

ESTTA Tracking number: **ESTTA621531**

Filing date: **08/14/2014**

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	Heineken Asia Pacific Pte. Ltd. f/k/a Asia Pacific Breweries Limited		
Entity	Corporation	Citizenship	Singapore
Address	459 Jalan Ahmad Ibrahim Singapore, 639934 SINGAPORE		

Attorney information	Gregory P. Gulia Duane Morris LLP 1540 Broadway New York, NY 10036 UNITED STATES gggulia@duanemorris.com Phone:212-692-1000		
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Applicant Information

Application No	86209905	Publication date	07/15/2014
Opposition Filing Date	08/14/2014	Opposition Period Ends	08/14/2014
Applicant	Gill, Garisober Singh Birkebeinerveien 1 Krokstadelva, 3055 NORWAY		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beer
Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Alcoholic beverages except beers

Grounds for Opposition

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

U.S. Registration No.	3294199	Application Date	12/05/2005
Registration Date	09/18/2007	Foreign Priority Date	10/28/2005
Word Mark	TIGER		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages

U.S. Registration No.	3318461	Application Date	12/05/2005
Registration Date	10/23/2007	Foreign Priority Date	10/28/2005

Word Mark	TIGER
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Design Mark	
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Description of Mark	The mark consists of the word "TIGER" appearing on a shield design. At the top of the shield and contained within a circle is a detailed drawing of a tiger with a palm tree in the background. Beneath the word "Tiger" is the wording "Est.1932" and "World Acclaimed Lager Beer" positioned above five interconnected medallions. Across the bottom of the shield is the wording "Awarded Championship Gold Medals: London Geneva Paris".
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Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages
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Attachments	79022061#TMSN.png(bytes) 79021877#TMSN.png(bytes) Notice of Opposition - TIGER.pdf(875892 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	/Gregory P. Gulia/
Name	Gregory P. Gulia
Date	08/14/2014

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

-----X
: In the Matter of Application :
: Serial No. 86/209,905 :
: Published: July 15, 2014 :
: :
: HEINEKEN ASIA PACIFIC PTE. LTD. :
: f/k/a ASIA PACIFIC BREWERIES LIMITED :
: :
: Opposer, :
: v. :
: GARISOBER SINGH GILL, :
: :
: Applicant. :
: :
-----X

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, Heineken Asia Pacific Pte. Ltd. f/k/a Asia Pacific Breweries Limited, a public limited company incorporated in Singapore, with its registered office at 459 Jalan Ahmad Ibrahim, Singapore 639934 (“Heineken Asia Pacific”), believes that it will be damaged by registration of the trademark TIGER CHAKRA for “beer” in International Class 32, as shown in Application Serial No. 86/209,905, and hereby opposes the same.

As grounds for opposition, Opposer, through its counsel, alleges as follows:

1. Opposer, Heineken Asia Pacific, is the owner of the famous trademark TIGER® for, among other beverage products, beer.
2. Heineken Asia Pacific is the owner of U.S. Trademark Registration No. 3,294,199 for the mark TIGER® in Class 32 for “[b]eer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages;” and U.S. Registration No. 3,318,461 for the mark TIGER and Design® in Class 32 for “[b]eer, ale, lager, stout, pilsner, porter and

non-alcoholic malt beverages.” Annexed hereto as Exhibit A are true and accurate copies of Heineken Asia Pacific’s registrations for the TIGER® mark obtained from the U.S. Patent and Trademark Office database.

3. United States Trademark Registration Nos. 3,294,199 and 3,318,461 are valid, subsisting and incontestable. Pursuant to § 33 of the Lanham Act, 15 U.S.C. § 1115(b), Heineken Asia Pacific’s United States trademark registrations serve as conclusive evidence of the validity of: (1) Heineken Asia Pacific’s registered TIGER® mark; (2) the registration for the TIGER® mark; (3) Heineken Asia Pacific’s ownership of the TIGER® mark; and (4) Heineken Asia Pacific’s exclusive right to use the registered TIGER® mark in commerce on or in connection with the goods specified in the registrations.
4. Heineken Asia Pacific has continuously used the trademark TIGER® in connection with the promotion and sale of beer goods since at least as early as 1876 in the United States and since long prior to any priority date on which Applicant can rely.
5. Applicant filed its United States Trademark Application Serial No. 86/209,905 for the mark TIGER CHAKRA on March 4, 2014 under § 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).
6. Upon information and belief, Applicant has not made any commercial use of the TIGER CHAKRA mark to date.
7. Heineken Asia Pacific’s TIGER® brand products are available and sold to consumers throughout the United States.

8. Heineken Asia Pacific's TIGER® brand products are currently available and sold to consumers in more than 60 countries around the world.
9. Over the years, the volume of sales of goods in the United States sold under Heineken Asia Pacific's TIGER® trademark has been enormous. Heineken Asia Pacific's annual revenues have exceeded \$2 billion U.S. dollars.
10. Heineken Asia Pacific has received many brewing quality awards for its beer goods sold under the TIGER® trademark, including a Gold Quality award.
11. The extraordinary success of Heineken Asia Pacific's TIGER® brand products over many years has engendered wide renown with the trade and the public and the products sold under the TIGER® mark have a reputation for being of the highest quality.
12. Heineken Asia Pacific continuously and extensively advertises and promotes its TIGER® trademark and products throughout the United States.
13. Heineken Asia Pacific has spent significant sums to advertise and promote the TIGER® mark and products throughout the United States.
14. Heineken Asia Pacific advertises and promotes the TIGER® brand in national media.
15. Because of Heineken Asia Pacific's extensive advertising, promotion and use of the TIGER® mark, the TIGER® mark has acquired enormous value and has become extremely well known to the consuming public as identifying and distinguishing Heineken Asia Pacific's TIGER® products from those of competitors.

