

ESTTA Tracking number: **ESTTA205349**

Filing date: **04/16/2008**

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	Young & Co.'s Brewery plc
Granted to Date of previous extension	04/16/2008
Address	Riverside House, 26 Osiers Road London, SW18 1NH UNITED KINGDOM

Name	Young & Co.'s Brewery, plc
Granted to Date of previous extension	04/16/2008
Address	Riverside House, 26 Osiers Road London, SW18 1NH UNITED KINGDOM

Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5995
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Applicant Information

Application No	77224336	Publication date	12/18/2007
Opposition Filing Date	04/16/2008	Opposition Period Ends	04/16/2008
Applicant	SHANDONG JOYOUNG HOUSEHOLD ELECTRICAL APPLIANCES CO., LTD. HUAIYINQU MEILIHU KAIFANG GONGYECHENG JINAN CITY, SHANDONG 250021, CHINA		

Goods/Services Affected by Opposition

Class 043. Opposed goods and services in the class: Restaurants; Cafeterias; Bar services; Cafes

Applicant Information

Application No	77224334	Publication date	12/18/2007
Opposition Filing Date	04/16/2008	Opposition Period Ends	04/16/2008
Applicant	SHANDONG JOYOUNG HOUSEHOLD ELECTRICAL APPLIANCES CO., LTD.		

	HUAIYINQU MEILIHU KAIFAGU GONGYECHENG JINAN CITY, SHANDONG 250021, CHINA
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Goods/Services Affected by Opposition

Class 032. Opposed goods and services in the class: Beer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2041589	Application Date	11/28/1994
Registration Date	03/04/1997	Foreign Priority Date	NONE
Word Mark	YOUNG'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1968/00/00 First Use In Commerce: 1986/00/00 beer, ale, stout, [larger and porter]		

U.S. Registration No.	3283581	Application Date	03/08/2005
Registration Date	08/21/2007	Foreign Priority Date	NONE
Word Mark	YOUNG'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2004/09/30 First Use In Commerce: 2005/09/30 Beers		

Attachments	78582651#TMSN.jpeg (1 page)(bytes) JOYOUNG Notice of Opposition (F0264113).PDF (11 pages)(219961 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Susan Upton Douglass/
Name	Susan Upton Douglass
Date	04/16/2008

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

Opposer's Ref: YCBR 0800080

In the Matter of Application Serial No. 77/224336
Mark: JOYOUNG in Class 43
In the Matter of Application Serial No. 77/224334
Mark: JOYOUNG in Class 32

-----X
YOUNG & CO.'S BREWERY, PLC, :
 :
 :
 Opposer, :
 :
 :
 - against - : Opposition No. _____
 :
 :
SHANDONG JOYOUNG HOUSEHOLD :
ELECTRICAL APPLIANCES CO., LTD., :
 :
 :
 Applicant. :
 :
-----X

Box TTAB
FEE

COMBINED NOTICE OF OPPOSITION

Opposer, Young & Co.'s Brewery, plc, a public limited company under the laws of the United Kingdom, with an office at Riverside House, 26 Osiers Road, London SW18 1NH, United Kingdom, believes that it would be damaged by the issuance of a registration for the trademark JOYOUNG as applied for in Application Serial Nos. 77/224336 and 77/224334, and therefore opposes the same. Opposer seeks to consolidate the oppositions since the same operative facts pertain to both matters. TBMP § 305. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. The mark YOUNG'S has been used in commerce by Opposer and its predecessors in interest since at least as early as 1986 for beer.

2. Opposer is the owner of U.S. Registration No. 2,041,589 registered March 4, 1997; and Registration No. 3,283,581 registered on August 21, 2007. TARR printouts of these registrations are attached as Exhibit A.

3. On July 9, 2007, Applicant filed an application to register JOYOUNG, assigned Serial No. 77/224,336, for hotels; restaurants; cafeterias; bar services; tea rooms; cafes; motels; retirement homes; nurseries and day care centers, based on intent to use.

4. On July 9, 2007, Applicant filed an application to register JOYOUNG, assigned Application Serial No. 77/224,334, for soy-based beverages not being milk substitutes; colas; vegetable juices; fruit punch; distilled drinking water; seltzer water; beer, based on intent to use.

5. On information and belief, the mark JOYOUNG was not used by the Applicant prior to July 9, 2007. Thus, Opposer has priority.

6. The mark JOYOUNG sought to be registered by Applicant is highly similar to Opposer's long used and registered trademark YOUNG'S. One of the Applicant's applications includes beer, goods identical to Opposer's goods, and the other includes bar services, restaurants, cafeterias and cafes, establishments that serve beer and are therefore closely related to Opposer's beer sold under the YOUNG'S mark. The marks JOYOUNG and YOUNG'S are highly similar in sound, appearance, and overall commercial impression. Consumers would expect identical or closely related products and services offered under the JOYOUNG mark to come from the same source as Opposer's YOUNG'S beer.

7. Registration of the JOYOUNG marks to Applicant will likely cause confusion, or cause mistake, or deceive the purchasing public by creating the erroneous impression that

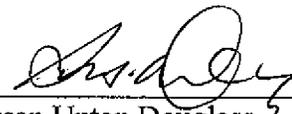
Applicant's goods are authorized, licensed or sponsored by Opposer, or are in some other way connected with Opposer, all to Opposer's great injury and harm.

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that registration of Applicant's marks JOYOUNG for beer in Class 32, and for restaurants, cafeterias, bar services and cafes in Class 43, be denied.

