

ESTTA Tracking number: **ESTTA1226790**

Filing date: **08/04/2022**

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	Armed Forces Brewing Company, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1420 CATLYN PL ANNAPOLIS, MD 21401 UNITED STATES		
Attorney information	H. MICHAEL DRUMM DRUMM LAW LLC 12650 W. 64TH AVE #519 ARVADA, CO 80002 UNITED STATES Primary email: trademark@drummlaw.com No phone number provided		
Docket no.			

Registration subject to cancellation

Registration no.	3192711	Registration date	01/02/2007
Register	Principal		
Registrant	GRUNDOON LLC C/O KOENIG & ASSOCIATES 920 GARDEN ST. SANTA BARBARA, CA 93101 UNITED STATES		

Goods/services subject to cancellation

Class 033. First Use: Oct 8, 2003 First Use In Commerce: Oct 8, 2003
All goods and services in the class are subject to cancellation, namely: Wine

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
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Attachments	Petition for Cancellation JARHEAD BREWERY.PDF(706751 bytes)
Signature	/Trent E. Rinebarger/
Name	Trent E. Rinebarger
Date	08/04/2022

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

In The Matter of Trademark Registration No. 3192711
For the mark JARHEAD RED
Registered on the Principal Register January 2, 2007

ARMED FORCES BREWING)	
COMPANY, INC.)	
)	
<i>Petitioner,</i>)	
v.)	
)	Cancellation No. _____
GRUNDOON LLC)	
)	
<i>Registrant.</i>)	

PETITION FOR CANCELLATION

Petitioner Armed Forces Brewing Company, Inc. (“**Petitioner**”) is a Delaware corporation having its headquarters at 1420 Catlyn Pl, Annapolis, Maryland 21401.

Grundoon LLC (“**Registrant**”) is a California limited liability company with an address of record of 620 McMurray Road, Buellton, California 93427.

Petitioner believes that it is being damaged by registration of the mark JARHEAD RED, and hereby files this Petition for Cancellation against the same.

The grounds for this Petition for Cancellation are as follows:

1. On August 9, 2021, Petitioner filed an application with the USPTO to register the mark JARHEAD BREWERY (Serial Number 90872711) in Class 043 for “Bar services featuring beer; Taproom services; Taproom services featuring beer brewed on premises” (the “Application”). **EXHIBIT A.** The USTPO has refused to register the Application on the basis of Section 2(d) likelihood of confusion with the registered mark

JARHEAD RED (Registration No. 3192711) in Class 33 for “Wine” (the “Registered Mark”).

2. Registrant is the record owner of the Registered Mark.

3. Upon information and belief, Registrant no longer uses nor intends to use its trademark JARHEAD RED in commerce and thus has abandoned the registration.

4. There is no record of Registrant applying for or having been granted a COLA (Certification/Exemption of Label/Bottle Approval) since at least 2012. **EXHIBIT B.** A company known as Curtis Wines Grundoon LLC had an approval in 2012 for a 2009 vintage. **EXHIBIT C.** The relationship to Registrant is unknown.

5. The California Secretary of State filings indicate that Registrant’s business is a “Real Estate Holding Company.” **EXHIBIT D.** Upon information and belief, Registrant does not own or operate a winery.

6. The domain jarheadred.com indicates that by September 29, 2019, all wines had sold out. **EXHIBIT E.** The website currently has no wines for sale, and currently still references a 2017 vintage that it states is “sold out.” **EXHIBIT F.**

7. Petitioner is damaged by the Registered Mark because the Application has been refused based on the Registered Mark and the Registered Mark is preventing Petitioner from lawfully obtaining registration for its JARHEAD BREWERY trademark.

COUNT I - ABANDONMENT

8. Petitioner restates and incorporates paragraphs 1 through 7 as if fully stated herein.

9. According to 15 U.S.C. § 1127, a trademark shall be deemed abandoned when “its use has been discontinued with intent not to resume such use.” The intent not to

resume may be inferred from circumstances. *Id.*

10. Upon information and belief, the Registered Mark has been abandoned and Registrant is not using and does not intend to resume use of the Registered Mark in connection with the sale of wine in interstate commerce.

