

ESTTA Tracking number: **ESTTA1027379**

Filing date: **01/07/2020**

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	Bottle Logic Brewing LLC		
Entity	Limited Liability Company	Citizenship	Wyoming
Address	1072 N Armando St Anaheim, CA 92806 UNITED STATES		

Attorney information	Daniel Christopherson Christopherson Law Firm PLLC 6638 W Ottawa Ave Ste, 220-3 Littleton, CO 80128 UNITED STATES dan@brew.law, admin@brew.law 720-515-8773		
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**Registrations Subject to Cancellation**

Registration No.	5871926	Registration date	10/01/2019
Registrant	Platform Beers, LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 032. First Use: 2018/12/31 First Use In Commerce: 2018/12/31 All goods and services in the class are subject to cancellation, namely: Malt liquor
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5871925	Registration date	10/01/2019
Registrant	Platform Beers, LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

**Goods/Services Subject to Cancellation**

Class 032. First Use: 2013/12/26 First Use In Commerce: 2014/12/15 All goods and services in the class are subject to cancellation, namely: Beer
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## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5850296	Registration date	09/03/2019
Registrant	Platform Beers, LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 033. First Use: 2016/10/01 First Use In Commerce: 2016/10/01  
All goods and services in the class are subject to cancellation, namely: Hard cider

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5662837	Registration date	01/22/2019
Registrant	Platform Beers, LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 032. First Use: 2017/12/21 First Use In Commerce: 2017/12/21  
All goods and services in the class are subject to cancellation, namely: Beer

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5559758	Registration date	09/11/2018
Registrant	Platform Beers, LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

## Goods/Services Subject to Cancellation

Class 033. First Use: 2016/10/01 First Use In Commerce: 2016/10/01  
All goods and services in the class are subject to cancellation, namely: Hard Cider

## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5559498	Registration date	09/11/2018
Registrant	Platform Beers LLC 4125 Lorain Ave.		

	Cleveland, OH 44113 UNITED STATES
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### Goods/Services Subject to Cancellation

Class 032. First Use: 2015/02/20 First Use In Commerce: 2015/02/20 All goods and services in the class are subject to cancellation, namely: Beer
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5511873	Registration date	07/10/2018
Registrant	Platform Beers LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 032. First Use: 2015/01/01 First Use In Commerce: 2015/01/01 All goods and services in the class are subject to cancellation, namely: Beer
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### Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		
Registration No.	5459159	Registration date	05/01/2018
Registrant	Platform Beers LLC 4125 Lorain Ave. Cleveland, OH 44113 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 032. First Use: 2016/12/01 First Use In Commerce: 2016/12/01 All goods and services in the class are subject to cancellation, namely: Beer
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### Grounds for Cancellation

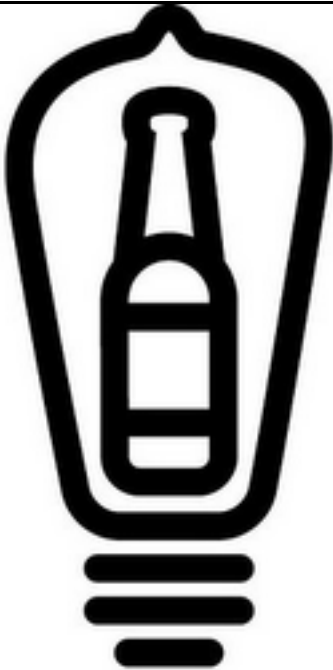
Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)		

Related Proceedings	91235429
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### Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	4653890	Application Date	08/20/2013
Registration Date	12/09/2014	Foreign Priority Date	NONE
Word Mark	EST. 2013 BOTTLE LOGIC BREWING		

