

ESTTA Tracking number: **ESTTA1070504**

Filing date: **07/24/2020**

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	MAESTRO TEQUILERO, S.A. DE C.V.		
Entity	Company	Citizenship	Mexico
Address	INSURGENTES SUR NO. 1605, PISO 20 GRANJAS MEXICO, 0840 MEXICO		
Attorney information	ERICA R. HALSTEAD ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10017 UNITED STATES Primary Email: erhalstead@lawabel.com Secondary Email(s): docket@lawabel.com 2129499022		
Docket Number			

**Registrations Subject to Cancellation**

Registration No.	5846859	Registration date	08/27/2019
Registrant	PARTIDA HERMOSILLO, GILDARDO LAZARO CARDENAS NUM. 34, EL TRIANGULO EL ARENAL, JALISCO, 45350 MEXICO		

**Goods/Services Subject to Cancellation**

Class 033. First Use: 2019/02/26 First Use In Commerce: 2019/02/26 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages, except beer
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**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Registration No.	5869770	Registration date	09/24/2019
Registrant	PARTIDA HERMOSILLO, GILDARDO LAZARO CARDENAS NUM. 34, EL TRIANGULO EL ARENAL, JALISCO, 45350 MEXICO		

## Goods/Services Subject to Cancellation

Class 033. First Use: 2019/07/01 First Use In Commerce: 2019/07/01 All goods and services in the class are subject to cancellation, namely: Alcoholic beverages except beers; Alcoholic beverages, except beer
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## Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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## Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3624848	Application Date	08/29/2003
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	MAESTRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2009/01/20 First Use In Commerce: 2009/01/20 Tequila		

U.S. Registration No.	3624849	Application Date	08/29/2003
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	MAESTRO TEQUILERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2009/01/20 First Use In Commerce: 2009/01/20 Tequila		

U.S. Registration No.	4488885	Application Date	10/20/2011
Registration Date	02/25/2014	Foreign Priority Date	NONE
Word Mark	MAESTRO DOBEL		

Design Mark	<h1>MAESTRO DOBEL</h1>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2013/11/12 First Use In Commerce: 2013/11/12 Alcoholic beverages, namely, tequila

U.S. Registration No.	4122301	Application Date	01/05/2010
Registration Date	04/03/2012	Foreign Priority Date	NONE

Word Mark	MAESTRO TEQUILERO
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Design Mark	
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Description of Mark	The mark consists of the words "MAESTROTEQUILERO" appearing within a circle with a representation of a figure drinking appearing inside the circle and two horns appearing on each side.
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Goods/Services	Class 033. First use: First Use: 2009/01/20 First Use In Commerce: 2009/01/20 Tequila
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U.S. Registration No.	3442162	Application Date	11/13/2003
Registration Date	06/03/2008	Foreign Priority Date	NONE

Word Mark	RESERVA DEL MAESTRO
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Design Mark	<h1>RESERVA DEL MAESTRO</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2008/03/14 First Use In Commerce: 2008/03/14 Tequila[ ; prepared alcoholic cocktail mixes containing tequila ]		

U.S. Registration No.	4660142	Application Date	12/04/2012
Registration Date	12/23/2014	Foreign Priority Date	NONE

Word Mark	MAESTRO DOBEL
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Design Mark			
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Description of Mark	The mark consists of the words "MAESTRODOBEL" in special form with a representation of a horn within a circle all appearing on a rectangle.		
Goods/Services	Class 033. First use: First Use: 2013/11/12 First Use In Commerce: 2013/11/12 Tequila		

U.S. Registration No.	5465261	Application Date	08/16/2016
Registration Date	05/08/2018	Foreign Priority Date	NONE
Word Mark	MAESTRO DOBEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2013/11/12 First Use In Commerce: 2013/11/12 Tequila		

U.S. Registration No.	5775732	Application Date	06/03/2014
Registration Date	06/11/2019	Foreign Priority Date	NONE
Word Mark	RESERVA DEL MAESTRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2013/11/12 First Use In Commerce: 2013/11/12 Alcoholic beverages, namely, distilled blue agave liquor		

