

Trademark case: Cervejaria Petropolis SA v. Ambev S.A., USA

Kluwer Trademark Blog

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Single display of trademark on race car and jumpsuit did not establish intent to use the mark for the registered product.

In a non-precedential decision, the U.S. Court of Appeals for the Federal Circuit has affirmed a decision of the Trademark Trial and Appeal Board (TTAB) that the mark FUSION had been abandoned by Brazil-based beverage company Cervejaria Petropolis SA ("CP"), the party which had acquired the mark in October 2011. Although CP recorded its acquisition of the FUSION mark with the USPTO, it failed to establish use or intent to resume use during three consecutive years. Therefore the TTAB was correct in granting the petition of competitor Ambev S.A. to cancel the mark due to abandonment (Cervejaria Petropolis SA v. Ambev S.A., October 10, 2019, Wallach, E.).

Case date: 10 October 2019

Case number: No. 2019-1132

Court: United States Court of Appeals, Federal Circuit

A full summary of this case has been published on [Kluwer IP Law](#).