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Filing date: **03/29/2023**

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	Brand House Wines & Spirits LLC		
Entity	Corporation	Citizenship	Delaware
Address	141 PARKWAY ROAD SUITE 13C BRONXVILLE, NY 10708 UNITED STATES		
Attorney information	CANDICE E. KIM GREENBERG TRAUIG, LLP 1840 CENTURY PARK E, SUITE 1900 LOS ANGELES, CA 90067 UNITED STATES Primary email: gtipmail@gtlaw.com Secondary email(s): candice.kim@gtlaw.com, irene.chen@gtlaw.com, jeremy.lane@gtlaw.com 310-586-3867		
Docket no.	172559010100		

Registration subject to cancellation

Registration no.	3109569	Registration date	06/27/2006
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	Brandhouse A/S MIDDELFARTGADE 17 KÅ, BENHAVN Å#, DK2100 DENMARK		

Goods/services subject to cancellation

<p>Class 035. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Advertising agencies and advertising consultation services; advertising services, namely, creating corporate and brand identity and logos for others, promotion services relating to the sale of articles and services for third parties by the transmission of advertising material through all public communications means, designing and developing advertising and marketing campaigns for others</p>
<p>Class 042. First Use: None First Use In Commerce: None All goods and services in the class are subject to cancellation, namely: Industrial design, commercial and graphic art design; computer graphics services; computer services, namely designing and implementing computer web sites for others</p>

Grounds for cancellation

Abandonment	Trademark Act Section 14(3)
Mark never used in commerce	Trademark Act Section 14(6)

Attachments	Petition for Cancellation of BRANDHOUSE Reg. No. 3109569.pdf(183171 bytes)
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Signature	/IC/
Name	Irene Chen
Date	03/29/2023

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

In the Matter of Registration No. 3,109,569
For the mark: BRANDHOUSE
Registered: June 27, 2006

_____)	
BRAND HOUSE WINES & SPIRITS LLC,)	
)	
Petitioner,)	
)	Cancellation No.:
v.)	
)	
BRANDHOUSE A/S,)	
)	
Respondent.)	
_____)	

PETITION FOR CANCELLATION

Petitioner Brand House Wines & Spirits LLC believes that it has been and will continue to be damaged by the continued registration of the mark that is the subject of Registration No. 3,109,569 and hereby petitions for cancellation of the same in its entirety.

The grounds for cancellation are as follows:

BACKGROUND

1. Petitioner Brand House Wines & Spirits LLC ("Petitioner") is a Delaware limited liability company having a principal place of business of 141 Parkway Road, Suite 13C, Bronxville, New York 10708.

2. Founded in February 2017, Petitioner develops alcoholic beverage brands, mostly in partnership with entrepreneurs and celebrities, offering incubation, management, marketing, production, operations, distribution, and financing services from concept to exit.

3. According to the U.S. Patent and Trademark Office (“USPTO”) database, Respondent Brandhouse A/S (“Respondent”) is a Denmark public limited company with an address of Middelfartgade 17, København Ø Denmark DK2100.

4. Respondent filed a Section 66(a) application for the mark BRANDHOUSE (“Respondent’s Mark”) on December 22, 2004 covering “Advertising agencies and advertising consultation services; advertising services, namely, creating corporate and brand identity and logos for others, promotion services relating to the sale of articles and services for third parties by the transmission of advertising material through all public communications means, designing and developing advertising and marketing campaigns for others” in Class 35 and “Industrial design, commercial and graphic art design; computer graphics services; computer services, namely designing and implementing computer web sites for others” in Class 42. On June 27, 2006, the USPTO issued Registration No. 3,109,569 (the “Registration”) for Respondent’s BRANDHOUSE mark.

5. On March 17, 2021, Petitioner filed an application to register its mark BRAND HOUSE (“Petitioner’s Mark”) covering, as amended, “Incubation services, namely, providing financing to startups in the field of alcoholic beverages; financing services, namely, financing of loans to start ups, in the field of alcoholic beverages” in Class 36. Petitioner’s application for the BRAND HOUSE mark was assigned Serial No. 90/585,472 (“Petitioner’s Application”).

6. On December 29, 2022, the Examiner at the USPTO refused Petitioner’s Application based on a Section 2(d) likelihood of confusion with Respondent’s Registration.¹

¹ The Office Action appears to only discuss Class 35 as being conflicting with Petitioner’s Class 36 and does not address Class 42. However, for purposes of certainty, Petitioner seeks to cancel both classes.

COUNT I
NON-USE

7. Upon information and belief, Respondent has not rendered the services identified in Respondent's Registration under the BRANDHOUSE mark in United States interstate commerce.

8. Neither Respondent's website or the specimen submitted with Respondent's Section 71 Declaration unequivocally support that Respondent has rendered its "Advertising agencies and advertising consultation services; advertising services, namely, creating corporate and brand identity and logos for others, promotion services relating to the sale of articles and services for third parties by the transmission of advertising material through all public communications means, designing and developing advertising and marketing campaigns for others" in Class 35 and "Industrial design, commercial and graphic art design; computer graphics services; computer services, namely designing and implementing computer web sites for others" in Class 42 in United States interstate commerce.

9. Based upon a review of Respondent's website, Respondent's service offerings appear to be limited to companies in Denmark and there is no mention of its Class 35 and Class 42 services being offered in the United States.

10. Because there was no *bona fide* use in United States interstate commerce of the BRANDHOUSE mark by Respondent in connection with its Class 35 and Class 42 services, the Registration should be cancelled in its entirety.

COUNT II
ABANDONMENT

11. Even assuming that there has ever been any use of the BRANDHOUSE mark in United States interstate commerce in connection with its Class 35 and Class 42 services, Respondent has not used the BRANDHOUSE mark in United States interstate commerce for at least three (3) consecutive years.

12. Upon information and belief, and based on Petitioner's reasonable investigation, Respondent is not currently using the BRANDHOUSE mark in United States interstate commerce for its Class 35 and Class 42 services.

13. Upon information and belief, and based on Petitioner's reasonable investigation, Respondent has no *bona fide* intention to resume using the BRANDHOUSE mark in United States interstate commerce in connection with its Class 35 and Class 42 services.

14. Respondent has abandoned Registration No. 3,109,569 for the BRANDHOUSE mark, and the Registration should be cancelled by the Trademark Trial and Appeal Board.

15. By virtue of the foregoing, if Respondent's Registration is permitted to remain, Petitioner is damaged and will continue to be damaged because the continued existence of such improper Registration stands as a bar to Petitioner's ability to federally register and protect Petitioner's BRAND HOUSE mark.

WHEREFORE, Petitioner respectfully requests that this Petition be granted and Registration No. 3,109,569 for the BRANDHOUSE mark be cancelled in its entirety on the grounds set forth above.

Date: March 29, 2023

Respectfully submitted,

By: 

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CERTIFICATE OF ELECTRONIC TRANSMISSION

The undersigned hereby certifies that a true copy of the foregoing PETITION FOR CANCELLATION is being filed electronically with the United States Patent and Trademark Office Trademark Trial and Appeal Board on March 29, 2023, through the ESTTA electronic filing system at the website <http://estta.uspto.gov/>.

A handwritten signature in black ink, appearing to read 'Irene Chen', written over a horizontal line.

Irene Chen