U.S. Registration No.	5730611	Application Date	12/20/2012
Registration Date	04/23/2019	Foreign Priority Date	NONE
Word Mark	MAESTRO DOBEL TEQUILA MAESTRO DOBEL SINGLE ESTATE TEQUILA 100% DE AGAVE REPOSADO EN BARRICAS DE ROBLE RESERVA DEL MAESTRO TEQUILERO 100% AGAVE MAESTRO DOBEL TEQUILA		

Design Mark			
Description of Mark	<p>The mark consists of a representation of a bottle with a label on the bottle with the words "MAESTRO DOBEL TEQUILA" and a horn logo and a label on the neck reading "MAESTRO DOBEL TEQUILA", the bottle has words on the glass reading "MAESTRODOBEL SINGLE ESTATE TEQUILA 100% AGAVE RESPOSADO EN BARRICAS DE ROBLE RESERVA DEL MAESTRO TEQUILERO", the matter depicted in broken lines is not claimed as a feature of the mark and serves only to show the position or placement of the mark.</p>		
Goods/Services	<p>Class 033. First use: First Use: 2012/08/00 First Use In Commerce: 2012/08/00 Distilled blue agave spirits</p>		
U.S. Registration No.	5572507	Application Date	10/28/2008
Registration Date	10/02/2018	Foreign Priority Date	NONE
Word Mark	RESERVA DEL MAESTRO DOBEL DIAMOND		

Design Mark	
Description of Mark	<p>The mark consists of a three-dimensional configuration of the packaging for the goods with a label in black containing the silver words "RESERVA DEL MAESTRO DOBEL DIAMOND", a representation of a hornin silver inside a silver circle; a black neck band with silver edges, a black base bordered with silver edges, and etched representations of agave leaves on the base of the bottle and a black cap, the broken lines depicting the bottle shape and cap indicate placement of the mark on the goods and are not part of the mark.</p>
Goods/Services	<p>Class 033. First use: First Use: 2008/03/12 First Use In Commerce: 2008/03/12 distilled blue agave liquor</p>

U.S. Application No.	88027081	Application Date	07/05/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MAESTRO DOBEL HUMITO		
Design Mark	<p style="text-align: center;"><b>MAESTRO DOBEL HUMITO</b></p>		
Description of Mark	NONE		
Goods/Services	<p>Class 033. First use: First Use: 2015/12/29 First Use In Commerce: 2015/12/29 Distilled blue agave liquor</p>		

Attachments	78981040#TMSN.png( bytes )
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	85452470#TMSN.png( bytes ) 77982963#TMSN.png( bytes ) 78327660#TMSN.png( bytes ) 85794264#TMSN.png( bytes ) 87140552#TMSN.png( bytes ) 86299117#TMSN.png( bytes ) 85808173#TMSN.png( bytes ) 77602382#TMSN.png( bytes ) 88027081#TMSN.png( bytes ) MAESTRO v LOTE MAESTRO word and design Pet to Cancel.pdf(89469 bytes )
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Signature	/erh/
Name	Erica R. Halstead
Date	07/24/2020



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

In re: Reg. Nos. 5846859 and 5869770

Marks: LOTE MAESTRO and LOTE MAESTRO & Design

<p>MAESTRO TEQUILERO, S.A. DE C.V.</p> <p style="margin-left: 100px;">Petitioner,</p> <p style="margin-left: 100px;">v.</p> <p>GILDARDO PARTIDA HERMOSILLO,</p> <p style="margin-left: 100px;">Respondent</p>
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Cancellation No.

