

ESTTA Tracking number: **ESTTA466535**

Filing date: **04/11/2012**

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 | Diageo Brands B.V. |
| Granted to Date of previous extension | 04/11/2012 |
| Address | Molenwerf 10-12 Amsterdam, 1014BG NETHERLANDS |

| | |
|----------------------|---|
| Attorney information | Evan Gourvitz Diageo North America, Inc. 801 Main Avenue Norwalk, CT 06851 UNITED STATES trademarks@diageo.com, gina.vendittelli@diageo.com, evan.gourvitz@diageo.com, stuart.kauffman@diageo.com Phone:(203) 229-2100 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85357874 | Publication date | 12/13/2011 |
| Opposition Filing Date | 04/11/2012 | Opposition Period Ends | 04/11/2012 |
| Applicant | Young Lee Design, LLC Suite 8 EF 2404 Wilshire Blvd Los Angeles, CA 90057 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|--|
| Class 043. All goods and services in the class are opposed, namely: Restaurant services |
|--|

Grounds for Opposition

| | |
|--------------------------------------|-----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

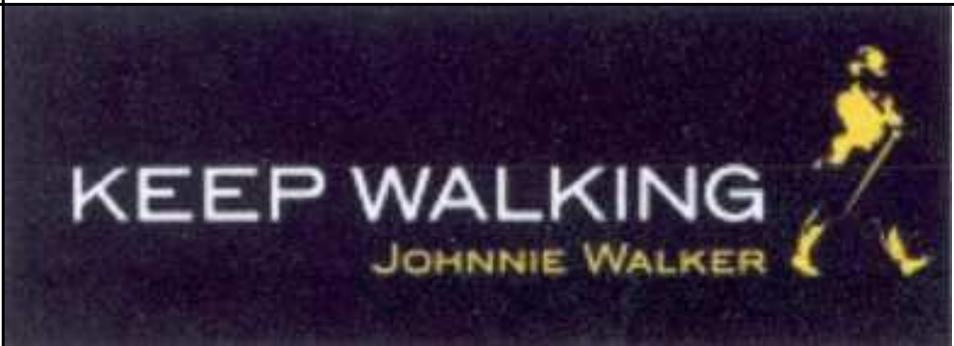
| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 2992002 | Application Date | 03/16/2004 |
| Registration Date | 09/06/2005 | Foreign Priority Date | NONE |
| Word Mark | NONE | | |

| | |
|---------------------|---|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 033. First use: First Use: 2003/00/00 First Use In Commerce: 2003/00/00 Alcoholic beverages, namely, spirits |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3415943 | Application Date | 02/22/2006 |
| Registration Date | 04/22/2008 | Foreign Priority Date | NONE |
| Word Mark | NONE | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 041. First use: First Use: 1991/12/31 First Use In Commerce: 1991/12/31 Arranging of competitions for entertainment purposes, namely, quizzes relating to whisky; entertainment services, namely, whisky tastings; educational services, namely, conducting classes and workshops in the field of whisky, and conducting whisky tastings as part of those classes and workshops</p> <p>Class 043. First use: First Use: 1991/12/31 First Use In Commerce: 1991/12/31 Hospitality services at sporting events including golf tournaments, football and baseball games, and motor sports events, namely, providing a hospitality suite for guests at such events; providing information online and in organized events relating to the appreciation and characteristics of whisky as they result from its heritage and production</p> | | |

| | | | |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3169354 | Application Date | 09/03/2003 |
| Registration Date | 11/07/2006 | Foreign Priority Date | NONE |
| Word Mark | NONE | | |

| | |
|---------------------|--|
| Design Mark |  |
| Description of Mark | NONE |
| Goods/Services | Class 021. First use: First Use: 2002/04/05 First Use In Commerce: 2002/04/05 Household or kitchen utensils not of precious metal or coated therewith, namely, drinking glasses, beverage glassware, dishes and bowls; tumblers in the nature of drinking vessels, ice buckets, cocktail shakers, cocktail stirrers, and cocktail sticks, none of the aforesaid of precious metal Class 028. First use: First Use: 2005/12/00 First Use In Commerce: 2005/12/00 Sporting articles not included in other classes, namely, golf balls, golf clubs, golf tees, golf ball markers, golf gloves, head covers for golf clubs, and golf bags |