11. Accordingly, the Registered Mark has become abandoned as to Class 33 for the purposes of Section 45 of the Trademark Act, and thus the registration should be cancelled.

Petitioner Armed Forces Brewing Company, Inc. hereby appoints H. Michael Drumm, Trent E. Rinebarger, and Ethan Larson, members of the Bar of the State of Colorado, whose address is Drumm Law, LLC, 12650 W. 64th Avenue, #519, Arvada, Colorado 80004, as its attorneys to prosecute this Petition for Cancellation with full power of substitution and revocation, to transact all business in the Patent and Trademark Office in connection therewith. All communications, verbal or written, are to be addressed to:

H. Michael Drumm, Esq.
Trent E. Rinebarger, Esq.
Ethan Larson, Esq.
Drumm Law, LLC
12650 W. 64th Avenue, #519
Arvada, Colorado 80004
Phone: (303) 968-1900
Facsimile: (720) 310-2025
Email: trademark@drummlaw.com
trent@drummlaw.com

The statutory fee of \$600 per class under 37 CFR 2.6(a)(17) has been filed online via <http://estta.uspto.gov/>.

WHEREFORE, Petitioner prays that cancellation be granted with Registration No. 3192711 being ordered cancelled.

Respectfully submitted,

/Trent E. Rinebarger/

H. Michael Drumm, Esq.
Trent E. Rinebarger, Esq.
Ethan Larson, Esq.
Drumm Law, LLC
12650 W. 64th Avenue, #519
Arvada, Colorado 80002
Phone: (303) 968-1900
Facsimile: (720) 310-2025
Email: trademark@drummlaw.com
trent@drummlaw.com

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this Petition for Cancellation is being electronically filed with United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 via ESTTA on:

Date: August 4, 2022 /s/ Trent E. Rinebarger, Esq.

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Petition for Cancellation was served on Registrant via electronic mail on the date indicated below:


Kurt Koenig
Koenig & Associates
P.O. Box 1140
Summerland, CA 93067-1140
Kurt@incip.com

Date: August 4, 2022 /s/ Trent E. Rinebarger, Esq.


EXHIBIT A

ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
ATTORNEY INFORMATION	
NAME	H. Michael Drumm
ATTORNEY BAR MEMBERSHIP NUMBER	XXX
YEAR OF ADMISSION	XXXX
U.S. STATE/ COMMONWEALTH/ TERRITORY	XX
STREET	14656 W 56th Dr.
CITY	Arvada
STATE	Colorado
COUNTRY/REGION/JURISDICTION/U.S. TERRITORY	United States
ZIP/POSTAL CODE	80002
PHONE	303-968-1900
EMAIL ADDRESS	pto@drummlaw.com
OTHER APPOINTED ATTORNEY	Trent Rinebarger, David Gusewelle, Marc Rietvelt
CORRESPONDENCE INFORMATION	
NAME	H. Michael Drumm
PRIMARY EMAIL ADDRESS FOR CORRESPONDENCE	pto@drummlaw.com
SECONDARY EMAIL ADDRESS(ES) (COURTESY COPIES)	NOT PROVIDED
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	250
*TOTAL FEES DUE	250
*TOTAL FEES PAID	250
SIGNATURE INFORMATION	
* SIGNATURE	/Trent E. Rinebarger/
* SIGNATORY'S NAME	Trent E. Rinebarger
* SIGNATORY'S POSITION	Attorney of Record, Colorado bar member
* DATE SIGNED	08/09/2021
SIGNATURE METHOD	Signed directly within the form

EXHIBIT B



ALCOHOL AND TOBACCO TAX AND TRADE BUREAU
U.S. Department of the Treasury



COLA Registry

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

TTB F 5100.31: Application For and Certification/
Exemption of Label/Bottle Approval