Design Mark			
Description of Mark	<p>The mark consists of the word "EST." followed by an outline of a beer bottle inside an outline of a light-bulb with bolts on each side and followed by the word "2013", with the words "BOTTLE LOGIC" centered underneath, and then underneath that, the word "BREWING".</p>		
Goods/Services	<p>Class 032. First use: 2014/02/15 First Use In Commerce: 2014/02/15          Beer, namely, alcoholic beer, lager, ale, stout, porter, draft and micro-brew          Class 043. First use: 2014/02/15 First Use In Commerce: 2014/02/15          Bar, tasting room, and restaurant services</p>		
U.S. Registration No.	5001783	Application Date	09/09/2015
Registration Date	07/19/2016	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of an outline of a beer bottle inside an outline of a light-bulb.
Goods/Services	Class 032. First use: First Use: 2014/01/11 First Use In Commerce: 2014/07/16 Beer

Attachments	86043382#TMSN.png( bytes ) 86751248#TMSN.png( bytes ) Petition to Cancel.pdf(845033 bytes )
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Signature	/Daniel Christopherson/
Name	Daniel Christopherson
Date	01/07/2020

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

Bottle Logic Brewing LLC  Petitioner,  v.  Platform Beers LLC  Respondent.	Cancellation No. _____  Registration No. 5,871,926 - PLATFORM HARD SELTZER [design mark]  Registration No. 5,871,925 – PLATFORM BEER CO. [design mark]  Registration No. 5,850,296 – PLATFORM CIDER CO. [design mark]  Registration No. 5,662,837 – PLATFORM CAN COLLECTIVE [design mark]  Registration No. 5,559,758 – PLATFORM CIDER CO. [design mark]  Registration No. 5,559,498 – PLATFORM BEER CO. [design mark]  Registration No. 5,511,873 – PLATFORM BEER CO. [design mark]  Registration No. 5,459,159 – PLATFORM BEER CO. [design mark]
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**PETITION FOR CANCELLATION**

To the Assistant Commission for Trademarks  
ATTN: BOX TTAB  
2900 Crystal Drive  
Arlington, VA 22202-3513

Bottle Logic Brewing LLC (“Petitioner”), pursuant to Trademark Act § 1064, petitions to cancel Platform Beers LLC’s (“Respondent”) registrations for the following marks (the “Registered Marks”):

- A design mark with the literal element PLATFORM HARD SELTZER in class 32 for malt liquor, the subject of U.S. registration number 5,871,926;
- A design mark with the literal element PLATFORM BEER CO. in class 32 for beer, the subject of U.S. registration number 5,871,925;
- A design mark with the literal element PLATFORM CIDER CO. in class 33 for hard cider, the subject of U.S. registration number 5,850,296;
- A design mark with the literal element PLATFORM CAN COLLECTIVE in class 32 for beer, the subject of U.S. registration number 5,662,837;
- A design mark with the literal element PLATFORM CIDER CO. in class 32 for beer, the subject of U.S. registration number 5,559,758;
- A design mark with the literal element PLATFORM CIDER CO. in class 33 for hard cider, the subject of U.S. registration number 5,559,498;
- A design mark with the literal element PLATFORM BEER CO. in class 32 for beer, the subject of U.S. registration number 5,511,873; and
- A design mark with the literal element PLATFORM BEER CO. in class 32 for beer, the subject of U.S. registration number 5,459,159.

Petitioner petitions to cancel these registrations on the following grounds:

1. Petitioner is a limited liability company duly organized and existing under the laws of Wyoming, having a principal place of business located at 1072 N. Armando St., Anaheim, California. Petitioner operates in the beer industry as a manufacturer of beer with a tasting room.

2. Respondent is a limited liability company duly organized and existing under the laws of Ohio, having a principal place of business located at 4125 Lorain Ave., Cleveland, OH 44113.

3. Respondent is the owner of the Registered Marks.

4. Each of the Registered Marks includes, in part, the outline of an Edison-style light-bulb located centrally above Respondent's company name, "PLATFORM."