| | | | |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3280168 | Application Date | 04/13/2006 |
| Registration Date | 08/14/2007 | Foreign Priority Date | 03/22/2006 |
| Word Mark | JOHNNIE WALKER KEEP WALKING | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of a black rectangle. The white colored text KEEP WALKING and yellow colored text JOHNNIE WALKER appears in the rectangle. To the right of the text is the yellow silhouette of a man walking with a yellow cane and wearing a yellow top hat. | | |
| Goods/Services | Class 033. First use: Alcoholic beverages, namely whisky and whisky based liqueurs | | |

| | |
|-------------|---|
| Attachments | 78385383#TMSN.jpeg (1 page)(bytes) 78820349#TMSN.jpeg (1 page)(bytes) 78295675#TMSN.gif (1 page)(bytes) 79025553#TMSN.jpeg (1 page)(bytes) STRIDING MAN v. WALKING RAMEN by Young Lee Design, LLC - Notice of Opposition.pdf (20 pages)(4940411 bytes) |
|-------------|---|

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 | /Evan Gourvitz/ |
| Name | Evan Gourvitz |
| Date | 04/11/2012 |

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

In the Matter of Application Serial No. 85/357,874
Published in the Official Gazette on December 13, 2011
Mark: WALKING RAMEN and design
International Class: 43

DIAGEO BRANDS B.V.,

Opposer,

-against-

YOUNG LEE DESIGN, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

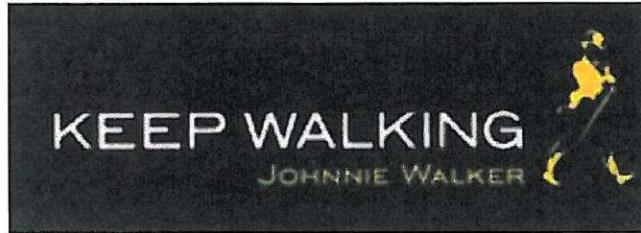
Opposer Diageo Brands B.V. (“Opposer”) believes that it will be damaged by the registration of the WALKING RAMEN and design mark (“Applicant’s Mark”):



for “[r]estaurant services” in International Class 43, as shown in the above-noted application, Serial No. 85/357,874 (the “Application”), and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposer alleges that:

1. Opposer Diageo Brands B.V. is a Netherlands private limited company with its principal place of business located at Molenwerf 10-12, Amsterdam, Netherlands 1014 BG.
2. Opposer has used the following marks:



and variations thereon (collectively, the “Diageo Marks”) in commerce in the United States in connection with its famous JOHNNIE WALKER brand alcoholic beverages and related goods and services since long prior to the June 28, 2011 filing date of the intent-to-use application herein opposed, or any other date upon which Applicant can rely in this proceeding.

3. During its continuous use of the Diageo Marks, Opposer has directly and indirectly sold, and offered for sale, goods and services bearing those marks throughout the United States.

4. During its continuous use of the Diageo Marks, Opposer and its authorized wholesalers, distributors, and retail accounts have expended considerable time, effort and money in advertising and publicizing the sale of goods and services bearing those marks throughout the United States.

5. In addition, from a date long prior to the filing date of the Application, or any other date upon which Applicant can rely in this proceeding, consumers and the public have recognized and commonly used the Diageo Marks to refer to Opposer’s goods and services bearing those marks, and have come to identify the Diageo Marks with Opposer and its goods and services.

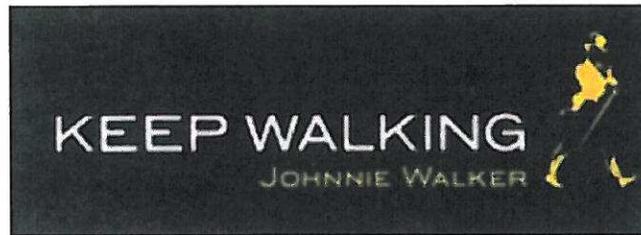
6. The Diageo Marks are strong and famous and have been so from a date prior to the filing date of the Application or any other date upon which Applicant can rely in this proceeding.