[Search Public COLA Registry](#)
[COLAs Online FAQs](#)
[Contact Us](#)
[COLAs Online Logon](#)

Search Results: COLAs


[Printable Version](#)
[Save Search Results To File](#)


1 to 3 of 3 (Total Matching Records: 3)

TTB ID	Permit No.	Serial Number	Completed Date	Fanciful Name	Brand Name	Origin	Origin Desc	Class/Type	Class/Type Desc
11046001000460	DSP-NY-15028	110001	03/18/2011	JARHEAD	COMB	02	NEW YORK	209	OTHER DISTILLED GIN
12321001000195	BW-CA-6065	120022	11/28/2012	RESERVE	JARHEAD	01	CALIFORNIA	88	DESSERT /PORT/SHERRY/(COOKING) WINE
20312001000023	BWN-MN-21073	2068V5	11/16/2020	JARHEAD	68 & VINE VETERANS WINERY	27	MINNESOTA	80	TABLE RED WINE

[Printable Version](#)
 1 to 3 of 3 (Total Matching Records: 3)

Alcohol and Tobacco Tax and Trade Bureau, 2003 Contact us at webmaster@ttb.treas.gov





While the Alcohol and Tobacco Tax and Trade Bureau (TTB) makes every effort to provide complete information, data such as company names, addresses, permit numbers, and other data provided in the registry may change over time. TTB makes no warranty, expressed or implied, and assumes no legal liability or responsibility as to the accuracy, reliability or completeness of furnished data. Label images contained within the Public COLA Registry may appear differently, with respect to type size, characters per inch and contrasting background, than actual labels on the container. We also remind users of the Public COLA Registry that section V. of the instructions for the TTB COLA Form 5100.31, Allowable Revisions to Approved Labels, identifies various types of label information that may be changed by the COLA holder without the need for re-approval. TTB welcomes suggestions on how to improve our Public COLA Registry. Please contact us via [online inquiry](#).

If you have difficulty accessing any information in the site due to a disability, please contact us via email (webmaster@ttb.treas.gov) and we will do our best to make the information available to you.

This site is best viewed at 1280x800 screen resolution or higher using Internet Explorer 11 or higher.

9:52 AM
2/24/2022

EXHIBIT C

TTB F 5100.31: Application For and Certification/
Exemption of Label/Bottle Approval

[COLAs Online Login](#)

COLA Detail

TTB ID: 12321001000195 [Printable Version](#)

Status: APPROVED

Vendor Code: 16877

Serial #: 120022

Class/Type Code: DESSERT /PORT/SHERRY/(COOKING) WINE

Origin Code: CALIFORNIA

Brand Name: JARHEAD

Fanciful Name: RESERVE

Type of Application: LABEL APPROVAL

For Sale In:

Total Bottle Capacity:

Grape Varietal(s): Cabernet Franc

Wine Vintage: 2009

Formula :

Approval Date: 11/28/2012

Qualifications:

TTB has not reviewed this label for type size, characters per inch or contrasting background. The responsible industry member must continue to ensure that the mandatory information on the actual labels is displayed in the correct type size, number of characters per inch, and on a contrasting background in accordance with the TTB labeling regulations, 27 CFR parts 4, 5, 7, and 16, as applicable.

Plant Registry/Basic Permit/Brewers No (Principal Place of Business):

BW-CA-6065
CURTIS WINERY, GRUNDOON LLC
5249 FOXEN CANYON RD
LOS OLIVOS, CA 93441

Plant Registry/Basic Permit/Brewers No (Other):

Contact Information:
KATHI WATSON

EXHIBIT D



Secretary of State
Elaine F. Marshall

[Secretary of State](#) > [Business Registration](#) > [Search](#) > [Results](#) > Business Corporation

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Business Corporation

Legal Name

White Rabbit Brewing Company Inc.

