

ESTTA Tracking number: **ESTTA615472**

Filing date: **07/14/2014**

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	Cervezas Cuauhtemoc Moctezuma SA de CV
Granted to Date of previous extension	07/16/2014
Address	Av Alfonso Reyes 2202 Nte. Col Bella Vista Monterrey, Nuevo Leon, 064000 MEXICO

Domestic Representative	Scott W. Petersen Partner Holland & Knight 131 South Dearborn Street 30th Floor Chicago, IL 60603 UNITED STATES scott.petersen@hklaw.com Phone:312.578.6689
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Applicant Information

Application No	86077843	Publication date	03/18/2014
Opposition Filing Date	07/14/2014	Opposition Period Ends	07/16/2014
Applicant	Brown chevrolet, inc. 504 lee Street Montgomery, WV 25136 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/09/25 First Use In Commerce: 2013/09/25 All goods and services in the class are opposed, namely: Automobile dealerships

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3771331	Application Date	08/27/2009
Registration Date	04/06/2010	Foreign Priority Date	NONE

Word Mark	THE MOST INTERESTING MAN IN THE WORLD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2007/04/09 First Use In Commerce: 2007/04/09 Beer

Attachments	77814037#TMSN.png(bytes) Opposition - WVa's Most Int. Man.pdf(965069 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	/Scott W. Petersen/
Name	Scott W. Petersen
Date	07/14/2014

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

Cervezas Cuauhtemoc)	
Moctezuma Sa De Cv,)	
)	Opp. No. _____
Opposer)	
)	
v.)	(Serial No. 86,077,843)
)	
)	
Brown Chevrolet, Inc.,)	
)	
Applicant)	
<hr style="border: 0.5px solid black;"/>		

NOTICE OF OPPOSITION

In the matter of Application Serial No. 86/077,843 for registration of the mark WEST VIRGINIA'S MOST INTERESTING MAN, filed September 30, 2013, by Brown chevrolet, Inc., 504 Lee Street, Montgomery, West Virginia 25136 (hereinafter "Applicant") and published for opposition in the *Official Gazette* of March 18, 2014; Cervezas Cuauhtémoc Moctezuma SA de CV, a corporation of Mexico, having a mailing address of Ave. Alfonso Reyes 2202 Nte. Col Bella Vista Monterrey Nuevo León, México CP. 64410 (hereinafter "Opposer") would be damaged by registration of said alleged trademark and hereby gives notice of its opposition to the registration of said trademark.

Application Serial No. 86/077,843 is herein referred to as "the Application." The mark WEST VIRGINIA'S MOST INTERESTING MAN, as set forth in the Application, is herein referred to as "Applicant's Mark."

Opposer has sought and received the requisite extensions of time in which to oppose this application, making this Notice of Opposition timely.

As grounds for opposition, Opposer states as follows:

1. Opposer is a major brewer whose beers are known around the world. Opposer is the owner of all right, title, and interest in and to the well known and famous trademarks DOS EQUIS, THE MOST INTERESTING MAN IN THE WORLD and STAY THIRSTY MY FRIENDS. Opposer has been operating a brewery since at least as early as 1890. The beers sold under the Opposer's trademarks ("Opposer's Goods") are renowned among members of the general public in the United States and around the world.

2. Opposer is the owner of United States Trademark Reg. No. 3,771,331 for the mark THE MOST INTERESTING MAN IN THE WORLD for beer in International Class 32 ("Opposer's Registration"), which issued on January 19, 2010. Opposer's Registration is valid and subsisting. In accord with 37 CFR § 2.122(d), printouts from the electronic database records of the United States Patent and Trademark Office (TSDR) showing the current status and title of Opposer's Registration are attached to this Notice of Opposition at Exhibit 1. Opposer's Registration is prima facie evidence of Opposer's ownership of the mark THE MOST INTERESTING MAN IN THE WORLD, of the validity of the Opposer's Mark, and of Opposer's exclusive right to use the mark in commerce in connection with Opposer's goods. The Opposer's Registration has been used in conjunction with a nationally-famous advertising campaign for DOS EQUIS beer which is titled "The Most Interesting Man in the World."