7. In addition to Opposer's strong common law rights in the Diageo Marks, Opposer owns (among others) incontestable U.S. Reg. No. 2,992,002 for the following design mark:



("the Striding Man Mark") for "alcoholic beverages, namely, spirits" in International Class 33, registered September 6, 2005; Reg. No. 3,415,943 for the Striding Man Mark for "[a]rranging of competitions for entertainment purposes, namely, quizzes relating to whisky; entertainment services, namely, whisky tastings; educational services, namely, conducting classes and workshops in the field of whisky, and conducting whisky tastings as part of those classes and workshops" in International Class 41 and "[h]ospitality services at sporting events including golf tournaments, football and baseball games, and motor sports events, namely, providing a hospitality suite for guests at such events; providing information online and in organized events relating to the appreciation and characteristics of whisky as they result from its heritage and production" in International Class 43, registered April 22, 2008; Reg. No. 3,169,354 for the Striding Man Mark for "[h]ousehold or kitchen utensils not of precious metal or coated therewith, namely, drinking glasses, beverage glassware, dishes and bowls; tumblers in the nature of drinking vessels, ice buckets, cocktail shakers, cocktail stirrers, and cocktail sticks, none of the aforesaid of precious metal" in International Class 21 and "[s]porting articles not included in other classes, namely, golf balls, golf clubs, golf tees, golf ball markers, golf gloves,

head covers for golf clubs, and golf bags” in International Class 28, registered November 7, 2006; and Reg. No. 3,280,168 for the following design mark:



for “alcoholic beverages, namely whisky and whisky based liqueurs” in International Class 33, registered August 14, 2007. Copies of the certificates and electronic status records for these registrations, which are valid, subsisting, and in full force and effect, are attached hereto as Exhibit A.

8. Upon information and belief, Applicant Young Lee Design, LLC is a California limited liability company with a business address of 2404 Wilshire Boulevard, Suite 8, Los Angeles, California 90057.

9. By the Application herein opposed, Serial No. 85/357,874, Applicant seeks to register Applicant’s Mark for “[r]estaurant services” in International Class 43.

10. Applicant filed its intent-to-use application for Applicant’s Mark on June 28, 2011, long after Opposer commenced use of the Diageo Marks, after Opposer registered those marks in the United States, and after those marks became famous.

11. Applicant’s Mark is confusingly similar in appearance and commercial impression to the Diageo Marks.

12. The services for which Applicant seeks registration are closely related to, and are likely to be perceived as closely related to, the goods and services in connection with which Opposer uses and has used the Diageo Marks in the United States.

13. Upon information and belief, the goods and services sold in connection with the Diageo Marks and the services set forth in the Application are intended to be directed to similar or identical classes of purchasers and to be distributed through the same or similar channels of trade in the United States.

14. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer in the Diageo Marks.

15. Opposer also will be damaged by the registration sought by Applicant because such registration will dilute the distinctive qualities of the famous Diageo Marks.

16. Registration of Applicant's Mark should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the basis that Applicant's Mark so closely resembles the Diageo Marks as to be likely, when used on or in connection with the services identified in the Application, to cause confusion, or to cause mistake, or to deceive, with the consequent injury to Opposer and to the public.

17. Registration of Applicant's Mark also should be refused pursuant to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), on the basis that Applicant's Mark will cause dilution of the distinctive qualities of the Diageo Marks.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Mark for the goods identified in Application Serial No. 85/357,874, and respectfully requests that its opposition be sustained and registration of said marks be denied.

Pursuant to 37 C.F.R. §2.6(a)(17), Opposer respectfully requests that the \$300 statutory filing fee for a Notice of Opposition against one application in one international class, and any additional amount, be charged to Deposit Account No. 083120.

All communication should be addressed to Opposer' counsel at the below stated address.

Dated: Norwalk, Connecticut
April 11, 2012

Respectfully submitted,



Evan Gourvitz
Diageo North America, Inc.
801 Main Avenue
Norwalk, Connecticut 06851

Counsel for Opposer Diageo Brands B.V.

EXHIBIT A

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,992,002

Registered Sep. 6, 2005

**TRADEMARK
PRINCIPAL REGISTER**



DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 BG

FOR: ALCOHOLIC BEVERAGES, NAMELY, SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 0-0-2003, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 1910.; IN COMMERCE 0-0-2003,

THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 1910..

