

ESTTA Tracking number: **ESTTA527584**

Filing date: **03/19/2013**

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	The Absolut Company Aktiebolag
Granted to Date of previous extension	03/20/2013
Address	SE-117 97 Stockholm, SWEDEN

Attorney information	Robert W. Zelnick McDermott Will & Emery LLP 500 North Capitol Street, NW Washington, DC 20001 UNITED STATES dcipit@mwe.com, rzelnick@mwe.com, bmorgan@mwe.com, ksandacz@mwe.com
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**Applicant Information**

Application No	77632757	Publication date	11/20/2012
Opposition Filing Date	03/19/2013	Opposition Period Ends	03/20/2013
Applicant	kahlenberg, galen, d 808 south shary rd ste. 5 - 140 mission, TX 78572 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Goods made wholly or substantially of denim, namely, jackets, pants, shirts, skirts, dresses, beachwear, shorts, jeans, sweatsuits, t-shirts, tank tops
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
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.	1811766	Application Date	11/16/1989
Registration Date	12/21/1993	Foreign Priority	06/12/1989

		Date	
Word Mark	ABSOLUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: [COSMETICS; NAMELY, LIPSTICK, NON-MEDICATED LIP BALM, SKIN MOISTURIZING LOTION AND CREAM, SUN LOTION, SUN BLOCK, TOILET SOAP, BATH OIL, BATH BEADS, COLOGNE, PERFUME, AND DUSTING POWDER]</p> <p>Class 008. First use: [SCISSORS AND POCKET KNIVES]</p> <p>Class 009. First use: [CALCULATORS; MUSICAL SOUND RECORDINGS, AND] PRE-RECORDED VIDEO TAPES PERTAINING TO SWEDEN AND THE HISTORY OF THE MANUFACTURE OF VODKA</p> <p>Class 020. First use: [FOOTSTOOLS]</p> <p>Class 021. First use: COCKTAIL STICKS; DRINKING GLASSES; SALT AND PEPPER SHAKERS; DRINK POURERS; NAPKIN HOLDERS; [ICE BUCKETS AND BOTTLE COOLERS; GLASS BOWLS; COMBS AND BRUSHES;] COAT HANGER TAGS</p> <p>Class 024. First use: BAR TOWELS AND BATH TOWELS</p> <p>Class 025. First use: First Use: 1984/11/00 First Use In Commerce: 1984/11/00 GOLF JACKETS, GOLF SHIRTS, SWEATERS, SHIRTS, T-SHIRTS, JERSEYS, JACKETS, APRONS, [BELTS,] HEAD WEAR, SWEAT SHIRTS, [SWIM WEAR] SCARVES, [SKI SUITS] TIES [AND SHORTS]</p> <p>Class 026. First use: TIE CLIPS</p> <p>Class 028. First use: TENNIS BAGS [; SWIMMING AIDS; NAMELY, FLOATS FOR RECREATIONAL USE; ATHLETIC EQUIPMENT; NAMELY, BEACH BALLS, FOOTBALLS, BASEBALLS, BASEBALL BATS AND SOCCER BALLS]</p>		