The audio and video advertising features an actor named Jonathon Goldsmith who is identified as "The Most Interesting Man in the World." In the commercials, he ends the commercial with the words "*I don't always drink beer but when I do, I prefer DOS EQUIS. Stay Thirsty My Friends.*" (See Exhibit 2)

3. Opposer has been using Opposer's Mark in connection with Opposer's Goods continuously since 2007. During such time, Opposer has spent considerable time, effort and money in advertising and promoting its DOS EQUIS beer product under Opposer's Mark. As a result of Opposer's vigorous marketing, advertising, and promotion of its goods under the mark THE MOST INTERESTING MAN IN THE WORLD, Opposer's Mark has become well-known and famous as a distinctive indicator of the origin of Opposer's Goods, has acquired a highly favorable reputation among members of the purchasing public, and has become a valuable symbol of Opposer's goodwill.

4. Opposer's beers offered under the DOS EQUIS brand and THE MOST INTERESTING MAN IN THE WORLD trademark are among the most highly acclaimed beers in the world. When entering "THE MOST INTERESTING MAN IN THE WORLD" in Google - within quotation marks so as to retrieve only records where this exact configuration of words appears - this search produces thousands of records which refer to Opposer's Mark and Opposer's Goods.

5. Opposer's trademark THE MOST INTERESTING MAN IN THE WORLD is strong, inherently distinctive, and arbitrary as applied to Opposer's Goods. Moreover, the distinctiveness of Opposer's Mark as a source indicator

for Opposer's Goods has been increased by virtue of Opposer's long-term use and vigorous promotion of Opposer's Mark over the last seven years.

6. Opposer's trademark THE MOST INTERESTING MAN IN THE WORLD is famous and became famous prior to the adoption by Applicant of Applicant's Mark and prior to the filing date of the Application.

7. Notwithstanding Opposer's prior rights in Opposer's Mark, Applicant filed the Application in the U.S. Patent and Trademark Office on September 30, 2013 (Serial No. 86/077,843) for the purpose of obtaining U.S. registration of the Applicant's Mark. The services identified in the Application are "automobile dealerships" in International Class 35 ("Applicant's Services"). The Application was filed on the basis of Applicant's use of the mark in Commerce, under 15 U.S.C. Section 1051(a).

8. Opposer has used, advertised and promoted Opposer's Mark in interstate commerce from a date prior to the filing date of the Application and on information and belief and prior to any use by Applicant's Mark.

9. Opposer's Registration issued prior to the filing date of the Application and prior to any use by Applicant of Applicant's Mark.

10. At the time Applicant filed the Application and prior to any use of Applicant's Mark, Applicant knew or had reason to know of Opposer's prior rights in the trademark THE MOST INTERESTING MAN IN THE WORLD.

11. Applicant's desire to copy Opposer's ad campaign and trademarks has been so complete that Applicant developed its own ad campaign using an

actor/person who has the appearance of the actor in Opposer's commercials (See Exhibit 3).

12. Opposer's Registration, which issued on April 6, 2010, constitutes constructive notice to Applicant of Opposer's claim of ownership of its trademark THE MOST INTERESTING MAN IN THE WORLD, as provided in 15 U.S.C. Section 1072.

COUNT I

Dilution - §43(c)

13. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 12, above, as if set forth in their entirety herein.

14. Applicant's Mark WEST VIRGINIA'S MOST INTERESTING MAN, set forth in Application Serial No. 85/656,471, is highly similar to Opposer's Mark.

15. Applicant's Mark is intended to dilute Opposer's Mark given Applicant's adoption of a virtually identical advertising campaign.

16. Use of Applicant's Mark is likely to and will cause dilution by blurring and dilution by tarnishment of Opposer's Mark, impairing the distinctive quality of the Opposer's Mark.

17. Use or registration of Applicant's Mark will is intended to and promote an association in the minds of the public between Applicant's Mark and Opposer's Mark, arising from the similarity between Applicant's Mark and Opposer's Mark, thereby impairing the distinctiveness of Opposer's Mark by

lessening the capacity of Opposer's Mark to identify and distinguish Opposer's Goods.

18. On information and belief, Applicant intended to create an association between Applicant's Mark and Opposer's Mark because of the fame and good reputation of Opposer's Mark.

19. Use and registration of Applicant's Mark is likely to harm the reputation of Opposer's Mark because prospective customers who encounter defects in the quality of Applicant's Services will attribute those defects to Opposer, thereby tarnishing and harming Opposer's goodwill, as represented by Opposer's Mark.

20. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Mark and registration should be refused pursuant to the provisions of Section 43(c) of the Trademark Act, 15 U.S.C. §1125(c).

COUNT II

Likelihood of Confusion - §2(d)

21. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 20, above, as if set forth in their entirety herein.

22. The Applicant's Mark so closely resembles the Opposer's Mark in sound, appearance and meaning -- and in commercial impression -- that the use and registration thereof by Applicant is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's Services and will injure

and damage Opposer and the goodwill and reputation symbolized by Opposer's Mark.

