

ESTTA Tracking number: **ESTTA422921**

Filing date: **08/02/2011**

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 party opposes registration of the indicated application.

Opposer Information

Name	Greater Louisville Convention & Visitors Bureau		
Entity	Independent commission	Citizenship	Kentucky
Address	401 W. Main St. Suite 2300 Louisville, KY 40202 UNITED STATES		

Attorney information	John A. Galbreath Galbreath Law Offices, P.C. 2516 Chestnut Woods Ct. Reisterstown, MD 21136 UNITED STATES jgalbreath@galbreath-law.com Phone:410-628-7770		
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Applicant Information

Application No	85259465	Publication date	07/26/2011
Opposition Filing Date	08/02/2011	Opposition Period Ends	08/25/2011
Applicant	Karmel, Jeremy 17-24 166th St. Whitestone, NY 11357 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and services in the class are opposed, namely: Restaurant and bar services; Tavern services

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.	3932986	Application Date	05/29/2009
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	URBAN BOURBON TRAIL		

Design Mark	URBAN BOURBON TRAIL
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/05/30 First Use In Commerce: 2008/05/30 Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky

U.S. Application No.	77747378	Application Date	05/29/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	URBAN BOURBON TRAIL
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Design Mark	URBAN BOURBON TRAIL
Description of Mark	NONE
Goods/Services	Class 016. First use: Paper napkins; Coaster sets of paper; Note cards; Pens Class 018. First use: Tote bags; Luggage tags; Luggage; Umbrellas, Market umbrellas Class 021. First use: Flasks; Shot glasses; Portable coolers; Insulated containers for beverage cans; Coaster sets not of paper and not being of textile; Tasting glasses; Decanters; Paper plates and paper cups Class 025. First use: T-shirts; Sweatshirts; Ball caps; Boxers

Attachments	77981154#TMSN.jpeg (1 page)(bytes) 77747378#TMSN.jpeg (1 page)(bytes) Louisville-Karmel-URBAN BOURBON mark-Notice of Opposition.pdf (3 pages)(120304 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	/John A. Galbreath/
Name	John A. Galbreath
Date	08/02/2011

**Greater Louisville Convention
and Visitor's Bureau**

Plaintiff/Opposer

v.

Jeremy Karmel

Defendant/Applicant

) **IN THE UNITED STATES**
) **PATENT AND TRADEMARK OFFICE**
)
)
) **TRADEMARK TRIAL AND APPEAL BOARD**
)
)
) **OPPOSITION NO. _____**
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NOTICE OF OPPOSITION

Greater Louisville Convention and Visitor's Bureau ("Louisville" or "Opposer"), by and through its below-identified attorneys, hereby opposes Jeremy Karmel's ("Karmel" or "Applicant") trademark application serial number 85/259,465, and states as follows:

1. On March 7, 2011 Applicant filed an application in the United States Trademark Office ("Office") to register the URBAN BOURBON mark for use in connection with restaurant and bar services; and tavern services.
2. Opposer owns United States Registration No. 3,932,986 and United States Trademark Application No. 77/747,378, both for URBAN BOURBON TRAIL.
3. Opposer uses its mark in connection with at least the services identified in the above-referenced registration: Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky.
4. Applicant's mark was filed on an intent-to-use basis, and presumably was not in use as of the March 7, 2011 filing date. Thus, Opposer's priority in its mark predates any priority which may be claimed by Applicant.
5. Applicant's mark is confusingly similar to Opposer's registered and applied-for marks and is likely, when used on or in connection with the services identified in the Opposed

Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

6. Applicant's services are closely related to the goods and services in Opposer's registered and applied-for marks. Indeed, Opposer's use of its registered and applied-for marks involves the services shown in the Opposed Application.

7. Opposer will be damaged by Applicant's registration of the mark shown in the Opposed Application because registration would give Applicant *prima facie* evidence of its ownership of an exclusive right to use a mark that is confusingly similar to Opposer's registered and applied-for marks, which rights would interfere with Opposer's continued use of its marks.

WHEREFORE, Opposer requests that the Office deny Applicant's application for registration of the mark shown in Application No. 85/259,465, and grant such other and further relief and damages to Opposer that the Office deems proper.

Respectfully submitted,

/John A. Galbreath/

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Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Notice of Opposition and referenced attachments, if any, were sent by first-class mail to:

Jeremy Karmel
17-24 166th St.
Whitestone, NY 11357
United States

02 August 2011

/John A. Galbreath/
John A. Galbreath