U.S. Registration No.	3773826	Application Date	12/29/2004
Registration Date	04/13/2010	Foreign Priority Date	NONE
Word Mark	ABSOLUT		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 006. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Metal key chains and key rings</p> <p>Class 008. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Hand tools, namely, scissors, pocketknives, and garnish cutters; and kitchen cutlery, namely, knives, forks and spoons</p> <p>Class 009. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 (Based on Use in Commerce) Calculators; musical sound recordings; pre-recorded audio and video disks in the fields of Sweden, music, arts, movies, beverages and sales and marketing of beverages; neon signs; electric signs; and illuminated signs</p> <p>Class 014. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Jewelry; tie clips; cuff links; necklaces; jewelry, namely, pins; clocks and watches; and ashtrays of precious metal</p> <p>Class 016. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Publications and printed matter, namely, books, magazines and brochures in the fields of Sweden, music, arts, movies, beverages and sales and marketing of beverages; recipe brochures and booklets; writing instruments; paper napkins; posters; paper coasters; paper banners; desktop business card holders; paper gift bags and boxes; paper menu holders; stickers; decals; folders; postcards; paper coat hanger tags; and paper tablecloths</p> <p>Class 018. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Bags, namely, handbags; backpacks; purses; luggage; duffle bags; sports bags; travel bags; tote bags; umbrellas; and business card cases</p> <p>Class 020. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 204479) Furniture; point of purchase displays; display racks and shelves; footstools; bar stools; furniture, namely, chairs and bars; mirrors for use as signs; picture frames; racks for displaying barware and glassware; plastic coat hanger tags; menu display cases</p> <p>Class 021. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Household and kitchen utensils, namely, non-electric barware for mixing and serving beverages; glass beverage ware; serving ware; beverage trays; spice shakers; non-electric beverage stirrers, mixers and shakers; beverage coolers; ice buckets; drink pourers; napkin holders; bowls; combs and hair brushes; plastic and glass coasters; ice scoops; barware and glassware drying racks; tip jars; candle holders not of precious metal; cocktail strainers; garnish picks; bottles sold empty; household containers; serving trays not of precious metal; racks for storing barware and glassware; household drip stoppers for the necks of bottles and jars; and corkscrews</p> <p>Class 024. First use: (Based on 44(e) pursuant to European Community Foreign Registration Number 1521681) Towels; textile tablecloths; textile wall hangings; bed blankets; and blanket throws</p> <p>Class 025. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Clothing, namely, t-shirts, shirts, scarves, ties, slacks, shorts, jeans, coats,</p>

	<p>footwear, socks, sport jackets, jackets, sweaters, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski suits, ski wear and underwear; headgear, namely, hats and caps; bandanas; and scarves</p> <p>Class 026. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Hair clips</p> <p>Class 027. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Floor mats; rubber bar mats; and area rugs</p> <p>Class 028. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Playing cards; sporting goods bags, namely, specially adapted bowling bags and tennis bags; swimming aids, namely, floats for recreational use; sporting goods, games and toys, namely, beach balls, footballs, baseballs, soccer balls, baseball bats and golf bags; and novelty items, namely, snow globes</p> <p>Class 030. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Frozen confections; candies; pastries; and spices</p> <p>Class 033. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Alcoholic beverages, namely, liqueurs, cordials, distilled spirits, distilled liquor, flavored brewed malt beverages, prepared alcoholic and wine cocktails, and alcoholic malt coolers</p> <p>Class 034. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Smoker's articles, namely, cigars, cigarette lighters, ashtrays not of precious metal, and matches</p> <p>Class 043. First use: (Based on 44(e) pursuant to Swedish Foreign Registration Number 248376) Services for providing food and drink, namely, restaurant, bar, cocktail lounge, catering and cafe services</p>
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U.S. Registration No.	3456058	Application Date	11/25/2003
Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	ABSOLUT BAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: Clothing, namely, t-shirts, shirts, scarves, ties, slacks, shorts, jeans, pants, coats, socks, sport jackets, jackets, sweaters, sweatshirts, sweat suits, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski suits, ski wear and underwear; footwear; and headgear, namely, hats and caps</p>		

