

ESTTA Tracking number: **ESTTA1284668**

Filing date: **05/12/2023**

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                 | CASA LUMBRE, S.A.P.I. DE C.V.   |             |        |
| Entity               | Corporation   | Citizenship | Mexico |
| Address              | PASEO DE LOS TAMARINDOS 90, TORRE 2<br>PISO 5, COL. BOSQUES DE LAS LOMAS<br>MEXICO CITY, 05120<br>MEXICO  |             |        |
| Attorney information | REBECCA S. LESSARD<br>VERRILL DANA LLP<br>ONE PORTLAND SQUARE<br>PORTLAND, ME 04101<br>UNITED STATES<br>Primary email: rlessard@verrill-law.com<br>Secondary email(s): trademarks@verrill-law.com, kdonahue@verrill-law.com<br>207-774-4000 |             |        |
| Docket no.           | 10889-9920  |             |        |

**Registration subject to cancellation**

|                  |  |                   |            |
|------------------|--|-------------------|------------|
| Registration no. | 3640135  | Registration date | 06/16/2009 |
| Register         | Principal  |                   |            |
| Registrant       | Paterno Imports, Ltd.<br>900 ARMOUR DRIVE<br>LAKE BLUFF, IL 60044<br>UNITED STATES |                   |            |

**Goods/services subject to cancellation**

Class 033. First Use: Mar 4, 2009 First Use In Commerce: Mar 4, 2009  
All goods and services in the class are subject to cancellation, namely: Wine

**Grounds for cancellation**

|             |                             |
|-------------|-----------------------------|
| Abandonment | Trademark Act Section 14(3) |
|-------------|-----------------------------|

|             |   |
|-------------|---|
| Attachments | Petition to Cancel GALAXY - 3640135.pdf(96498 bytes )<br>Petition to Cancel GALAXY - 3640135 - Exhibit A.pdf(241272 bytes ) |
|-------------|---|

|           |                      |
|-----------|----------------------|
| Signature | /Rebecca S. Lessard/ |
| Name      | Rebecca S. Lessard   |

|      |            |
|------|------------|
| Date | 05/12/2023 |
|------|------------|

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

|  |  |
|--|--|
| CASA LUMBRE, S.A.P.I. DE C.V.,<br><br>Petitioner,<br><br>v.<br><br>Paterno Imports, Ltd.,<br><br>Registrant. | Cancellation No.<br><br>Registration No. 3640135<br><br>Mark: GALAXY |
|--|--|

**PETITION FOR CANCELLATION**

CASA LUMBRE, S.A.P.I. DE C.V. (“Petitioner”), a corporation organized under the laws of Mexico with a principal address at Paseo de los Tamarindos 90, Torre 2, Piso 5, Col. Bosques de las Lomas, Mexico City 05120 Mexico, believes that it is and will be damaged by the registered mark GALAXY, which is the subject of U.S. Registration No. 3640135, owned by Paterno Imports, Ltd. (“Registrant”), an Illinois corporation with a principal address at 900 Armour Drive, Lake Bluff, Illinois 60044. As grounds for this Petition, Petitioner alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters.

1. Petitioner is the owner of U.S. Application Serial No. 90727367 for the mark GALAXIA, which is presently pending in connection with “Alcoholic beverages, namely, flavored carbonated beverages made with neutral alcohol, and excluding beer, wine, and wine-based beverages” in International Class 33 (the “Application”). A printout of the current status and title of the Application from the USPTO TSDR database is attached as Exhibit A.

2. Registrant is the owner of U.S. Registration No. 3640135 for the mark GALAXY (the “GALAXY Mark”), which is registered for “Wine” in International Class 33 (the “Registration”).

3. Pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), the Examining Attorney assigned to the Application has refused registration, citing a likelihood of confusion with the Registration.

4. Registrant no longer uses the GALAXY Mark in U.S. commerce in connection with wine.

5. Registrant has no intention to resume use in U.S. commerce of the GALAXY Mark in connection with wine.

**COUNT 1  
ABANDONMENT**

6. Petitioner restates Paragraphs 1 through 5 as though fully incorporated herein.

7. Registrant has abandoned use in U.S. commerce of the GALAXY Mark in connection with wine, and it has no objective intent to resume such use.