23. The fame and renown of Opposer's Mark is such that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's Mark is associated with or otherwise connected with Opposer, and to mistakenly believe that Applicant's Services are those of Opposer or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer, all to Opposer's irreparable damage and injury.

24. Likelihood of confusion and deception is enhanced by the fact that Opposer's Goods and Opposer's commercial activities under Opposer's Mark are provided or intended to be provided to the same class of prospective customers as are Applicant's Services.

25. Under the circumstances, registration and use of Applicant's Mark is likely to cause Opposer to lose control over the good and valuable reputation represented by and derived from Opposer's Mark.

26. Registration of Applicant's Mark in light of the prior rights of Opposer in Opposer's Mark is therefore likely to cause confusion, mistake and/or deception among members of the relevant purchasing public resulting in damage and injury to Opposer in violation of the provisions of Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d).

COUNT III

False Suggestion of a Connection - §2(a)

27. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 26, above, as if set forth in their entirety herein.

28. Applicant's Mark is a close approximation of Opposer's Mark, which is a symbol of Opposer's identity and good will.

29. The designation WEST VIRGINIA'S MOST INTERESTING MAN comprising Applicant's Mark points uniquely and unmistakably to Opposer and would be recognized by the public as the symbol of Opposer's identity and good will.

30. Opposer is not connected with the Applicant, Applicant's Services, or any activities performed by the Applicant under Applicant's Mark.

31. The fame and reputation of Opposer is such that, when Applicant's Mark is used with the Applicant's Services, the public would presume, falsely, that there is a connection between Applicant and Opposer.

32. Applicant's Mark falsely suggest a connection with Opposer, and accordingly registration of Applicant's Mark should be refused under Section 2(a) of the Trademark Act, 15 U.S.C. §1052(a).

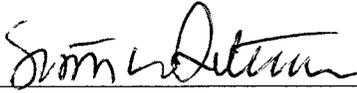
Opposer, Cervezas Cuauhtémoc Moctezuma SA de CV, prays that this Opposition be sustained and that the registration sought by Applicant be refused.

[SIGNATURE ON FOLLOWING PAGE]

Respectfully Submitted,

**Cervezas Cuauhtémoc Moctezuma
SA de CV**

DATE: July 14, 2014

By: 

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R. David Donoghue
Stephen J. Jeffries
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312-578-6689
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david.donoghue@hklaw.com
stephen.jeffries@hklaw.com

CERTIFICATE OF FILING AND SERVICE

I hereby certify that the on July 14, 2014, the above Notice of Opposition is being electronically filed with the United States Patent and Trademark Office, Trademark Trial & Appeal Board. I further certify that a true copy of the foregoing Notice of Opposition has been served by first class mail, postage prepaid, at the following address:

Brown Chevrolet, Inc.
504 Lee Street
Montgomery, West Virginia 25136
United States



Scott W. Petersen

EXHIBIT 1

United States of America

United States Patent and Trademark Office

THE MOST INTERESTING MAN
IN THE WORLD

Reg. No. 3,771,331 CCM IP, SA (SWITZERLAND CORPORATION)
Registered Apr 6, 2010 AVLNUL DE RUMINE 33
LAUSANL, SWITZERLAND CH-1005

Int. Cl.: 32 1 OR BLER, IN CLASS 32 (U S CLS 45, 46 AND 48)

FIRST USE 4-9-2007, IN COMMERCE 4-9-2007

TRADEMARK
PRINCIPAL REGISTER THE MARK CONSISTS OF STANDARD CHARACTLRS WITHOU I CLAIM IO ANY PAR-
TICULAR FON I, SYLL, SIZE OR COLOR

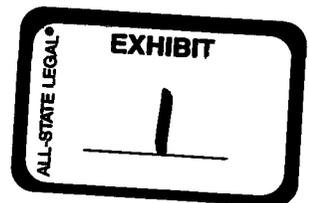
SLR NO 77-814 037 FILED 8-27-2009

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David J. Kappas

Director of the United States Patent and Trademark Office





United States Patent and Trademark Office

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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: 77814037

Filing Dt: 08/27/2009

Reg #: 3771331

Reg. Dt: 04/06/2010

Registrant: CCM IP, SA

Mark: THE MOST INTERESTING MAN IN THE WORLD

Assignment: 1Reel/Frame: 4808/0188

Recorded: 06/26/2012

Pages: 14

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT THE CONVEYING PARTY DATA; RECEIVING PARTY DATA; EXECUTION DATE PREVIOUSLY RECORDED ON REEL 004780 FRAME 0901. ASSIGNOR(S) HEREBY CONFIRMS THE CHANGE OF NAME FROM CCM IP, S.A. TO CCM PROPIEDAD INDUSTRIAL, S.A. DE C.V. AND CONVERSION FROM SWISS COMPANY TO MEXICAN COMPANY.