Information

SosId: 1236638

Status: Dissolved

Annual Report Status: Not Applicable

Citizenship: Domestic

Date Formed: 1/3/2012

Fiscal Month: December

Registered Agent: [Ostrapp, Kenneth J](#)

Addresses

Reg Office

2018 Prairie Ridge Ct
Fuquay Varina, NC 27526-7293

Reg Mailing

2018 Prairie Ridge Ct
Fuquay Varina, NC 27526-7293

Mailing

219 Fish Drive
Angier, NC 27501-6077

Principal Office

219 Fish Drive
Angier, NC 27501-6077

Officers

President

[Kenneth J Ostrapp](#)
2018 Prairie Ridge Ct
Fuquay Varina NC 27526

Stock

Class: Common

Shares: 10000

No Par Value: Yes

Class: Preferred

Shares: 0

Par Value: 1

Business Registration

[Basics of Launching a NC Business](#)

[Forms/Fees](#)

[File an Annual Report](#)

[Frequently Asked Questions](#)

[Online Business Services](#)

[Alerts!](#)

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[Assumed Business Names](#)

EXHIBIT E

web.archive.org/web/20190929215020/http://www.jarheadred.com/

USPTO TSDR Case... Gmail YouTube Maps Log in - Accountant... New Alcohol To-Go... Direct Shipment of...


147 captures
18 Jul 2006 - 30 Mar 2022

AUG SEP NOV
2018 29 2019 2020

JARHEAD

WINES OF CHARACTER

WINES MISSION PURCHASE ENLIST VISIT FIELD REPORTS



Send a Bottle to a Marine

Find Our Wines

JARHEAD RED

JARHEAD

RESERVE


Welcome to Jarhead Wine Company

NOTE: All wines are currently sold out. Look for Jarhead Red to return in Fall 2020

THE MARINES BUILD CHARACTER. WE BOTTLE IT.
Our Mission: To make distinctively robust red wines in support of the Marine Corps Scholarship Foundation, which provides educational assistance to children of U.S. Marines, with special consideration given to families of fallen Marines.

ADAM FIRESTONE
CAPT USMC '84 - '91

PETER FIRESTONE
Management Intern



12:28 PM
8/4/2022

EXHIBIT F

The screenshot shows a web browser window with the URL jarheadred.com/wines/. The page features a navigation menu with links for WINES, MISSION, PURCHASE, ENLIST, VISIT, and FIELD REPORTS. Below the menu, a banner indicates '2017 Jarhead Red - SOLD OUT' and provides a link to 'Find Our Wines'. The main content area is divided into two columns. The left column contains a photograph of a bottle of 2017 Jarhead Red wine. The right column contains the following text:

2017 JARHEAD RED - SOLD OUT

CALIFORNIA

Jarhead Red is a wine on a mission to support the Marine Corps Scholarship Foundation. True to its name, Jarhead Red boasts a robust character with rich black fruit flavors and a finish that doesn't quit. This is the 14th vintage of Jarhead Red since the inaugural vintage of 1999.

TASTING NOTES

The 2017 Jarhead Red offers generous aromas of plum, cherry and spice with a hint of smokiness. A rich, mouthfilling texture unfolds with flavors of black cherry, blackberry and cassis. Notes of vanilla emerge on a broad, juicy finish. This boldly flavored wine is a perfect match for classic American fare, such as grilled steak, barbecued chicken and hamburgers.

VINEYARD & PROCESS

The 2017 Jarhead Red is composed of Merlot, with a small amount of Cabernet Franc and Petit Verdot from the Santa Ynez Valley, a premier appellation for Bordeaux varietals on California's Central Coast. In Santa Ynez, at the Firestone family's Curtis Estate, a daily interplay of warm days and cool evenings allows the fruit to achieve balanced ripeness, with intense flavors and full, rich tannins.

FINAL ANALYSIS & STATS

ALC/VOL 14.2
TA .59
PH 3.61

At the bottom right of the page, the time and date are displayed as 2:45 PM on 8/4/2022.