersigned limited liability company has caused this Certificate of Amendment to be executed this

20<sup>th</sup> day of October, 2015.

VV Publication Acquisition, LLC

Limited Liability Company



Signature

MANAGER

Title