Dated: New York, New York
April 16, 2008

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
Susan Upton Douglass
Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by First Class mail upon Applicant, To Eric Chan, 42 Pin Oak Drive, Phoenixville, Pennsylvania 19460-1145, this 16th day of April, 2008.


Susan Upton Douglass

Exhibit A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-16 10:37:32 ET

Serial Number: 74603459 Assignment Information Trademark Document Retrieval

Registration Number: 2041589

Mark (words only): YOUNG'S

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2007-04-10

Filing Date: 1994-11-28

Transformed into a National Application: No

Registration Date: 1997-03-04

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2008-02-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Young & Co.'s Brewery, plc

Address:

Young & Co.'s Brewery, plc
Riverside House 26 Osiers Road
Wandsworth, London, SW18 1NH
United Kingdom

Legal Entity Type: Corporation

State or Country of Incorporation: United Kingdom

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

beer, ale, stout

Basis: 1(a)

First Use Date: 1968-00-00

First Use in Commerce Date: 1986-00-00

ADDITIONAL INFORMATION

Section 2(f)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-02-02 - Post registration action mailed, No response required

2007-11-06 - Review Of Correspondence Complete

2007-10-18 - PAPER RECEIVED

2007-09-11 - Section 7 amendment filed

2007-09-11 - PAPER RECEIVED

2007-04-10 - First renewal 10 year

2007-04-10 - Section 8 (10-year) accepted/ Section 9 granted

2007-04-04 - Assigned To Paralegal

2007-03-01 - Combined Section 8 (10-year)/Section 9 filed

2007-03-01 - PAPER RECEIVED

2006-12-20 - Case File In TICRS

2006-08-24 - Review Of Correspondence Complete

2003-03-20 - PAPER RECEIVED

2003-02-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-05-28 - Section 8 (6-year) and Section 15 Filed

1997-03-04 - Registered - Principal Register

1996-12-10 - Published for opposition
1996-11-08 - Notice of publication
1996-09-16 - Approved for Pub - Principal Register (Initial exam)
1996-09-03 - Communication received from applicant
1996-01-22 - Letter of suspension mailed
1995-12-07 - Communication received from applicant
1995-06-07 - Non-final action mailed
1995-06-05 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Barth X. deRosa

Correspondent

BARTH X DEROSA
STEVENS, DAVIS, MILLER, ET AL.
1615 L. STREET, N.W., STE. 850
WASHINGTON, DC 20036

Domestic Representative

Barth X. deRosa

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2008-04-16 11:00:18 ET

Serial Number: 78582651 Assignment Information Trademark Document Retrieval

Registration Number: 3283581

Mark



(words only): YOUNG'S

Standard Character claim: No

Current Status: Registered.

Date of Status: 2007-08-21

Filing Date: 2005-03-08

Transformed into a National Application: No

Registration Date: 2007-08-21

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-07-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Young & Co.'s Brewery PLC

Address:

Young & Co.'s Brewery PLC
Riverside House, 26 Osiers Road

Wandsworth, London SW18 1NH
United Kingdom

Legal Entity Type: PUBLIC LIMITED COMPANY (PLC)

State or Country Where Organized: United Kingdom

GOODS AND/OR SERVICES

International Class: 032

Class Status: Active

Beers

Basis: 1(a), 44(e)

First Use Date: 2004-09-30

First Use in Commerce Date: 2005-09-30

ADDITIONAL INFORMATION

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s):

03.07.10 - Goats; Goats, sheep, rams; Lambs; Rams; Sheep

03.07.11 - Heads of pigs, boars, goats, sheep and rams

03.07.24 - Stylized bovines, deer, antelopes, goats, sheep, pigs, cows, bulls, buffalo, moose

03.15.24 - Stylized birds and bats

26.17.12 - Angles (geometric); Chevrons

Prior Registration Number(s):

2041589

Foreign Application Number: 2372380

Foreign Registration Number: 2372380

Foreign Registration Date: 2004-09-08

Country: United Kingdom

Foreign Filing Date: 2004-09-08

Foreign Expiration Date: 2014-09-08

Foreign Renewal Date: 2014-09-08

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-10-09 - Applicant/Correspondence Changes (Non-Responsive) Entered

2007-10-09 - TEAS Change Of Owner Address Received

2007-08-21 - Registered - Principal Register
2007-07-16 - Law Office Registration Review Completed
2007-07-16 - Assigned To LIE
2007-06-12 - Allowed for Registration - Principal Register (SOU accepted)
2007-05-16 - Statement of use processing complete
2007-05-16 - Extension 1 granted
2007-02-13 - Amendment to Use filed
2007-02-13 - Extension 1 filed
2007-05-02 - Assigned To Examiner
2007-02-13 - TEAS Extension Received
2007-02-13 - TEAS Statement of Use Received
2006-08-15 - Notice of allowance - mailed
2006-05-23 - Published for opposition
2006-05-03 - Notice of publication
2006-04-03 - Law Office Publication Review Completed
2006-03-31 - Assigned To LIE
2006-03-27 - Approved for Pub - Principal Register (Initial exam)
2006-03-27 - Teas/Email Correspondence Entered
2006-03-23 - Communication received from applicant
2006-03-23 - TEAS Response to Office Action Received
2005-09-29 - Non-final action mailed
2005-09-28 - Non-Final Action Written
2005-09-27 - Assigned To Examiner
2005-07-22 - TEAS Change Of Correspondence Received
2005-03-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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