16. TIGER® is a distinctive trademark and represents and symbolizes a valuable business, which belongs exclusively to Heineken Asia Pacific.
17. As a result of Heineken Asia Pacific's extensive use of the TIGER® trademark, the mark has come to be recognized by the public as identifying Heineken Asia Pacific as the source of goods bearing the mark, and represents enormous goodwill belonging exclusively to Heineken Asia Pacific.
18. Heineken Asia Pacific believes it will be damaged by registration of Applicant's TIGER CHAKRA mark under § 13 of the Lanham Act, 15 U.S.C. § 1063, because consumers, familiar with Heineken Asia Pacific's famous TIGER® mark are likely to believe, mistakenly, that Applicant or its products emanate from, are sponsored or authorized by, or are otherwise associated or affiliated with Heineken Asia Pacific, in violation of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
19. By reason of the foregoing, Heineken Asia Pacific believes it will be damaged by registration of the TIGER CHAKRA mark shown in Application Serial No. 86/209,905 and Applicant is therefore not entitled to a registration for said mark.

WHEREFORE, Heineken Asia Pacific respectfully requests that this Opposition be sustained and that registration of the mark shown in the Application Serial No. 86/209,905 should be in all respects refused and denied.

Dated: New York, New York
August 14, 2014

DUANE MORRIS LLP

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Attorneys for Opposer
Heineken Asia Pacific Pte. Ltd.
f/k/a Asia Pacific Breweries Limited

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 14, 2014, a true and correct copy of the foregoing Notice of Opposition was served, via postage prepaid first class mail on Applicant's Attorney of Record at the following address:

Raj Abhyanker
Raj Abhyanker, P.C.
1580 W. El Camino Real, Suite 8
Mountain View, CA 94040



Andrea L. Christensen

DM2\5072572.1

Exhibit A



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TIGER

Word Mark	TIGER
Goods and Services	IC 032. US 045 046 048. G & S: Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79022061
Filing Date	December 5, 2005
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	July 3, 2007
Registration Number	3294199
International Registration Number	0880266
Registration	September 18, 2007

Date

Owner (REGISTRANT) ASIA PACIFIC BREWERIES LIMITED A Public Limited Company incorporated in Singapore SINGAPORE 438 Alexandra Road, #21-00 Alexandra Point; Singapore 119958 SINGAPORE

Attorney of Record GREGORY P. GULIA

Priority Date October 28, 2005

Prior Registrations 0542099;2240862;2327283;2470783;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECTION 71

Live/Dead Indicator LIVE

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Word Mark	TIGER
Goods and Services	IC 032. US 045 046 048. G & S: Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	03.01.03 - Cats, tigers or other large cats; Cheetahs; Jaguars; Leopard; Lynx; Ocelots; Panther; Panthers; Puma; Tigers 03.01.24 - Stylized cats, dogs, wolves, foxes, bears, lions, tigers 24.01.03 - Shields or crests with letters, punctuation or inscriptions contained therein or superimposed thereon 26.01.02 - Circles, plain single line; Plain single line circles 26.01.16 - Circles touching or intersecting 26.01.31 - Circles - five or more; Five or more circles
Trademark Search Facility Classification Code	ANI-MAMM Mammalia;accuracte depiction of warm-blooded animals except for human beings LETTER-3-OR-MORE EST Combination of three or more letters as part of the mark NUM-26-UP 1932 Other Numerals - 26 and Up SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-HERALDRY Marks with shields, crests, emblems, insignias, and crowns VEG Plant life such as trees,flowers,fruits,grains,nuts,wreaths,and leaves
Serial Number	79021877
Filing Date	December 5, 2005
Current Basis	66A

Original Filing Basis 66A
Published for Opposition August 7, 2007
Registration Number 3318461
International Registration Number 0879682
Registration Date October 23, 2007
Owner (REGISTRANT) ASIA PACIFIC BREWERIES LIMITED A PUBLIC LIMITED COMPANY INCORPORATED IN SINGAPORE SINGAPORE 438 Alexandra Road, #21-00 Alexandra Point; Singapore 119958 SINGAPORE
Attorney of Record GREGORY P. GULIA
Priority Date October 28, 2005
Prior Registrations 0542099;2240862;2327283;2470783;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Est. 1932", "World Acclaimed Lager Beer", and "Awarded Championship Gold Medals: London Geneva Paris" APART FROM THE MARK AS SHOWN
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the word "TIGER" appearing on a shield design. At the top of the shield and contained within a circle is a detailed drawing of a tiger with a palm tree in the background. Beneath the word "Tiger" is the wording "Est. 1932" and "World Acclaimed Lager Beer" positioned above five interconnected medallions. Across the bottom of the shield is the wording "Awarded Championship Gold Medals: London Geneva Paris".
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 71
Live/Dead Indicator LIVE

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