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Filing date: **12/05/2017**

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 has filed a petition to cancel the registration indicated below.

**Petitioner Information**

Name	Sazerac Brands, LLC		
Entity	limited liability company	Citizenship	Delaware
Address	10400 Linn Station Road, Suite 300 Louisville, KY 40223 UNITED STATES		

Attorney information	Susan P. Christoff Cooley LLP 1299 Pennsylvania Ave, NW, Suite 700 Washington, DC 20004 UNITED STATES Email: trademarks@cooley.com, pwillsey@cooley.com, vbadolato@cooley.com, mobleysg@cooley.com, schristoff@cooley.com Phone: 2028427800
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**Registration Subject to Cancellation**

Registration No.	4058521	Registration date	11/22/2011
International Registration No.	NONE	International Registration Date	NONE
Registrant	Halewood International Brands Limited The Sovereign Distillery, Wilson Road - Huyton Business Park Liverpool, L366AD UNITED KINGDOM		

**Goods/Services Subject to Cancellation**

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages excluding beers, namely, spirit based beverages, wine based beverages
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)
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Attachments	SIDEKICK_Cancellation.pdf(22838 bytes )
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Signature	/spc/
Name	Susan P. Christoff
Date	12/05/2017



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

In the Matter of Registration No. 4,058,521  
For the Trademark SIDEKICK  
Issued on November 22, 2011

Sazerac Brands, LLC	)	
	)	
Petitioner,	)	
	)	Cancellation No. _____
v.	)	
	)	
Halewood International Brands Ltd.,	)	
	)	
Registrant.	)	
_____	)	

**PETITION TO CANCEL**

Petitioner Sazerac Brands, LLC (“Sazerac”), a Delaware limited liability company having its principal place of business at 10400 Linn Station Road, Suite 300, Louisville, Kentucky 40223, believes that it has been and will continue to be damaged by the registration of the SIDEKICK mark (Registration No. 4,058,521) (the “Subject Registration”) owned Halewood International Brands Ltd., a United Kingdom corporation with a listed address of The Sovereign Distillery, Huyton Business Park, Liverpool, UK L366AD (“Registrant”). Sazerac hereby petitions to cancel the Subject Registration under Section 14 of the Trademark Act of 1947, 15 U.S.C. § 1064.

As grounds for cancellation, Sazerac alleges as follows.

**The Subject Registration**

1. On or around September 14, 2010, Registrant applied to register its SIDEKICK mark with the U.S. Patent and Trademark Office (“PTO”) in connection with “alcoholic beverages (except beers)” in Class 33 on the basis of its European Union registration of the

SIDEKICK mark (pursuant to Section 44(e) of the Trademark Act), as well as a bona fide intention to use the SIDEKICK mark in U.S. commerce.

2. On November 22, 2011, the PTO issued the Subject Registration in connection with the amended description “alcoholic beverage excluding beers, namely, spirit based beverages, wine based beverages.”

3. Registrant was not required to submit evidence of its use of the SIDEKICK mark in U.S. commerce at the time of registration given its reliance on Section 44(e) of the Trademark Act as a registration basis.

4. Registrant had an initial deadline of November 22, 2017 to file a Declaration of Continued Use (or Excusable Nonuse) to maintain the Subject Registration and, as of today’s date, the PTO online records do not reflect that Registrant has submitted the required Declaration.

#### **Sazerac and its SIDEKICKS Trademark**

5. Sazerac, through its parent company Sazerac Company, Inc., markets and sells alcoholic beverages and distilled spirits, including specialty liqueurs, throughout the United States.

6. On April 24, 2017, Sazerac applied to register the trademark SIDEKICKS in connection with “liqueurs” in Class 33 on the basis of its bona fide intention to use the trademark in commerce under Section 1(b) of the Trademark Act (U.S. Serial No. 87/422,637).

7. On June 5, 2017, the PTO Examining Attorney assigned to review Sazerac’s application issued a non-final refusal to register Sazerac’s SIDEKICKS trademark on the basis of, among other things, a perceived likelihood of confusion with the trademark identified in the Subject Registration.

8. The continued existence of the Subject Registration will damage Sazerac because it could prevent Sazerac from lawfully obtaining a registration for its SIDEKICKS trademark.

### **GROUND FOR CANCELLATION**

#### **Registrant has Abandoned its SIDEKICK Trademark**

9. Sazerac repeats and realleges each and every allegation set forth in Paragraphs 1 through 8 as if fully set forth herein.

10. The Subject Registration may be cancelled, under Section 14 of the Trademark Act of 1964, 15 U.S.C. § 1064 (3), because of abandonment.

11. Section 45 of the Trademark Act of 1946, 15 U.S.C. § 1127 provides that a trademark shall be deemed to be abandoned “when its use has been discontinued with intent not to resume such use. Intent not to resume may be inferred from circumstances. . . . ‘Use’ of a mark means the bona fide use of such mark made in the ordinary course of trade, and not made merely to reserve a right in a mark.”

12. On information and belief, Registrant has discontinued any use of the SIDEKICK trademark in commerce and no longer distributes or sells any alcoholic beverages under the SIDEKICK trademark in the United States.

13. On information and belief, Registrant lacks intent to resume any such use of the SIDEKICK mark in the United States.

14. Because Registrant no longer uses nor intends to resume use of the SIDEKICK trademark in U.S. commerce, the Subject Registration should be cancelled as a result of Registrant’s abandonment of its trademark.

WHEREFORE, based on the foregoing, Sazerac requests that the Trademark Trial and Appeal Board sustain this Petition and cancel Registration No. 4,058,521.

Respectfully submitted,

COOLEY LLP

Date: December 5, 2017

By: /spc/\_\_\_\_\_

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