OWNER OF U.S. REG. NOS. 320,563, 2,616,316 AND OTHERS.

SER. NO. 78-385,383, FILED 3-16-2004.

ELIZABETH PIGNATELLO, EXAMINING ATTORNEY

Int. Cls.: 41 and 43

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,415,943

Registered Apr. 22, 2008

**SERVICE MARK
PRINCIPAL REGISTER**



DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014BG

FOR: ARRANGING OF COMPETITIONS FOR ENTERTAINMENT PURPOSES, NAMELY, QUIZZES RELATING TO WHISKY; ENTERTAINMENT SERVICES, NAMELY, WHISKY TASTINGS; EDUCATIONAL SERVICES, NAMELY, CONDUCTING CLASSES AND WORKSHOPS IN THE FIELD OF WHISKY, AND CONDUCTING WHISKY TASTINGS AS PART OF THOSE CLASSES AND WORKSHOPS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 12-31-1991; IN COMMERCE 12-31-1991.

FOR: HOSPITALITY SERVICES AT SPORTING EVENTS INCLUDING GOLF TOURNAMENTS,

FOOTBALL AND BASEBALL GAMES, AND MOTOR SPORTS EVENTS, NAMELY, PROVIDING A HOSPITALITY SUITE FOR GUESTS AT SUCH EVENTS; PROVIDING INFORMATION ONLINE AND IN ORGANIZED EVENTS RELATING TO THE APPRECIATION AND CHARACTERISTICS OF WHISKY AS THEY RESULT FROM ITS HERITAGE AND PRODUCTION, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-1991; IN COMMERCE 12-31-1991.

OWNER OF U.S. REG. NOS. 1,630,120, 2,073,619, AND 2,992,002.

SN 78-820,349, FILED 2-22-2006.

LYDIA BELZER, EXAMINING ATTORNEY

Int. Cls.: 21 and 28

Prior U.S. Cls.: 2, 13, 22, 23, 29, 30, 33, 38, 40, and 50

Reg. No. 3,169,354

United States Patent and Trademark Office

Registered Nov. 7, 2006

**TRADEMARK
PRINCIPAL REGISTER**



DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 BG

FOR: HOUSEHOLD OR KITCHEN UTENSILS NOT OF PRECIOUS METAL OR COATED THEREWITH, NAMELY, DRINKING GLASSES, BEVERAGE GLASSWARE, DISHES AND BOWLS; TUMBLERS IN THE NATURE OF DRINKING VESSELS, ICE BUCKETS, COCKTAIL SHAKERS, COCKTAIL STIRRERS, AND COCKTAIL STICKS, NONE OF THE AFORESAID OF PRECIOUS METAL, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 4-5-2002; IN COMMERCE 4-5-2002.

FOR: SPORTING ARTICLES NOT INCLUDED IN OTHER CLASSES, NAMELY, GOLF BALLS, GOLF CLUBS, GOLF TEES, GOLF BALL MARKERS, GOLF GLOVES, HEAD COVERS FOR GOLF CLUBS, AND GOLF BAGS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 12-0-2005; IN COMMERCE 12-0-2005.

SN 78-295,675, FILED 9-3-2003.

MONIQUE MILLER, EXAMINING ATTORNEY

Int. Cl.: 33

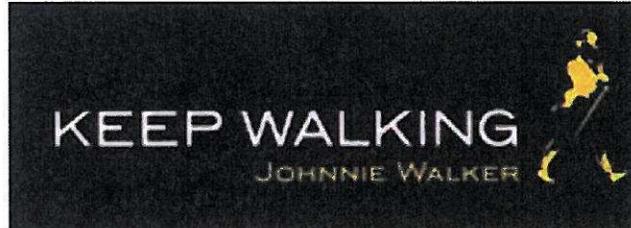
Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,280,168

Registered Aug. 14, 2007

**TRADEMARK
PRINCIPAL REGISTER**



DIAGEO BRANDS B.V. (NETHERLANDS BESLO-
TEN VENOOTSCHAP)
MOLENWERF 10-12
NL-1014 BG AMSTERDAM
NETHERLANDS

FOR: ALCOHOLIC BEVERAGES, NAMELY
WHISKY AND WHISKY BASED LIQUEURS, IN
CLASS 33 (U.S. CLS. 47 AND 49).