U.S. Registration No.	4255900	Application Date	04/16/2010
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	ABSOLUT ART COLLECTION		
Design Mark			
Description of Mark	The mark consists of the black wording "ABSOLUT ART" above the gray word "COLLECTION", all of which are suspended by gray strings and a black nail.		
Goods/Services	<p>Class 009. First use:  Apparatus for recording, transmission or reproduction of sound or images, namely, digital audio players, and recording and playing devices for sound and image carriers; blank optical or magnetic data carriers; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculators and fire-extinguishing apparatus; magnetic data carriers and recording discs, namely, pre-recorded audio and video discs featuring Sweden, the history of the manufacture of vodka, leisure, entertainment, music, arts, movies, culture, beverages and sales and marketing of beverages; neon signs, electric signs and illuminated signs; magnetic data carriers and recording discs, namely, musical sound recordings; magnetic data carriers and recording discs featuring electronic publications recorded on recording discs, namely, magazines and newsletters in the fields of Sweden, the history of the manufacture of vodka, leisure, entertainment, music, arts, movies, culture, beverages and sales and marketing of beverages; and magnetic data carriers and recording discs featuring computer software used for creating, managing, downloading, uploading, recording and playing music and videos</p> <p>Class 014. First use:  Precious metals and their alloys; goods in precious metals or coated therewith, not included in other classes, namely, pins being jewelry, cufflinks, tie clips, ashtrays of precious metal; jewelry, precious stones; horological and chronometric instruments; clocks and watches</p> <p>Class 016. First use:  Paper and cardboard; printed matter, namely, books, magazines, newsletters and brochures in the fields of Sweden, the history of the manufacture of vodka, leisure, entertainment, music, arts, movies, culture, beverages and sales and marketing of beverages; book binding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, pencils, brushes, pastels, pens and canvas for painting; paint brushes; typewriters and office requisites, namely, staples, paper clips, note pads, memo pads, writing paper, and writing instruments; printed matter, namely, instructional and teaching material in the fields of Sweden, the history of the manufacture of vodka, leisure, entertainment, music, arts, movies, culture, beverages and sales and marketing of beverages; plastic packaging materials, not included in other classes, namely, plastic bags, plastic bubble packs for wrapping or packaging; printers' type; printing blocks; printed matter, namely, recipe brochures and booklets, address books, postcards, posters, paper</p>		

banners, stickers, and decals; goods made from paper and cardboard, namely, paper napkins, paper coasters, paper gift bags and boxes, folders, paper coat hanger tags, and paper tablecloths

Class 018. First use:

Leather and imitations of leather, and goods made of these materials and not included in other classes, namely, handbags, purses, suitcases, wallets; animal skins, hides; trunks and travelling bags; luggage, tote bags, umbrellas, parasols and walking sticks; whips, harness and saddlery

Class 024. First use:

Textiles and textile goods, not included in other classes, namely, towels, napkins, fabric flags, cloth runners for table cloths, tablecloths, placemats, area rugs, textile wall hangings, bed blankets and sheets, blanket throws, cloth flags, and cloth banners

Class 025. First use:

Clothing, namely, shirts, scarves, bandanas, ties, pants, coats, footwear, socks, jackets, sweaters, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski wear and underwear; headgear, namely, headwear

Class 032. First use:

Beers; non-alcoholic malt-based beverages; mineral, flavored and aerated waters; carbonated and non-carbonated soft drinks; sports drinks; energy drinks; fruit and fruit-flavored drinks; fruit juices; syrups and preparations for making beers, non-alcoholic malt-based beverages, mineral, flavored and aerated waters, carbonated and non-carbonated soft drinks, sports drinks, energy drinks, fruit and fruit-flavored drinks, and fruit juices; and non-alcoholic beverage mixes for making non-alcoholic cocktails and alcoholic cocktails, beers, non-alcoholic malt-based beverages, mineral, flavored and aerated waters, carbonated and non-carbonated soft drinks, sports drinks, energy drinks, fruit and fruit-flavored drinks, and fruit juices

Class 033. First use:

Alcoholic beverages except beers

Class 035. First use:

Advertising and promotional services, namely, promoting the goods and services of others by preparing and placing advertisements on websites on global computer networks and distributing printed material; advertising and promotional services, namely, promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with art exhibitions, musical concerts, and multimedia internet programming; advertising and promotional services, namely, promoting public awareness of the need for art appreciation; business management; business administration, namely, developing promotional campaigns and contests; and providing office functions

Class 038. First use:

