

ESTTA Tracking number: **ESTTA581915**

Filing date: **01/15/2014**

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	Viking River Cruises (Bermuda) Ltd.
Granted to Date of previous extension	01/15/2014
Address	Clarendon House, 2 Church Street Hamilton, HM 11 BERMUDA
Attorney information	Beth M. Goldman and Betsy Wang Lee Orrick, Herrington & Sutcliffe LLP 405 Howard Street San Francisco, CA 94105 UNITED STATES ipprosecutionsf@orrick.com, blee@orrick.com Phone:415-773-5700

**Applicant Information**

Application No	85908205	Publication date	09/17/2013
Opposition Filing Date	01/15/2014	Opposition Period Ends	01/15/2014
Applicant	Heart of the Goat LLC 60 East Simpson Ave., Box 2869 Jackson, WY 83001 WY		

**Goods/Services Affected by Opposition**

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Headwear; Jackets; Jerseys; Shirts; Shorts; Sweatpants; Sweatshirts; T-shirts; Tank tops
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: On-line retail store services featuring clothing and beer

**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. Registration No.	2881355	Application Date	11/04/2002
Registration Date	09/07/2004	Foreign Priority Date	NONE

Word Mark	VIKING RIVER CRUISES
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/02/01 First Use In Commerce: 2003/02/01 shirts, tops, t-shirts, polo shirts

Attachments	78181292#TMSN.gif( bytes ) NOO EMBRACE YOUR INNER VIKING.pdf(139494 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	/Betsy Wang Lee/
Name	Betsy Wang Lee
Date	01/15/2014

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

In the Matter of Application Serial No. 85/908,205  
Published in the *Official Gazette* on September 17, 2013  
Trademark: **EMBRACE YOUR INNER VIKING**

Viking River Cruises (Bermuda) Ltd.,  Opposer,  v.  Heart of the Goat LLC,  Applicant.	NOTICE OF OPPOSITION
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**NOTICE OF OPPOSITION**

Viking River Cruises (Bermuda) Ltd. (“Opposer”), a Bermuda exempted company with an address at Clarendon House, 2 Church Street, Hamilton, Bermuda HM 11, believes it will be damaged by registration of the mark EMBRACE YOUR INNER VIKING as shown in Application Serial No. 85/908,205 in International Classes 25 and 35 and hereby opposes the application in International Classes 25 and 35.

As grounds for opposition, Opposer alleges:

1. Opposer has obtained the necessary extensions of time in which to oppose the challenged trademark following publication on September 17, 2013 in the *Official Gazette*.
2. Heart of the Goat LLC (“Applicant”) has filed an application to register the mark EMBRACE YOUR INNER VIKING for, *inter alia*, “headwear; jackets; jerseys; shirts; shorts; sweatpants; sweatshirts; t-shirts; tank tops” in International Class 25 and “on-line retail store

services featuring clothing and beer” in International Class 35 as evidenced by the publication of such mark in the *Official Gazette* on September 17, 2013.

3. Applicant is, upon information and belief, a Wyoming limited liability company with an address at 60 East Simpson Ave., Box 2869, Jackson, Wyoming 83001.

4. Opposer or its predecessor-in-interest has, since at least as early as 2003, used the mark VIKING RIVER CRUISES & Design in connection with clothing. Opposer is also the owner of an incontestable registration for the VIKING RIVER CRUISES & Design mark (United States Registration No. 2,881,355, registered September 7, 2004) for “shirts, tops, t-shirts, polo shirts” in International Class 25.

5. There is no issue as to priority. Applicant has not used the mark EMBRACE YOUR INNER VIKING on its goods or services prior to April 18, 2013, as is evidenced by Applicant’s filing of its application on an intent-to-use basis on that date. The date of issuance of Opposer’s registration for the VIKING RIVER CRUISES & Design mark is September 7, 2004.

6. Opposer has sold its goods under the VIKING RIVER CRUISES & Design mark throughout the United States and has developed exceedingly valuable goodwill with respect to the VIKING RIVER CRUISES & Design mark.

7. By virtue of its efforts and the expenditure of considerable sums for promotional and advertising activities and by virtue of the excellence of its goods, Opposer has gained for the VIKING RIVER CRUISES & Design mark a most valuable reputation and has created, in the minds of the buying public, an exclusive association between the VIKING RIVER CRUISES & Design mark and its goods.

8. The trademark proposed for registration by Applicant, namely, EMBRACE YOUR INNER VIKING, is likely to be confused with Opposer’s VIKING RIVER CRUISES &

Design mark because the marks are similar in appearance, sound and overall commercial impression.

9. Applicant seeks to register EMBRACE YOUR INNER VIKING as a mark in connection with goods and services in International Classes 25 and 35 that are identical or related to the goods of Opposer and such use so nearly resembles Opposer's use as to be likely to cause confusion, to cause mistake or to deceive within the meaning of 15 U.S.C. § 1052(d).

10. If Applicant is permitted to use and register the EMBRACE YOUR INNER VIKING mark for the goods and services specified in International Classes 25 and 35 of the opposed application, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the fact that Applicant's mark is confusingly similar to Opposer's VIKING RIVER CRUISES & Design mark. Persons familiar with Opposer's VIKING RIVER CRUISES & Design mark would be likely to buy Applicant's EMBRACE YOUR INNER VIKING goods and services as goods and services offered and sold by Opposer. Furthermore, any defect, objection, or fault found with Applicant's goods and services marketed under the EMBRACE YOUR INNER VIKING mark would be likely to reflect upon and seriously injure the reputation that Opposer has established for its goods offered under the VIKING RIVER CRUISES & Design mark.

11. If Applicant is granted registration of the EMBRACE YOUR INNER VIKING mark in International Classes 25 and 35, such registration would be a source of damage and injury to Opposer.

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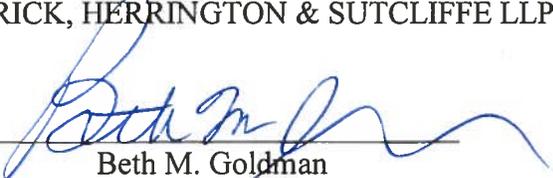
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WHEREFORE, Opposer prays that the opposition be sustained and that the application be refused for registration in International Classes 25 and 35.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: January 15, 2014

By: 

Beth M. Goldman

Betsy Wang Lee

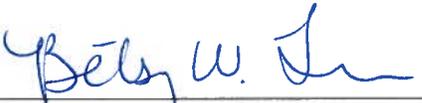
Attorneys for Opposer  
405 Howard Street  
San Francisco, CA 94105  
415-773-5700

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice of Opposition was served by First Class Mail, on January 15, 2014, on counsel for Applicant at the following address:

Amanda V. Dwight  
Dwight Law Group  
2020 Main St. Ste. 600  
Irvine, CA 92614-8226

Dated: January 15, 2014

By:   
Betsy Wang Lee

Attorneys for Opposer  
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