

ESTTA Tracking number: **ESTTA564115**

Filing date: **10/09/2013**

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	AlfredFleckenstein
Granted to Date of previous extension	10/09/2013
Address	2445 NW Raleigh Street Portland, OR 97210 UNITED STATES

Attorney information	J. Peter Staples Chernoff Vilhauer LLP 601 SW Second Avenue, Ste 1600 Portland, OR 97204 UNITED STATES JPS.docket@chernofflaw.com Phone:503 227-5631
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Applicant Information

Application No	85860017	Publication date	06/11/2013
Opposition Filing Date	10/09/2013	Opposition Period Ends	10/09/2013
Applicant	Patriot's Brewing Company LLC 8500 173th Ct W Faribault, MN 55021 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2013/01/16 First Use In Commerce: 2013/01/16
All goods and services in the class are opposed, namely: Baseball caps and hats; Coats; Jackets; Sweatshirts; T-shirts

Grounds for Opposition

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

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FLECK'S BEER		
Goods/Services	baseball caps and hats; coats; jackets; sweatshirts; t-shirts		

Attachments	Notice_of_Opposition.pdf(70984 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	/Peter Staples/
Name	J. Peter Staples
Date	10/09/2013

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

In the Matter of Trademark Application No. 85860017

Applicant : Patriot's Brewing Company, LLC

Mark : FLECK'S BEER

Filed : 2013-02-26

Published for
Opposition : 2013-06-11

Alfred C. Fleckenstein,

Opposer,

v.

Patriot's Brewing Company, LLC

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, Alfred C. Fleckenstein, an individual whose address is 2445 NW Raleigh Street, Portland, Oregon 97210 (hereinafter "Opposer"), believes he will be damaged by the registration of the above-identified mark in Class 25 and hereby opposes the same. As grounds therefor Opposer alleges:

1. Applicant seeks to register the mark FLECK'S BEER ("Applicant's Mark") as a trademark for baseball caps and hats; coats; jackets; sweatshirts; t-shirts ("Applicant's Goods").
2. Applicant represents that the first use of Applicant's Mark in commerce on Applicant's Goods is January 16, 2013.

3. Long before applicant's date of first use, Opposer used the trademark FLECK'S BEER for substantially identical goods.
4. Applicant's Mark is identical to Opposer's mark.
5. The consumers for Applicant's product overlap the class of consumers for Opposer's product.
6. Use by Applicant for the mark FLECK'S BEER in connection with the sale and advertising of Applicant's Goods is likely to cause confusion with the identical mark FLECK'S BEER used by Opposer for substantially identical goods. The issuance to Applicant of a registration for the mark FLECK'S BEER would be inconsistent with Opposer's ownership and exclusive right to use his FLECK'S BEER trademark in connection with his goods, and consequently would cause Opposer damage.

WHEREFORE, Opposer requests that the aforesaid application Serial No. 85860017 be rejected and that registration of the mark be refused.

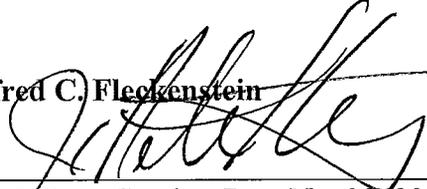
DECLARATION

I, J. Peter Staples, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Section 18 of the United States Code and that such willful false statements may jeopardize the validity of this Notice of Opposition or related opposition proceedings, declares: that I am attorney for Opposer and I am authorized to execute this declaration on behalf of Opposer; and that all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Executed this 9th day of October, 2013.

Alfred C. Fleckenstein

By


J. Peter Staples, Reg. No. 30690
Attorney for Opposer
Tel. 503 227-5631