PRIORITY DATE OF 3-22-2006 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0889439 DATED 4-13-2006, EXPIRES 4-13-2016.

OWNER OF U.S. REG. NOS. 2,616,316, 2,640,678
AND OTHERS.

THE NAME(S), PORTRAIT(S), AND/OR SIGNA-
TURE(S) SHOWN IN THE MARK DOES NOT IDENTI-
FY A PARTICULAR LIVING INDIVIDUAL.

THE COLOR(S) BLACK, WHITE AND YELLOW
IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A BLACK RECTAN-
GLE. THE WHITE COLORED TEXT KEEP WALK-
ING AND YELLOW COLORED TEXT JOHNNIE
WALKER APPEARS IN THE RECTANGLE. TO THE
RIGHT OF THE TEXT IS THE YELLOW SILHOU-
ETTE OF A MAN WALKING WITH A YELLOW
CANE AND WEARING A YELLOW TOP HAT.

SER. NO. 79-025,553, FILED 4-13-2006.

RENEE SERVANCE, EXAMINING ATTORNEY



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| | |
|---------------------------------|---|
| Goods and Services | IC 033. US 047 049. G & S: Alcoholic beverages, namely, spirits. FIRST USE: 20030000. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered on 1910. FIRST USE IN COMMERCE: 20030000 |
| Mark Drawing Code | (2) DESIGN ONLY |
| Design Search Code | 02.01.21 - Butlers; Magicians (men); Men, waiters, butlers, men wearing tuxedos including magicians; Tuxedos (men wearing); Waiters 02.01.33 - Grotesque men formed by letters, numbers, punctuation or geometric shapes; Stick figures 09.03.15 - Bow ties; Neckties; Ties, neckties or bow ties 09.05.02 - Top hats 09.07.01 - Boots, hiking; Boots, rain and snow; Boots, western (cowboy); Hiking boots; Waders, wading boats (fishing) 10.03.02 - Canes, walking; Shepherds crook (staff); Walking sticks and canes |
| Serial Number | 78385383 |
| Filing Date | March 16, 2004 |
| Filing Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | June 14, 2005 |
| Registration Number | 2992002 |
| Registration Date | September 6, 2005 |
| Owner | (REGISTRANT) Diageo Brands B.V. PRIVATE LIMITED COMPANY NETHERLANDS Molenwerf 10-12 Amsterdam NETHERLANDS 1014 BG |

Attorney of Record Stuart Kauffman
Prior Registrations 0320563;2073619;2616316;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Goods and Services IC 041. US 100 101 107. G & S: Arranging of competitions for entertainment purposes, namely, quizzes relating to whisky; entertainment services, namely, whisky tastings; educational services, namely, conducting classes and workshops in the field of whisky, and conducting whisky tastings as part of those classes and workshops. FIRST USE: 19911231. FIRST USE IN COMMERCE: 19911231

IC 043. US 100 101. G & S: Hospitality services at sporting events including golf tournaments, football and baseball games, and motor sports events, namely, providing a hospitality suite for guests at such events; providing information online and in organized events relating to the appreciation and characteristics of whisky as they result from its heritage and production. FIRST USE: 19911231. FIRST USE IN COMMERCE: 19911231

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
10.03.02 - Canes, walking; Shepherds crook (staff); Walking sticks and canes

Trademark Search Facility Classification Code ART-09.03 Clothing
ART-09.05 Headwear
ART-09.07 Footwear
ART-10.03 Fans; canes; umbrellas
GROT-HUM Exaggerated depiction of a human

Serial Number 78820349

Filing Date February 22, 2006

Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 21, 2006

Registration Number 3415943
Registration Date April 22, 2008
Owner (REGISTRANT) Diageo Brands B.V. PRIVATE LIMITED COMPANY NETHERLANDS Molenwerf
10-12 Amsterdam NETHERLANDS 1014BG
Attorney of Record Steven Rosenthal
Prior Registrations 1630120;2073619;2992002
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: Household or kitchen utensils not of precious metal or coated therewith, namely, drinking glasses, beverage glassware, dishes and bowls; tumblers in the nature of drinking vessels, ice buckets, cocktail shakers, cocktail stirrers, and cocktail sticks, none of the aforesaid of precious metal. FIRST USE: 20020405. FIRST USE IN COMMERCE: 20020405