Telecommunications services, namely, broadcasting programs on a global computer network; telecommunications services, namely, electronic transmission of voice, music, data, multimedia programming, and messages on computer terminals on global computer networks; telecommunications services, namely, webcasting audio/visual programming via a global computer network; telecommunications services, namely, providing online chat rooms and bulletin boards for the transmission of messages among computer users concerning alcohol, music, art, design, culture, drama, action, hobbies, current events, comedy, and entertainment; telecommunications services, namely, providing online transmission of messages among computer users concerning alcohol, music, art, design, culture, drama, action, hobbies, current events, comedy, and entertainment; telecommunications services, namely, text and numeric wireless digital messaging services to mobile communications devices

Class 041. First use:

	<p>Education and providing of training and entertainment, namely, arranging and conducting classes, seminars, conferences and workshops in the fields of art, art appreciation, alcohol, alcohol awareness and moderation, and alcohol sales, distribution and marketing, and distribution of course materials in connection therewith; organizing sporting and cultural activities; entertainment services, namely, providing information in the fields of recreational leisure activities, art, music, culture, fashion shows and movies; entertainment in the nature of ongoing multimedia internet programs and ongoing series in the fields of music, art, design, culture, fashion, drama, action, hobbies, current events, comedy and leisure broadcast on global computer networks; entertainment services, namely, providing non-downloadable online magazines and newsletters in the fields of beverages, music, art, design, culture, fashion, drama, action, hobbies, current events, comedy, and entertainment; entertainment services in the nature of a fan club; entertainment services, namely, providing online computer games; entertainment services, namely, arranging and conducting entertainment exhibitions in the fields of art, music, culture and movies; and entertainment services, namely, arranging of contests</p> <p>Class 043. First use: Services for providing food and drink; and providing temporary accommodation</p>
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U.S. Registration No.	3268740	Application Date	11/12/2003
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	ABSOLUT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1988/00/00 First Use In Commerce: 1988/00/00 Charitable services, namely organizing and conducting volunteer programs and community service projects; promoting the goods and services of others by preparing and placing advertisements on websites on global computer networks and distributing printed material; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with art exhibitions, musical concerts, and multimedia Internet programming; business consultation in the field of beverage sales and marketing; offering technical assistance in the operation of beverage distribution and retail sales businesses; developing promotional campaigns and contests for businesses; and product marketing, namely, sales volume and inventory tracking for others in the field of beverage sales</p>		

U.S. Registration No.	1302003	Application Date	01/06/1983
Registration Date	10/23/1984	Foreign Priority Date	NONE

Word Mark	ABSOLUT
Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1883/12/31 First Use In Commerce: 1978/05/03 Vodka

U.S. Registration No.	2529817	Application Date	05/09/2001
Registration Date	01/15/2002	Foreign Priority Date	NONE
Word Mark	ABSOLUT		
Design Mark			
Description of Mark	The mark consists of the stylized term ABSOLUT shown in the color red. The color red encompasses the entire mark and is not limited to any particular portion of the mark. Applicant claims the color red as a feature of the mark.		
Goods/Services	Class 033. First use: First Use: 1979/04/17 First Use In Commerce: 1979/06/17 Vodka		

U.S. Registration No.	2540331	Application Date	05/09/2001
Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	ABSOLUT		
Design Mark			
Description of Mark	The mark consists of the stylized term "ABSOLUT" shown in the color blue. The color blue encompasses the entire mark and is not limited to any particular portion of the mark. The color blue is claimed as a feature of the mark.		
Goods/Services	Class 033. First use: First Use: 1979/04/17 First Use In Commerce: 1979/06/17 Vodka		

U.S. Registration No.	2399045	Application Date	09/17/1998
Registration Date	10/31/2000	Foreign Priority Date	NONE
Word Mark	ABSOLUT MANDRIN		
Design Mark	<b>ABSOLUT MANDRIN</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1999/07/01 First Use In Commerce: 1999/07/01 Alcoholic beverages, namely vodka		

