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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	Jackpot Brewing, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	222 East 34th Street Suite 2320 New York, NY 10016 UNITED STATES		

Attorney information	Lisa A. Pieroni, Esq. Kirschstein, Israel, Schiffmiller & Pieroni, PC 425 Fifth Avenue 5th Floor - Suite 501 New York, NY 10016 UNITED STATES Email: lap@kirschsteinlaw.com Phone: 2126973750		
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**Registrations Subject to Cancellation**

Registration No.	4941776	Registration date	04/19/2016
Registrant	Fiorito, Mark S. 19310 Apple Valley Road Sonoma, CA 95476 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 033. First Use: 2012/04/01 First Use In Commerce: 2014/06/03 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages except beers
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**Grounds for Cancellation**

Abandonment	Trademark Act Section 14(3)		
Registration No.	4719690	Registration date	04/14/2015
Registrant	Mark Fiorito 19310 Apple Valley Road Sonoma, CA 95476 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 033. First Use: 2012/04/01 First Use In Commerce: 2014/06/03 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages, namely,
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vodka
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## Grounds for Cancellation

Abandonment		Trademark Act Section 14(3)	
Registration No.	4625153	Registration date	10/21/2014
Registrant	Fiorito, Mark 19310 Apple Valley Road Sonoma, CA 95476 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 033. First Use: 2010/03/17 First Use In Commerce: 2014/06/03 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages except beers; Wine
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## Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	jackpot petition_20180403154843.pdf(77652 bytes )
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Signature	/Lisa A. Pieroni/
Name	Lisa A. Pieroni
Date	04/05/2018

## PETITION FOR CANCELLATION

Jackpot Brewing, LLC believes that it is and that it will continue to be damaged by United States Trademark Registration Nos. 4941776 for the mark JACKPOT SPIRITS of April 19, 2016; 4719690 for the mark JACKPOT VODKA of April 14, 2015 and 4625153 for the mark JACKPOT of October 21, 2014 and hereby petitions to cancel said registrations.

As grounds therefor, it is alleged that:

1. Petitioner is a limited liability company organized and existing under the laws of the State of Delaware having an address of 222 East 34<sup>th</sup> Street, Suite 2320, New York, New York 10016.
2. July 25, 2017, Petitioner filed an application to register the trademark JACKPOT BREWING with the United States Patent and Trademark Office in connection with "Beer, ale, lager, stout and porter; Brewed malt-based beers" in Class 32. That application was assigned Serial No. 87/541402.
3. Registrant is an individual with an address of 19310 Apple Valley Road, Sonoma, California 95476.
4. Registrant is the owner of registrations in the US Trademark Office for the marks JACKPOT SPIRITS, Registration No. 4941776 for "alcoholic beverages except beers" in Class 33; JACKPOT VODKA, Registration No. 4719690 for "alcoholic beverages, namely, vodka" in Class 33; and JACKPOT, Registration No. 4625153 for "alcoholic beverages except beers; Wine" in Class 33 (collectively "JACKPOT Marks").
5. In an Office Action dated October 27, 2017 the Examiner refused registration of Petitioner's JACKPOT BREWING mark under Section 2(d) based on the JACKPOT Marks.
6. Upon information and belief, Registrant has abandoned the JACKPOT Marks which are the subjects of Registration Nos. 4941776, 4719690 and 4625153 for goods in Class 33 sought to be canceled herein by discontinuing use of said JACKPOT Marks with no intent to resume use thereof.
7. If Registrant's Registration Nos. 4941776, 4719690 and 4625153 are not canceled, Registrant will continue to enjoy the prima facie exclusive right to use the abandoned JACKPOT Marks for its products, thus casting a cloud upon Petitioner's right to the exclusive use of its JACKPOT BREWING mark and potentially preventing Petitioner's application for

JACKPOT BREWING, Serial No. 87/541402 from proceeding to registration, whereby Registrant's registration will continue to be a source of damage and injury to Petitioner.

WHEREFORE, Petitioner prays that Registration Nos. 4941776, 4719690 and 4625153 be canceled, that this Petition for Cancellation be sustained in favor of Petitioner and that the continued registration for the JACKPOT Marks be denied to Registrant.

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