IC 028. US 022 023 038 050. G & S: Sporting articles not included in other classes, namely, golf balls, golf clubs, golf tees, golf ball markers, golf gloves, head covers for golf clubs, and golf bags. FIRST USE: 20051200. FIRST USE IN COMMERCE: 20051200

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men
02.01.06 - Colonial dress, men wearing; Men in colonial dress, Pilgrims, Quakers and colonial militiamen; Militiamen; Pilgrims, men; Quakers
02.01.31 - Men, stylized, including men depicted in caricature form
10.03.02 - Canes, walking; Shepherds crook (staff); Walking sticks and canes

Serial Number 78295675

Filing Date September 3, 2003

Filing Basis 1A

Original Filing Basis 1B

Published for Opposition December 14, 2004

Registration Number 3169354

Registration Date November 7, 2006

Owner (REGISTRANT) DIAGEO BRANDS B.V. PRIVATE LIMITED COMPANY NETHERLANDS
MOLENWERF 10-12 AMSTERDAM NETHERLANDS 1014 BG

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Dana M. Gilland

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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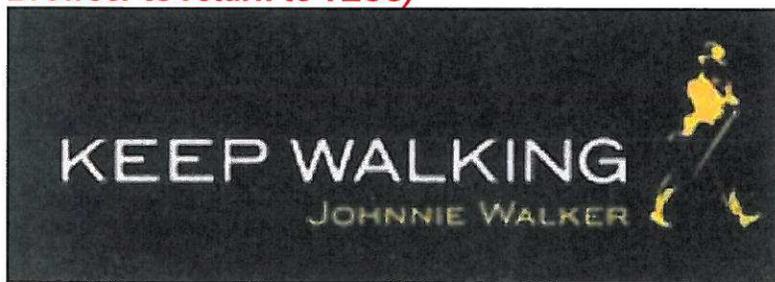
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| | |
|--|---|
| Word Mark | JOHNNIE WALKER KEEP WALKING |
| Goods and Services | IC 033. US 047 049. G & S: Alcoholic beverages, namely whisky and whisky based liqueurs |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 02.01.02 - Men depicted as shadows or silhouettes of men; Silhouettes of men 02.01.21 - Butlers; Magicians (men); Men, waiters, butlers, men wearing tuxedos including magicians; Tuxedos (men wearing); Waiters 02.09.11 - Humans engaged in other work; Humans, including men, women and children, depicted engaged in other work 09.05.02 - Top hats 10.03.02 - Canes, walking; Shepherds crook (staff); Walking sticks and canes 20.03.10 - Bottle labels; Labels for bottles 26.11.21 - Rectangles that are completely or partially shaded |
| Serial Number | 79025553 |
| Filing Date | April 13, 2006 |
| Filing Basis | 66A |
| Original Filing Basis | 66A |
| Published for Opposition | May 29, 2007 |
| Registration Number | 3280168 |
| International Registration Number | 0889439 |
| Registration Date | August 14, 2007 |

Owner (REGISTRANT) Diageo Brands B.V. Besloten Venootschap NETHERLANDS Molenwerf 10-12 NL-1014 BG AMSTERDAM NETHERLANDS

Priority Date March 22, 2006

Prior Registrations 2616316;2632974;2640678;AND OTHERS

Description of Mark The color(s) black, white and yellow is/are claimed as a feature of the mark. The mark consists of a black rectangle. The white colored text KEEP WALKING and yellow colored text JOHNNIE WALKER appears in the rectangle. To the right of the text is the yellow silhouette of a man walking with a yellow cane and wearing a yellow top hat.

Type of Mark TRADEMARK

Register PRINCIPAL

Other Data The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

Live/Dead Indicator LIVE

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CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served, via first class mail, postage prepaid, on this 11th day of April 2012, to Applicant at the address identified on the Patent and Trademark Office's TARR database as follows:

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Gina Vendittelli