8. Accordingly, the GALAXY Mark has been legally abandoned with respect to wine, and thus Registration No. 3640135 should be cancelled, pursuant to 15 U.S.C. §1064(3).

Petitioner believes that it will be damaged by the continued registration of the GALAXY Mark shown in U.S. Registration No. 3640135 and respectfully requests that this Petition for Cancellation be sustained, and that U.S. Registration No. 3640135 be cancelled.

Date: May 12, 2023

Respectfully submitted,  
CASA LUMBRE, S.A.P.I. DE C.V.

By its attorneys,

/s/Rebecca S. Lessard  
Rebecca S. Lessard  
Kelly A. Donahue  
Verrill Dana LLP  
One Portland Square  
Portland, ME 04101  
(207) 774-4000  
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**EXHIBIT A**

For assistance with TSDR, email [teas@uspto.gov](mailto:teas@uspto.gov) and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

| STATUS   | DOCUMENTS  | <a href="#">Back to Search</a>  | Print         |
|--|--|---|---------------|
| <b>Generated on:</b> This page was generated by TSDR on 2023-05-12 10:15:01 EDT  |  |   |               |
| <b>Mark:</b> GALAXIA   |  |   |               |
| <h1>GALAXIA</h1>   |  |   |               |
| <b>US Serial Number:</b>   | 90727367   | <b>Application Filing Date:</b>   | May 21, 2021  |
| <b>Register:</b>   | Principal  |   |               |
| <b>Mark Type:</b>  | Trademark  |   |               |
| <b>TM5 Common Status Descriptor:</b>   | LIVE/APPLICATION/Under Examination   |   |               |
|  |  | The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner. |               |
| <b>Status:</b>   | Suspension check completed. Application remains suspended.   |   |               |
| <b>Status Date:</b>  | May 08, 2023   |   |               |
| <b>▼ Mark Information</b> <span style="float: right;">▲ Collapse All</span>  |  |   |               |
| <b>Mark Literal Elements:</b>  | GALAXIA  |   |               |
| <b>Standard Character Claim:</b>   | Yes. The mark consists of standard characters without claim to any particular font style, size, or color.                                |   |               |
| <b>Mark Drawing Type:</b>  | 4 - STANDARD CHARACTER MARK  |   |               |
| <b>Translation:</b>  | The English translation of GALAXIA in the mark is GALAXY.  |   |               |
| <b>▼ Foreign Information</b>   |  |   |               |
| <b>Foreign Registration Number:</b>  | 1821168  | <b>Foreign Registration Date:</b>   | Nov. 17, 2017 |
| <b>Foreign Application/Registration Country:</b>   | MEXICO   | <b>Foreign Expiration Date:</b>   | Aug. 29, 2027 |
| <b>▼ Goods and Services</b>  |  |   |               |
| <b>Note:</b>   |  |   |               |
| The following symbols indicate that the registrant/owner has amended the goods/services:   |  |   |               |
| <ul style="list-style-type: none"> <li>• Brackets [.] indicate deleted goods/services;</li> <li>• Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and</li> <li>• Asterisks *.* identify additional (new) wording in the goods/services.</li> </ul> |  |   |               |
| <b>For:</b>  | Alcoholic beverages, namely, flavored carbonated beverages made with neutral alcohol, and excluding beer, wine, and wine-based beverages |   |               |
| <b>International Class(es):</b>  | 033 - Primary Class  | <b>U.S Class(es):</b>   | 047, 049      |
| <b>Class Status:</b>   | ACTIVE   |   |               |
| <b>Basis:</b>  | 44(e)  |   |               |
| <b>▼ Basis Information (Case Level)</b>  |  |   |               |
| <b>Filed Use:</b>  | No   | <b>Currently Use:</b>   | No            |
| <b>Filed ITU:</b>  | No   | <b>Currently ITU:</b>   | No            |
| <b>Filed 44D:</b>  | No   | <b>Currently 44E:</b>   | Yes           |
| <b>Filed 44E:</b>  | Yes  | <b>Currently 66A:</b>   | No            |
| <b>Filed 66A:</b>  | No   | <b>Currently No Basis:</b>  | No            |
| <b>Filed No Basis:</b>   | No   |   |               |
| <b>▼ Current Owner(s) Information</b>  |  |   |               |
| <b>Owner Name:</b>   | CASA LUMBRE, S.A.P.I. DE C.V.  |   |               |
| <b>Owner Address:</b>  | Paseo de los Tamarindos 90, Torre 2<br>Piso 5, Col. Bosques de las Lomas   |   |               |