U.S. Registration No.	2688447	Application Date	04/15/2002
Registration Date	02/18/2003	Foreign Priority Date	NONE
Word Mark	ABSOLUT KURANT		
Design Mark	<b>ABSOLUT KURANT</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1992/09/27 First Use In Commerce: 1992/09/27 Alcoholic beverages, namely, vodka		

U.S. Registration No.	2785564	Application Date	04/15/2002
Registration Date	11/25/2003	Foreign Priority Date	NONE
Word Mark	ABSOLUT PEPPAR		

Design Mark	<b>ABSOLUT PEPPAR</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1986/00/00 First Use In Commerce: 1986/00/00 Alcoholic beverages, namely, vodka		

U.S. Registration No.	2785565	Application Date	04/15/2002
Registration Date	11/25/2003	Foreign Priority Date	NONE
Word Mark	ABSOLUT CITRON		
Design Mark	<b>ABSOLUT CITRON</b>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1988/07/05 First Use In Commerce: 1988/07/05 Alcoholic beverages, namely, vodka		

U.S. Registration No.	1893279	Application Date	02/28/1994
Registration Date	05/09/1995	Foreign Priority Date	NONE
Word Mark	ABSOLUT COUNTRY OF SWEDEN VODKA		
Design Mark	 <p>The logo features the word "ABSOLUT" in a large, bold, black sans-serif font. Below it, "Country of Sweden" is written in a smaller, elegant, black cursive script. At the bottom, the word "VODKA" is written in a large, bold, black sans-serif font, matching the style of "ABSOLUT".</p>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1978/05/03 First Use In Commerce: 1978/05/03		

	vodka
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Attachments	76625990#TMSN.gif ( 1 page )( bytes ) 76561774#TMSN.gif ( 1 page )( bytes ) 85015742#TMSN.jpeg ( 1 page )( bytes ) 76559475#TMSN.gif ( 1 page )( bytes ) 76254061#TMSN.gif ( 1 page )( bytes ) 76254294#TMSN.gif ( 1 page )( bytes ) 75555188#TMSN.gif ( 1 page )( bytes ) 76395490#TMSN.gif ( 1 page )( bytes ) 76395489#TMSN.gif ( 1 page )( bytes ) 76395491#TMSN.gif ( 1 page )( bytes ) 74494847#TMSN.gif ( 1 page )( bytes ) Opposition - ABSOLUTE PREMIUM DENIM.pdf ( 7 pages )(42669 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	/Robert W. Zelnick/
Name	Robert W. Zelnick
Date	03/19/2013

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

THE ABSOLUT COMPANY AKTIEBOLAG,

Opposer,

v.

GALEN D. KAHLENBERG,

Applicant.

Opposition No. \_\_\_\_\_

Serial No: 77/632757

Mark: ABSOLUTE PREMIUM DENIM

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Application No.: 77/632757  
Mark: ABSOLUTE PREMIUM DENIM  
Applicant: Galen D. Kahlenberg  
Filed: December 14, 2008  
Published: November 20, 2012  
International Class: 25  
For: Goods made wholly or substantially of denim, namely, jackets, pants, shirts, skirts, dresses, beachwear, shorts, jeans, sweatsuits, t-shirts, tank tops

**NOTICE OF OPPOSITION**

THE ABSOLUT COMPANY AKTIEBOLAG, a corporation organized and existing under the laws of Sweden, having its principal place of business at SE-117 97 Stockholm, Sweden (“Opposer”), by and through its attorneys, hereby states that it will be damaged by registration of the mark “ABSOLUTE PREMIUM DENIM” covered by U.S. Application Ser. No. 77/632757, filed by Galen D. Kahlenberg, an individual located at 808 South Shary Road, Suite 5140, Mission, Texas 78572 (“Applicant”), and hereby opposes registration of same.

The grounds for opposition are as follows:

1. Opposer manufactures the world-famous vodka sold under the brand name ABSOLUT, which is sold throughout the United States. In addition, Opposer is and for many years has been engaged in the development, manufacture, promotion, distribution, offering for sale, and sale of a wide variety of other products and services under its ABSOLUT marks, including the goods and services identified in the registrations cited in Paragraph 3, below.