5. Petitioner owns a registration for a design mark that includes, in part, the outline of an Edison-style light-bulb ("Petitioner's Light-Bulb"), registration number 5,001,783, which was applied-for on September 9, 2015, and which registered on July 19, 2016 ("Registration `783"). Certificate of Registration attached hereto as Exhibit A.

6. Petitioner owns a registration for a design mark that includes, in part, Petitioner's Light-Bulb located centrally above Petitioner's company name, "BOTTLE LOGIC BREWING," registration number 4,653,890, which was applied-for on August 20, 2013, and which registered on December 9, 2014 ("Registration `890"). ("Registration `890" and "Registration `783" may be collectively referred to as "Petitioner's Registrations".) Certificate of Registration attached hereto as Exhibit B.

7. Petitioner has been using Petitioner's Light-Bulb as a mark or portion thereof in connection with the production, sale, marketing, and advertising of its alcoholic beverage products, namely beer, since at least as early as 2013.

8. Petitioner has developed a strong reputation for high quality alcoholic beverages, namely beer, in connection with Petitioner's Light-Bulb.

9. As a result of the substantial advertising and extensive sales of Petitioner's goods sold in connection with Petitioner's Light-Bulb, as well as the numerous awards and accolades Petitioner has won for Petitioner's goods branded with Petitioner's Light-Bulb, Petitioner's



Light-Bulb and its related marks have become well known and famous as distinctive source indicators and valuable symbols of Petitioner's goodwill.

10. Notwithstanding Petitioner's prior established rights in Petitioner's Light-Bulb, Respondent obtained the registrations for the Registered Marks for beer, hard cider, and other alcoholic beverages for design marks that incorporate an Edison-style light-bulb.

11. Respondent did not sell or market any alcoholic products under any of the Registered Marks prior to 2015.

**FIRST GROUNDS - LIKELIHOOD OF CONFUSION - § 2(d)**

12. Petitioner incorporates by reference Paragraphs 1 through 11, inclusive, as if fully set forth herein.

13. Each of the Registered Marks incorporate an Edison-style light-bulb in such a way as to closely resemble the marks that are the subject of Petitioner's Registrations and Petitioner's Light-Bulb ("Petitioner's Marks") that the use and continued registration of the Registered Marks is likely to cause confusion, mistake, and deception as to the source or origin of Respondent's goods in violation of Section 2(d) of the Trademark Act, and this will injure and damage Petitioner and the goodwill and reputation symbolized by Petitioner's Marks.

14. Respondent's goods sold under the Registered Marks are either identical, or so closely related, that the public is likely to be confused, to be deceived, and to assume erroneously that Respondent's goods are those of Petitioner, or that Respondent is in some way connected with or sponsored by or affiliated with Petitioner, all to Petitioner's irreparable damage.

15. Likelihood of confusion is further enhanced by the fact that Respondent offers goods that are the same or similar to those that Petitioner sells to the same prospective customers

who purchase Petitioner's goods through the same trade channels in which Petitioner sells its goods.

16. Likelihood of confusion in this case is further enhanced by the fact that prospective purchasers of Respondent's goods are likely to associate the Registered Marks with goods sold, approved, or endorsed by Petitioner.

17. On information and belief, Respondent incorporated an Edison-style light-bulb in order to intentionally cause confusion by trading on the goodwill associated with Petitioner's Marks and, therefore, it may be presumed that customers will in fact be confused.

18. Respondent is not affiliated or connected with nor is it approved, endorsed, or sponsored by Petitioner.

19. Similarly, Petitioner has not approved any goods sold or intended for sale by Respondent under its alleged marks, nor has Petitioner granted Respondent permission to use the Registered Marks.

20. By reason of the foregoing, Petitioner will be damaged by the continued registration of the Registered Marks and the registrations should be cancelled.