|   |   |  |                |
|---|---|--|----------------|
| <b>Legal Entity Type:</b>   | Mexico City MEXICO 05120<br>CORPORATION   | <b>State or Country Where Organized:</b> | MEXICO         |
| <b>▼ Attorney/Correspondence Information</b>                      |   |  |                |
| <b>Attorney of Record</b>   |   |  |                |
| <b>Attorney Name:</b>   | Kelly A. Donahue  | <b>Docket Number:</b>                    | 10889-9920     |
| <b>Attorney Primary Email Address:</b>                            | <a href="mailto:kdonahue@verrill-law.com">kdonahue@verrill-law.com</a>  | <b>Attorney Email Authorized:</b>        | Yes            |
| <b>Correspondent</b>  |   |  |                |
| <b>Correspondent Name/Address:</b>                                | Kelly A. Donahue<br>VERRILL DANA, LLP<br>ONE PORTLAND SQUARE<br>PORTLAND, MAINE UNITED STATES 04101   |  |                |
| <b>Correspondent e-mail:</b>                                      | <a href="mailto:kdonahue@verrill-law.com">kdonahue@verrill-law.com</a> <a href="mailto:trademarks@verrill-law.com">trademarks@verrill-law.com</a> | <b>Correspondent e-mail Authorized:</b>  | Yes            |
| <b>Domestic Representative - Not Found</b>                        |   |  |                |
| <b>▼ Prosecution History</b>                                      |   |  |                |
| <b>Date</b>   | <b>Description</b>  | <b>Proceeding Number</b>                 |                |
| May 08, 2023  | REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED  |  |                |
| May 04, 2023  | TEAS/EMAIL CORRESPONDENCE ENTERED   | 88889                                    |                |
| May 03, 2023  | CORRESPONDENCE RECEIVED IN LAW OFFICE   | 88889                                    |                |
| May 03, 2023  | TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED  |  |                |
| Jan. 23, 2023   | REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED  |  |                |
| Jul. 25, 2022   | NOTIFICATION OF LETTER OF SUSPENSION E-MAILED   |  |                |
| Jul. 25, 2022   | LETTER OF SUSPENSION E-MAILED   |  |                |
| Jul. 25, 2022   | SUSPENSION LETTER WRITTEN   | 91237                                    |                |
| Jul. 22, 2022   | TEAS/EMAIL CORRESPONDENCE ENTERED   | 88889                                    |                |
| Jul. 22, 2022   | CORRESPONDENCE RECEIVED IN LAW OFFICE   | 88889                                    |                |
| Jul. 22, 2022   | TEAS RESPONSE TO OFFICE ACTION RECEIVED   |  |                |
| Feb. 03, 2022   | NOTIFICATION OF NON-FINAL ACTION E-MAILED   | 6325                                     |                |
| Feb. 03, 2022   | NON-FINAL ACTION E-MAILED   | 6325                                     |                |
| Feb. 03, 2022   | NON-FINAL ACTION WRITTEN  | 91237                                    |                |
| Feb. 02, 2022   | ASSIGNED TO EXAMINER  | 91237                                    |                |
| Aug. 18, 2021   | NEW APPLICATION OFFICE SUPPLIED DATA ENTERED  |  |                |
| May 25, 2021  | NEW APPLICATION ENTERED   |  |                |
| <b>▼ TM Staff and Location Information</b>                        |   |  |                |
| <b>TM Staff Information</b>                                       |   |  |                |
| <b>TM Attorney:</b>   | COGAN, BRITTNEY LORRAI  | <b>Law Office Assigned:</b>              | LAW OFFICE 114 |
| <b>File Location</b>  |   |  |                |
| <b>Current Location:</b>  | TMO LAW OFFICE 114 - EXAMINING ATTORNEY ASSIGNED  | <b>Date in Location:</b>                 | May 08, 2023   |
| <b>▲ Assignment Abstract Of Title Information - None recorded</b> |   |  |                |
| <b>▼ Proceedings - Click to Load</b>                              |   |  |                |