2. Since long prior to Applicant’s filing of its application to register the mark “ABSOLUTE PREMIUM DENIM” and prior to any use thereof by Applicant, Opposer has used, advertised and promoted in commerce, and continues to use, advertise and promote in commerce, Opposer’s ABSOLUT marks in connection with Opposer’s broad range of products and services, including the goods and services identified in the registrations cited in Paragraph 3, below.

3. Opposer owns extensive common law rights to its ABSOLUT marks. In addition, Opposer owns numerous U.S. trademark and service mark registrations for ABSOLUT, both alone and in combination with other terms and designs, for a wide variety of products and services, including, but not limited to, the goods and services identified in the registrations below. (Hereafter these registered and common law marks are collectively referred to as the “ABSOLUT Marks.”). Among Opposer’s federally registered marks are the following, which are currently registered on the Principal Register and have not been cancelled:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Selected Goods and Services</b>
ABSOLUT	1,811,766	12/21/93	... golf jackets, golf shirts, sweaters, shirts, T-shirts, jerseys, jackets, aprons, head wear, sweat shirts, scarves, and ties in Class 25.
ABSOLUT	3,773,826	4/13/10	... clothing, namely, t-shirts, shirts, scarves, ties, slacks, shorts, jeans, coats, footwear, socks, sport jackets, jackets, sweaters, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski suits, ski wear and underwear; headgear, namely, hats and caps; bandanas; and scarves in Class 25.

<b>Trademark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Selected Goods and Services</b>
ABSOLUT BAR	3,456,058	07/1/08	Clothing, namely, t-shirts, shirts, scarves, ties, slacks, shorts, jeans, pants, coats, socks, sport jackets, jackets, sweaters, sweatshirts, sweat suits, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski suits, ski wear and underwear; footwear; and headgear, namely, hats and caps in Class 25.
ABSOLUT ART COLLECTION and Design	4,255,900	12/11/12	... clothing, namely, shirts, scarves, bandanas, ties, pants, coats, footwear, socks, jackets, sweaters, belts, dresses, skirts, aprons, hosiery, beachwear, swimwear, ski wear and underwear; headgear, namely, headwear in Class 25.
ABSOLUT	3,268,740	07/24/07	Charitable services, namely organizing and conducting volunteer programs and community service projects; promoting the goods and services of others by preparing and placing advertisements on websites on global computer networks and distributing printed material; promoting the goods and services of others by arranging for sponsors to affiliate their goods and services with art exhibitions, musical concerts, and multimedia internet programming; business consultation in the field of beverage sales and marketing; offering technical assistance in the operation of beverage distribution and retail sales businesses; developing promotional campaigns and contests for businesses; and product marketing, namely, sales volume and inventory tracking for others in the field of beverage sales in Class 35.
ABSOLUT	1,302,003	10/23/84	Vodka, in Class 33.
ABSOLUT	2,529,817	01/15/02	Vodka, in Class 33.
ABSOLUT	2,540,331	02/19/02	Vodka, in Class 33.
ABSOLUT MANDRIN	2,399,045	10/31/00	Alcoholic beverages, namely vodka, in Class 33.
ABSOLUT KURANT	2,688,447	02/18/03	Alcoholic beverages, namely vodka, in Class 33.
ABSOLUT PEPPAR	2,785,564	11/25/03	Alcoholic beverages, namely vodka, in Class 33.
ABSOLUT CITRON	2,785,565	11/25/03	Alcoholic beverages, namely vodka, in Class 33.
ABSOLUT COUNTRY OF SWEDEN	1,893,279	05/09/95	Vodka, in Class 33.

4. The registrations set forth in Paragraph 3 are valid and subsisting and in full force and effect. In addition, Opposer's Registrations Nos. 1,302,003; 1,811,766; 1,893,279; 2,399,045; 2,529,817; 2,540,331; 2,688,447; 2,785,564; and 2,785,565 have achieved incontestable status under 15 U.S.C. §§ 1065 and 1115(b).