**PETITION FOR CANCELLATION**

Maestro Tequilero, S.A. de C.V. (“Petitioner”), a corporation of Mexico with a business address at Insurgentes Sur No. 1605, Piso 20, Col. San Jose Insurgentes, Mexico 0390, believes that it is and will continue to be damaged by registration of the marks LOTE MAESTRO and LOTE MAESTRO & Design in the name of Gildardo Partida Hermosillo (“Respondent”), an individual of Mexico with a business address of Lazaro Cardenas Num. 34, El Triangulo, El Arenal, Jalisco, Mexico 45350, and hereby petitions to cancel same.

As grounds for Cancellation, Petitioner alleges:

1. On August 9, 2018, Respondent filed an application to register the mark LOTE MAESTRO for “alcoholic beverages, except beer” in Class 33. This mark proceeded to registration on August 27, 2019 and was assigned Reg. No. 5846859. Respondent claims first commercial use of the mark occurred on February 26, 2019.
2. On October 18, 2018, Respondent filed an application to register the mark LOTE MAESTRO & Design for “alcoholic beverages, except beer” in Class 33. This mark proceeded to registration on September 24, 2019 and was assigned Reg. No. 5869770. Respondent claims first commercial use of the mark occurred on July 1, 2019.

(Hereinafter, Reg. Nos. 5846859 and 5869770 will be referred to as “Respondent’s Marks”).

3. Upon information and belief, Respondent uses Respondent’s Marks in connection with tequila.
4. Petitioner owns the following marks for tequila:

Reg. No. 3624848 <i>(incontestable)</i>	MAESTRO
Reg. No. 3624849 <i>(incontestable)</i>	MAESTRO TEQUILERO
Reg. No. 4488885 <i>(incontestable)</i>	MAESTRO DOBEL
Reg. No. 4122301 <i>(incontestable)</i>	MAESTRO TEQUILERO & Design
Reg. No. 3442162	RESERVA DEL MAESTRO
Reg. No. 4660142	MAESTRO DOBEL & Design
Reg. No. 5465261	MAESTRO DOBEL
Reg. No. 5775732	RESERVA DEL MAESTRO
Reg. No. 5730611	MAESTRO DOBEL & Bottle Design
Reg. No. 5572507	RESERVA DEL MAESTRO DOBEL DIAMOND
Ser. No. 88/027081	MAESTRO DOBEL HUMITO

(Hereinafter, the above marks will be referred to as “Petitioner’s MAESTRO Marks”).

5. Petitioner’s first commercial use of each of Petitioner’s MAESTRO Marks predates both the filing dates and the claimed dates of first use of Respondent’s Marks, thus Petitioner has priority.

6. By virtue of the distribution, sale, advertising and promotion of goods bearing Petitioner's MAESTRO Marks, such Marks have become widely recognized by the purchasing public as identifying goods produced exclusively by Petitioner.
7. Respondent's Marks contain Petitioner's registered MAESTRO mark in its entirety.
8. Respondent's Marks are confusingly similar to Petitioner's MAESTRO Marks in sight, sound and commercial impression.
9. The goods covered by Respondent's Marks are identical to and/or commercially related to the goods covered by Petitioner's MAESTRO Marks, thus source confusion is likely.
10. Petitioner's goods and Respondent's goods will be marketed through the same channels of trade, thus source confusion is likely.
11. Petitioner's goods and Respondent's goods will be marketed and directed to the same classes of prospective purchasers, thus source confusion is likely.
12. Respondent's Marks are confusingly similar to Petitioner's MAESTRO Marks in overall sight, sound and commercial impression. Additionally, Respondent's trade channels and end consumers overlap with those of Petitioner. Accordingly, use and registration of Respondent's Marks is likely to deceive and to cause mistake or confusion among members of the public as to the source of Respondent's goods within the meaning of 15 U.S.C. §1052(d).
13. Based on the foregoing, Petitioner believes it has been damaged by, and will continue to be damaged by, the continued registration of Respondent's Marks.

**WHEREFORE**, Petitioner believes that it has a real interest in this proceeding and will be irreparably damaged by the continued registration of the Respondent's Marks, and respectfully requests that the Board sustain this Cancellation.

Dated: July 24, 2020

Respectfully submitted,



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