

4. Opposer has achieved substantial sales of beer, ale, lager, stout and porter and malt liquor under Opposer's mark THE LEGENDARY BOONVILLE BEER.

5. Opposer has spent substantial sums of money in advertising and promoting its alcoholic beverages under Opposer's mark THE LEGENDARY BOONVILLE BEER.

6. As a result of Opposer's substantial use, sales and advertising, Opposer's mark THE LEGENDARY BOONVILLE BEER has become well known to the relevant public and represents a most valuable good will owned by Opposer.

7. As a result of Opposer's substantial sales and advertising, and its continued location in Boonville, California, the relevant public associates Opposer with alcoholic beverages marketed and sold under the name or mark BOONVILLE.

8. Opposer is the owner of a trademark registration for its mark THE LEGENDARY BOONVILLE BEER, Registration No. 3,801,569 for "beer, ale, lager, stout and porter, malt liquor", which registration is valid and subsisting and in full force and effect.

9. Registration No. 3,801,569 constitutes evidence of the validity of the registered mark, of Opposer's ownership of the registered mark, and Opposer's exclusive right to use the registered mark in commerce with the identified goods pursuant to Section 7(b) of the Lanham Act, 15 USC § 1057(b).

10. More than twenty years after Opposer began using the mark THE LEGENDARY BOONVILLE BEER, and long after the relevant public began to associate Opposer with alcoholic beverages marketed and sold under the name or mark BOONVILLE, Applicant applied to use BOONVILLE CIDER HOUSE BITE HARD CIDER for "hard cider", an alcoholic beverage, in Class 33.

11. Applicant's goods will likely be marketed, advertised, and sold to the same customers, through the same channels of trade, as Opposer's goods.

12. Applicant's use of BOONVILLE CIDER HOUSE BITE HARD CIDER is likely to cause confusion, mistake or deception as to the source, sponsorship or approval of applicant's products, and to result in the belief by purchasers and others that applicant or the products it provides under its BOONVILLE CIDER HOUSE BITE HARD CIDER mark are in some way authorized, licensed, certified or approved by Opposer or are otherwise legitimately connected with Opposer.

13. Opposer has not consented to applicant's use of Opposer's mark THE LEGENDARY BOONVILLE BEER.

WHEREFORE, registration of applicant's aforesaid mark would be damaging to Opposer.

Opposer submits herewith the requisite filing fee of \$300.

Please address all correspondence to Thomas R. Leavens, Esq., Leavens, Strand, Glover & Adler, LLC, 203 North LaSalle Street, Suite 2550, Chicago, Illinois 60601.

Respectfully submitted,

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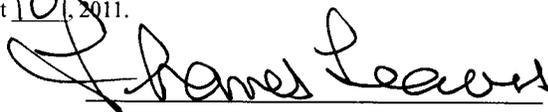
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CERTIFICATE OF MAILING

I hereby certify that this document and accompanying fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on this date of August 10, 2011.


James Lewis