Assignor: CCM IP, S.A.**Exec Dt:** 11/01/2011**Entity Type:** CORPORATION**Citizenship:** SWITZERLAND**Entity Type:** CORPORATION**Citizenship:** MEXICO**Assignee:** CCM PROPIEDAD INDUSTRIAL, S.A. DE C.V.AV. ALFONSO REYES 2202 NTE.
MONTERREY, NUEVO LEON, MEXICO

Correspondent: ANTHONY R. MASIELLO
2099 PENNSYLVANIA AVENUE, N.W.
HOLLAND & KNIGHT LLP
WASHINGTON, DC 20006

Assignment: 2Reel/Frame: 4780/0901

Recorded: 05/16/2012

Pages: 7

Conveyance: CHANGE OF NAME**Assignor:** CCM PROPIEDAD INDUSTRIAL, S.A. DE C.V.**Exec Dt:** 12/01/2011**Entity Type:** CORPORATION**Citizenship:** MEXICO**Entity Type:** CORPORATION**Citizenship:** MEXICO**Assignee:** CERVEZAS CUAUHTEMOC MOCTEZUMA, S.A. DE C.V.AV. ALFONSO REYES
2202 NTE. BELLAVISTA
MONTERREY, NUEVO LEON, MEXICO

Correspondent: SCOTT W. PETERSEN C/O HOLLAND & KNIGHT
131 SOUTH DEARBORN STREET
30TH FLOOR
CHICAGO, IL 60603

Domestic rep: SCOTT W. PETERSEN C/O HOLLAND & KNIGHT
131 SOUTH DEARBORN STREET
30TH FLOOR
CHICAGO, IL 60603

Assignment: 3Reel/Frame: 4780/0908

Recorded: 05/16/2012

Pages: 7

Conveyance: MERGER EFFECTIVE 12/01/2011**Assignor:** CCM PROPIEDAD INDUSTRIAL, S.A. DE C.V.**Exec Dt:** 12/01/2011**Entity Type:** CORPORATION**Citizenship:** MEXICO**Entity Type:** CORPORATION**Assignee:** CERVEZAS CUAUHTEMOC MOCTEZUMA, S.A. DE C.V.

AV. ALFONSO REYES 2202 NTE.
BELLAVISTA
MONTERREY, NUEVO LEON, MEXICO

Citizenship: MEXICO

Correspondent: SCOTT W. PETERSEN C/O HOLLAND & KNIGHT
131 SOUTH DEARBORN STREET
30TH FLOOR
CHICAGO, IL 60603

Domestic rep: SCOTT W. PETERSEN C/O HOLLAND & KNIGHT
131 SOUTH DEARBORN STREET
30TH FLOOR
CHICAGO, IL 60603

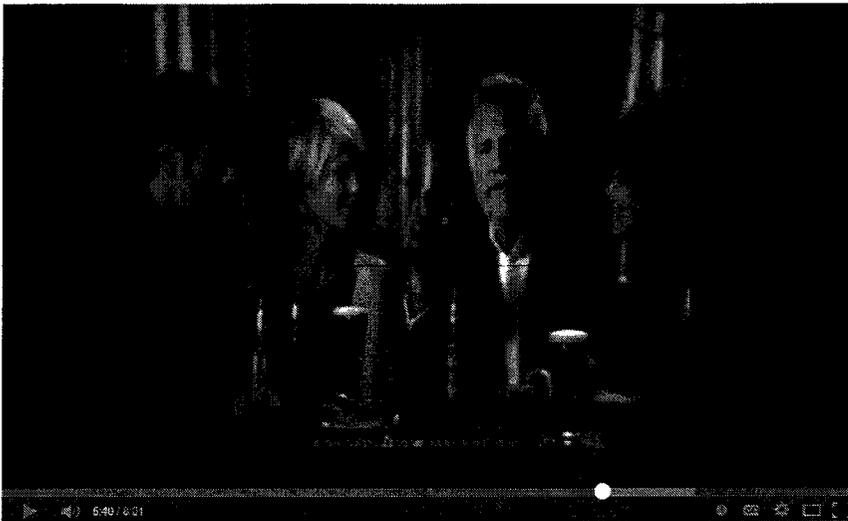
Search Results as of 07/11/2014 04:39 PM

