

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

Notice of Opposition

In the matter of trademark application **Serial Number 86083890**

For the mark: **Alec Bradley Black Market**

Published in the Official Gazette on (Date) March 4, 2014

Name of oppose: Philip Restifo
8101 West Rosada Way
Las Vegas NV 89149
USA

v.

Applicant Name: Fairmont Holdings Inc.,
3400 S.W. 26 Terrace, #A-1
Dania, FL 33312
USA

NOTICE OF OPPOSITION

Philip Restifo
8101 West Rosada Way
Las Vegas NV 89149

Goods and/or Services Affected by Opposition:

Class 033, First Use: 0 First Use in Commerce: 0
All goods and/or services in class are opposed, namely all types of spirits, liqueurs, Wine

Marks Cited by Opposer as Basis for Opposition:

U.S. Registration Number: 3400918 Filing Date 04/16/2007 issued dated 02/01/2009

The above-identified opposer believes that we will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:



07-01-2014

Priority and likelihood of confusion:

Trademark Act section 2(d)

Deceptiveness:

Trademark Act section 2(a)

Dilution:

Trademark Act section 43(c)

Opposer Word Mark:

BLACK MARKET WINE & SPIRITS

Class 033 first used in 02/01/2009 Spirit products.

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Philip Restifo Owner
Las Vegas Nevada

Opposer,

Opposition No. _____
Application Serial No. 86083890
Word Mark: Alec Bradley Black Market

FAIRMONT HOLDINGS INC.,
A Florida Corporation.

Applicants.

NOTICE OF OPPOSITION

Opposer, Philip Restifo hereby files this Notice of Opposition to the U.S. Trademark Serial Number 86083890. In support, Opposer states:

1. Opposer is the owner of Registration Number 3400918 for the trademark BLACK MARKET WINE & SPIRITS in international class 033 for vodka, rum, tequila, liqueurs and wines. Opposer also owns extensive common law rights in the BLACK MARKET WINE & SPIRITS trademark with respect to these and other related products and services.
2. Since early 2009, Opposer has continuously used, advertised, promoted offered to the general public nationwide through various channels of trade and commerce, its products and services bearing the BLACK MARKET WINE & SPIRITS trademark.
3. Over the years, Opposer has made a substantial investment in developing, advertising marketing all its products and services as well as goodwill in relation to Opposer's BLACK MARKET WINE & SPIRITS trademark.

4. Over the past 6 years Opposer's customers and the general public have come to know and recognize Opposer's BLACK MARKET WINE & SPIRITS products as well as associate the mark with Opposer.

5. Opposer has expanded and intends to continue to expanding its products and services using the BLACK MARKET WINE & SPIRITS mark which will include new products.

6. On or about October 7 2013 Applicants FAIRMONT HOLDINGS INC., filed with U.S. Trademark Application Serial Number 86083890 seeking to register ALEC BRADLEY BLACK MARKET in international class 033 for Spirits and liqueurs; Wine (the "Opposed Mark").

7. On February 12, 2014 the United States Patent And Trademark Office approved the Opposed Mark for publication and the opposed Mark was published for opposition in the Official Gazette on March 4 2014. Opposer filed and was granted an extension of time to opposes said mark.

8. Opposer will be damaged if Applicants are granted registration of the Opposed Mark because the registration and/or use of the Opposed Mark by Applicant in connection with

Applicants goods:

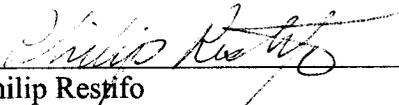
- a. Is likely to cause confusion, mistake or deception as to the affiliation, connection, and/or association between Opposer and Applicants;
- b. will dilute Opposer's trademark; and/or
- c. will give color and exclusive statutory rights to Applicants in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE: Opposer prays that this Opposition be sustained and that registration to Application Serial Number 86083890 be refused.

Philip Restifo submits herewith the requisite filing fee in the amount of \$300 in conjunction with the filing of this Notice Of Opposition.

Dated: June 26 2014

Respectfully submitted,
Philip Restifo
8101 West Rosada Way
Las Vegas, Nevada 89149
Phone: (702) 396-2613/ Direct (702) 845-0452
Cigars555@cs.com


Philip Restifo

Certificate of Service

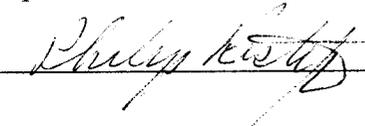
I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION has been served via United States first class mail, Postage prepaid, addressed to:

Fairmont Holdings Inc.,
3400 S.W. 26 Terrace, #A-1
Dania, FL 33312

Kimberly Kolback Esq.
1395 Brickell Avenue # 800
Miami, FL 33131

Name of Document: Notice of Opposition

Name of Depositor: Philip Restifo

Signature of Depositor  date June 26 2014