

ESTTA Tracking number: **ESTTA997836**

Filing date: **08/27/2019**

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 | Speymalt Whisky Distributors Limited | | |
| Entity | UK Limited Company | Citizenship | United Kingdom |
| Address | George House Boroughbriggs Road Elgin, Moray, IV30 1JY UNITED KINGDOM | | |

| | | | |
|----------------------|---|--|--|
| Attorney information | George A. Smith, Jr. Howson & Howson LLP Bldg. 620, Suite 210 350 Sentry Parkway Blue Bell, PA 19422 UNITED STATES gasmith@howsoniplaw.com, docketing@howsoniplaw.com 215 540 9200 | | |
|----------------------|---|--|--|

Registration Subject to Cancellation

| | | | |
|------------------|---|-------------------|------------|
| Registration No. | 3016269 | Registration date | 11/15/2005 |
| Registrant | PRECEPT BRANDS LLC SUITE 400 1910 FAIRVIEW AVENUE EAST SEATTLE, WA 98102 UNITED STATES Email: stepn@foster.com | | |

Goods/Services Subject to Cancellation

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| Class 033. First Use: 2003/12/29 First Use In Commerce: 2003/12/29 All goods and services in the class are subject to cancellation, namely: Wine, including red and white wines |
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Grounds for Cancellation

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|-------------|-----------------------------|
| Abandonment | Trademark Act Section 14(3) |
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|-------------|---|
| Attachments | speymaltvredoorPETITION20190827141133.pdf(98446 bytes) |
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|-----------|---------------------------|
| Signature | /George A. Smith, Jr./ |
| Name | George Anthony Smith, Jr. |

| | |
|------|------------|
| Date | 08/27/2019 |
|------|------------|

2. On information and belief, Respondent, Precept Brands LLC, is a limited liability company organized under the laws of the State of Washington, and located at Suite 400, 1910 Fairview Avenue East, Seattle, Washington 98102.

3. On November 15, 2005, United States trademark Registration No. 3016269, was granted to Red Door Cellars Wine Company on a mark, consisting of the words RED DOOR CELLARS together with a design of an old-looking red door, for "wine, including red and white wines."

4. On information and belief, Registration No. 3016269 was assigned by Red Door Cellars Wine Company to Respondent, Precept Brands, LLC, on August 1, 2012.

5. On November 27, 2018, Petitioner filed in the United States Patent and Trademark Office Application No. 88/206608 for registration of the mark RED DOOR for gin, claiming priority on the basis of Application No. 017910094, filed in the European Union Intellectual Property Office on May 29, 2018.

5. Petitioner's Application No. 88/206608 was refused under section 2(d) on the basis of a likelihood of confusion with the mark in Respondent's Registration No. 3016269.

6. RED DOOR is no longer listed on Respondents website, www.precept.com as one of its brands, and, on December 13, 2018, a message from the Office Manager & Hospitality Coordinator of Precept Wine to a party inquiring about Red Door Cellars Pinot, stated that "Unfortunately we no longer make that label and do not have any plans for its return."

7. On information and belief, the mark that is the subject of Respondent's Registration No. 3016269 has been abandoned, and the registration is subject to cancellation for abandonment under 15 USC §1064(3).

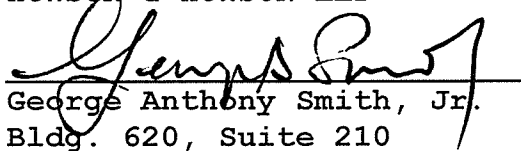
8. Petitioner believes that it will be damaged by the continued registration of Respondent's mark because Respondent's registration stands as an obstacle to the grant of a registration on Petitioner's Application No. 88/206608.

WHEREFORE, Petitioner prays that Registration No. 3016269 be cancelled, and that this Petition for Cancellation be sustained.

The filing fee for this Petition for Cancellation in the amount of \$400 is being submitted with this petition.

SPEYMALT WHISKY DISTRIBUTORS
LIMITED

By its attorneys
HOWSON & HOWSON LLP


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