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EXHIBIT 2

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Dos Equis - The Most Interesting Man In The World



jec20721

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Ad

Uploaded on Sep 16, 2009

The entire collection of the Dos Equis The Most Interesting Man In the World ads Stay thirsty my friends

Intro

-30 sec ad #1

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ALL COMMENTS (3824)



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Top comments



Andre Cannon 5 months ago

Check out this interview with the Most Interesting Man in the world at the beginning they give some of his resume Stay thirsty my friends

Reply 1

View all 4 replies



Aragiss 5 months ago

+Andre Cannon His personality is so magnetic he is unable to carry credit cards

Reply 7



Andre Cannon 5 months ago

+Aragiss another reason he is the most interesting Man

Reply



marlon alston 5 weeks ago

He s the only black man to fully descend from slave owners

Reply



marlon alston 3 weeks ago

I don t always beat my servant s but when I do I drink Dos Equis I stay beatin em my friend s

Reply



Top 10 Hilarious Will Ferrell Moments

by WatchMojo.com 2 02 445 views



Top 10 Sexy Female Movie Villains

by WatchMojo.com 11 704 288 views



Chuck Norris facts read by Chuck Norris

by Scott00 1 176 784 views



The Most Interesting Man In The World

by chris88kolate



Top 10 Most Interesting Men in the World

by WatchMojo.com 693 848 views



World's Most Interesting Man's New Years Toast

by Bigfoot Journeys 214 775 views



The Most Interesting Man in the World Compilation (Dos Equis)

by Pringlechip2 117 702 views



This is Mind Blowing!

by FabioTheItalianOne 1 328 514 views



Amazing Tron Dance performed by Wrecking Orchestra [Better

by Rushgarroth 19 428 916 views



Dos Equis TV Commercial, 'The Most Interesting Man'

by BeingHumanAds 117 394 views

The 100 Greatest Movie Insults of All Time

by hhtedits 26 338 837 views

Young Girl Drops C-word on National TV 'Twice!'

by threethingersof 18 678 315 views

The Other 100 Greatest Movie Insults of All Time

by hhtedits 4 338 145 views

MOST INTERESTING MAN IN REAL LIFE!!

by Disturb Reality 494 147 views

Bill Maher on Mitt Romney, The Least Interesting Man in the

by m00nman 6 44 702 views

The Most Interesting Man in the World ~ Comp

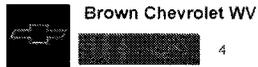


EXHIBIT 3

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west virginia most interesting man



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by wvsky
61 052 views
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by Doug Obart
12 965 views
- Deep Pit 3 West Virginia Day Festival June 16, 2012**
by Hillbilly Proud
16 517 views
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by BigRigTravels
12 667 views
- Family Camping Trip to Blackwater Falls, West Virginia**
by Wanderlusts
3 440 views
- Try This In a Bugatti...**
by superspeedersRob
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- Steam Coal Drag in Hinton, West Virginia**
by ownry
63 562 views
- Speed Pit West Virginia Day Festival Mud Bog 6-16-12**
by Hillbilly Proud
10 001 views
- 150 in 3-D: A Century and a Half of West Virginia Pride**
by GovernorTomblin
8 565 views
- West Virginia 150th birthday sesquicentennial show at the**
by dte71
2 787 views
- You Remind Me Of West Virginia (Original) By: Wyatt Turner**
by Wyatt Turner
3 39 197 545 views
- Geared Steam Locomotives in Cass WV**
by Amesh2009
10 01 1 386 153 v cws
- Webster Springs, West Virginia**
by John White
9 75 1 926 views
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by Kevin Young
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- Kayla Slone from Logan, WV on Anderson Live! - 2/15/13**
by spotlightwv
4 02 38 703 views
- West Virg Movie Ex**



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by dtd71
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by GovernorTomblin
8 585 views



C-130 Low Level Flight West Virginia
by AIRBOYD
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West Virginia 150th Birthday 3D Movie Excerpts
by Charley West
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Charleston WV 1981-82
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CROSS LANES WEST VIRGINIA...THE TOWN THAT
by Kevin Young
4 400 views



Kayla Stone from Logan, WV on Anderson Live! - 2/15/13
by spotlightwv
38 703 views



You Remind Me Of West Virginia (Original) By: Wyatt Turner
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People Being Treated In Emergency Rooms After
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2 555 views



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