#### **SECOND GROUNDS - LIKELIHOOD OF DILUTION SECTION 43(c)**

21. Petitioner incorporates by reference Paragraphs 1-20, inclusive, as if fully set forth herein.

22. Petitioner's Marks are inherently distinctive.

23. Petitioner has used Petitioner's Marks since at least as early as 2013 for alcoholic beverages, namely beer.

24. As a result of the considerable publicity afforded Petitioner's Marks and the sizable and loyal base of customers that Petitioner has for its goods, Petitioner's Marks have strong consumer recognition.

25. Petitioner's Marks became famous well before Respondent filed to register the Registered Marks and well before any use by Respondent of the Registered Marks in commerce.

26. Petitioner's Marks and the Registered Marks are highly similar, and Respondent's use of the Registered Marks is likely to cause association between Petitioner's Marks and Respondent's Marks and the Registered Marks impair the distinctiveness of Petitioner's Marks and weaken the connection in the public's mind between Petitioner's Marks and Petitioner's goods.

27. Respondent's Marks are likely to cause dilution by blurring, based on a number of relevant considerations, including:

- a. Respondent's Marks are similar to Petitioner's Marks, particularly by the including of the outline of an Edison-style light-bulb, and the placement of such light-bulb centrally above the name of Respondent's company in a manner that very similar to Petitioner's Marks;
- b. Petitioner's Marks are inherently distinctive in relation to alcoholic beverages, namely beer;
- c. Petitioner has made substantially exclusive use of Petitioner's Marks;
- d. Petitioner's Marks are widely recognized by the craft alcoholic beverage consuming public;
- e. Respondent was aware of Petitioner's Marks when Respondent selected and applied to register the Registered Marks.

28. The Registered Marks are unregistrable under 15 U.S.C. §§ 1052, 1053, 1063, and 1125,  
and the registrations should be cancelled.

Wherefore, Petitioner prays that this Petition for Cancellation be sustained and that the  
Registered Marks be cancelled.

Date: January 7, 2020

By: /Daniel Christopherson/  
Daniel Christopherson  
*Attorney for Petitioner, Bottle Logic Brewing, LLC*

Christopherson Law Firm PLLC  
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Littleton, CO 80128  
T: 720-515-8773  
E: dan@brew.law

EXHIBIT A

# United States of America

United States Patent and Trademark Office



**Reg. No. 5,001,783**

**Registered Jul. 19, 2016**

**Int. Cl.: 32**

**Trademark**

**Principal Register**

Bottle Logic Brewing LLC (WYOMING LIMITED LIABILITY COMPANY)  
1072 N. ARMANDO ST  
ANAHEIM, CA 92806

CLASS 32: Beer

FIRST USE 1-11-2014; IN COMMERCE 7-16-2014

The mark consists of an outline of a beer bottle inside an outline of a lightbulb.

OWNER OF U.S. REG. NO. 4565217

SER. NO. 86-751,248, FILED 09-09-2015

INGA MARIE ERVIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

EXHIBIT B

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,653,890**

**Registered Dec. 9, 2014**

**Int. Cls.: 32 and 43**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

BOTTLE LOGIC BREWING, LLC (WYOMING LIMITED LIABILITY COMPANY)  
1072 N ARMANDO ST.  
ANAHEIM, CA 92806

FOR: BEER, NAMELY, ALCOHOLIC BEER, LAGER, ALE, STOUT, PORTER, DRAFT AND MICRO-BREW, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 2-15-2014; IN COMMERCE 2-15-2014.

FOR: BAR, TASTING ROOM, AND RESTAURANT SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 2-15-2014; IN COMMERCE 2-15-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "EST. 2013" AND "BREWING", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "EST." FOLLOWED BY AN OUTLINE OF A BEER BOTTLE INSIDE AN OUTLINE OF A LIGHT-BULB WITH BOLTS ON EACH SIDE AND FOLLOWED BY THE WORD "2013", WITH THE WORDS "BOTTLE LOGIC" CENTERED UNDERNEATH, AND THEN UNDERNEATH THAT, THE WORD "BREWING".

SN 86-043,382, FILED 8-20-2013.

NICHOLAS ALTREE, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office