5. Opposer has expended substantial resources to advertise and promote the above-described products and services, among other products and services, all under its ABSOLUT Marks. Notably two of Opposer's above-cited registrations cover "jeans," which by definition are made of denim.

6. By reason of Opposer's advertisement, sale, offering for sale, promotion and use, and the world-wide distribution of Opposer's products and services, Opposer's ABSOLUT Marks have come to be recognized as signifying Opposer and its products and services. Opposer has built up extensive goodwill in its ABSOLUT Marks, both individually and as a family of ABSOLUT marks.

7. Long prior to Applicant's filing of its application to register the mark "ABSOLUTE PREMIUM DENIM" and prior to any use thereof by Applicant, purchasers have come to recognize Opposer's ABSOLUT Marks as identifying goods and services emanating exclusively from Opposer.

8. Opposer's ABSOLUT Marks are famous and have been famous since long prior to Applicant's filing of its application to register the mark "ABSOLUTE PREMIUM DENIM" and prior to any use thereof by Applicant.

9. Notwithstanding Opposer's prior rights in and to Opposer's ABSOLUT Marks, on December 14, 2008, Applicant filed Application Serial No. 77/632757 for the mark "ABSOLUTE PREMIUM DENIM" for "Goods made wholly or substantially of denim, namely, jackets, pants, shirts, skirts, dresses, beachwear, shorts, jeans, sweatsuits, t-shirts, tank tops" in International Class 25.

10. Applicant's herein-opposed application was published for opposition on November 20, 2012 in the Official Gazette (Trademarks) of the United States Patent and Trademark Office. Opposer was granted an extension of time until March 20, 2013 to file a notice of opposition. Therefore, this Notice of Opposition is being timely filed.

11. Applicant's applied-for goods are identical to, similar to, related to and overlap with the products with which Opposer uses its ABSOLUT Marks.

12. Applicant's mark "ABSOLUTE PREMIUM DENIM" is confusingly similar to Opposer's ABSOLUT Marks, and Applicant's use and registration of "ABSOLUTE PREMIUM DENIM" with the goods set forth in Applicant's application are likely to cause confusion, deception, and/or mistake among the relevant public.

13. Applicant's use and registration of the mark "ABSOLUTE PREMIUM DENIM" are likely to dilute the distinctiveness of Opposer's famous ABSOLUT Marks.

14. Applicant's use and registration of the mark "ABSOLUTE PREMIUM DENIM" are likely to falsely suggest a connection with Opposer and Opposer's ABSOLUT Marks.

15. Applicant's use and registration of the mark "ABSOLUTE PREMIUM DENIM" are likely to tarnish and harm the reputation of Opposer's famous ABSOLUT Marks.

16. Applicant's use and registration of the mark "ABSOLUTE PREMIUM DENIM" interfere with Opposer's ABSOLUT Marks and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and prays that it be denied.

The requisite filing fee prescribed by 37 C.F.R. § 2.6(a)(17), in the amount of \$300.00, should be charged to Deposit Account No. 500417. If there are any additional fees due in connection with this Notice of Opposition, they should also be charged to Deposit Account No.

500417, and any excess fees should be credited to same. All correspondence relating to this matter should be directed to the undersigned attorneys for Opposer.

Respectfully submitted,

THE ABSOLUT COMPANY AKTIEBOLAG

Dated: March 19, 2013

By: /Robert W. Zelnick/

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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

Opposer THE ABSOLUT COMPANY AKTIEBOLAG, by and through its attorneys,  
hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon applicant  
on this 19th day of March, 2013, by First Class Mail at the following address:

Galen D. Kahlenberg  
808 S. Shary Road, Suite 5140  
Mission, Texas 78572-8568

/ Bess Morgan / \_\_\_\_\_  
Bess Morgan  
McDERMOTT WILL & EMERY LLP  
Attorney for Opposer

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