

ESTTA Tracking number: **ESTTA35529**

Filing date: **06/13/2005**

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

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Miller Brewing Company		
Entity	Corporation	Citizenship	Wisconsin
Address	3939 West Highland Boulevard Milwaukee, WI 53208 UNITED STATES		

Name	Miller Products Company		
Entity	Corporation	Citizenship	Wisconsin
Address	3939 West Highland Boulevard Milwaukee, WI 53208 UNITED STATES		

Attorney information	Marta S. Levine Quarles & Brady LLP 411 East Wisconsin Avenue Milwaukee, WI 53202 UNITED STATES msl@quarles.com Phone:414.277.5675		
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Applicant Information

Application No	78435952	Publication date	05/24/2005
Opposition	06/13/2005	Opposition	06/23/2005

Filing Date		Period Ends	
Applicant	Acevedo, Uriel Fernando 11200 NW 73rd Street Miami, FL 331782867 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. All goods and services in the class are opposed, namely: CIGARETTES

Attachments	OppositionMillerAcevedo.pdf (3 pages)
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Signature	/MartaLevine/
Name	Marta S. Levine
Date	06/13/2005

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

In the Matter of Application Serial No. 78/435952
Mark: MILLER
Published in the *Official Gazette* on May 24, 2005

MILLER BREWING COMPANY and
MILLER PRODUCTS COMPANY,

Opposers,

v.

Opposition No. _____

URIEL FERNANDO ACEVEDO,

Applicant.

NOTICE OF OPPOSITION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514.

Opposers Miller Brewing Company and Miller Products Company (collectively, "Miller") believe that they would be damaged by registration of the mark shown in Application Serial No. 78/435952, and hereby oppose same.

As grounds of opposition, Miller alleges that:

1. Opposer Miller Brewing Company is a Wisconsin corporation with its principal place of business at 3939 West Highland Boulevard, Milwaukee, Wisconsin 53208. Miller Brewing Company is in the business of distributing and selling beer.

2. Opposer Miller Products Company is a Wisconsin corporation with its principal place of business at 3939 West Highland Boulevard, Milwaukee, Wisconsin

53208. Miller Products Company is the owner of trademarks used in connection with the distribution and sale of beer and licenses these trademarks to Miller Brewing Company for use in connection with the distribution and sale of beer.

3. Application Serial No. 78/435952 is an intent to use-based trademark application filed by Applicant on June, 16, 2004 under Section 1(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1051(b)), for registration of the mark MILLER for “cigarettes” in International Class 034.

4. Since long prior to the date on which Applicant filed the above application and, upon information and belief, since long prior to any use by Applicant of his mark in the United States, Miller has used and continues to use the mark MILLER in interstate commerce in connection with beer.

5. Miller’s mark has been extensively used and advertised in interstate commerce to identify Miller and its beer, and Miller has developed and owns valuable property rights and goodwill in said mark.

6. Applicant’s proposed mark MILLER so resembles Miller’s mark as to be likely, when used in connection with the Applicant’s goods, to cause confusion and to cause mistake and to deceive. Specifically, and without limitation, members of the public seeing Applicant’s mark are likely to believe or assume that the same identifies goods that are provided by or otherwise associated with or sponsored by Miller.

7. By reason of the foregoing, registration of Applicant’s mark will result in irreparable injury to Miller and to its rights in its mark.

WHEREFORE, Miller prays that this opposition be sustained and that registration of Applicant's mark be refused.

Dated: June 13, 2005

Respectfully submitted,

MILLER BREWING COMPANY and MILLER
PRODUCTS COMPANY

By: *Marta Levine*
Marta S. Levine
David R. Cross
Quarles & Brady LLP
411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202
Telephone: 414 277 5000
Facsimile: 414 271 3552
E-Mail: msl@quarles.com

Direct Inquires to:

David R. Cross
Telephone: 414 277.5669
E-Mail: drc@quarles.com

Certificate of Transmittal: I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below:

Date: June 13, 2005

Marta Levine
Marta S. Levine