

ESTTA Tracking number: **ESTTA629912**

Filing date: **09/29/2014**

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	Patron Spirits International AG
Granted to Date of previous extension	10/08/2014
Address	Quaistrasse 11 Schaffhausen, 8200 SWITZERLAND
Domestic Representative	Bernard R. Gans, Esq. Jeffer Mangels Butler & Mitchell LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080

### Applicant Information

Application No	86054393	Publication date	06/10/2014
Opposition Filing Date	09/29/2014	Opposition Period Ends	10/08/2014
Applicant	Woodes Rogers Holdings Ltd. c/o Holowesko Pyfrom Fletcher Lyford Cay, Nassau, BAHAMAS		

### 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

### 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.	2058075	Application Date	05/09/1995
Registration Date	04/29/1997	Foreign Priority Date	NONE
Word Mark	PYRAT RUM		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 1996/07/00 First Use In Commerce: 1996/07/00 rum		
U.S. Registration No.	2727996	Application Date	11/07/2001
Registration Date	06/17/2003	Foreign Priority Date	NONE
Word Mark	PYRAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1996/07/31 First Use In Commerce: 1996/07/31 DISTILLED SPIRITS		

Attachments	76335729#TMSN.png( bytes ) 57062-0396 Notice of Opposition.pdf(110534 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	/BERNARD R. GANS/
Name	Bernard R. Gans, Esq.
Date	09/29/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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<p style="text-align:center">PATRÓN SPIRITS INTERNATIONAL AG, Opposer,  v.  WOODES ROGERS HOLDINGS LTD., Applicant.</p>	<p>Opposition No.:</p> <p>Application Serial No.: 86/054,393</p> <p style="text-align:center"></p> <p>Mark:</p> <p>Published for Opposition: June 10, 2014</p> <p>Atty. Ref. No.: 57062-0396</p>
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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer Patrón Spirits International AG ("Opposer"), a Switzerland company, having an address of Quaistrasse 11, 8200 Schaffhausen, Switzerland believes that it will be damaged by the registration on the Principal Register of the mark NASSAU BAHAMAS PIRATE REPUBLIC BREWING COMPANY & Design that is the subject of federal Trademark Application Serial No. 86/054,393 (the "Application"), allegedly owned by Woodes Rogers Holdings Ltd. ("Applicant"), in connection with goods in International Class 32 as identified in the Application, and Opposer hereby opposes registration thereof.

Opposer has obtained the necessary extension of time in which to file this Notice of Opposition.

As grounds for this Opposition, it is alleged that:

1. Opposer, through its related and affiliated companies, produces and markets a range of alcoholic beverages, including tequila, coffee liqueur, orange liqueur, rum, and vodka.
2. Opposer is the source of PYRAT<sup>®</sup> brand rum. Opposer distributes and sells its PYRAT<sup>®</sup> rum throughout the United States and throughout the world. Opposer, and/or its predecessors-in-interest, have continuously sold its PYRAT<sup>®</sup> rum in the United States since at least as early as July 1996. As a result, Opposer has common law rights in the PYRAT trademark. Opposer and its predecessors-in-interest have developed a reputation in the name PYRAT<sup>®</sup> in connection with rum.
3. Opposer is the owner of record of U.S. Trademark Reg. No. 2,058,075, issued on April 29, 1997, for the mark PYRAT RUM for "rum," as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on May 9, 1995. Reg. No. 2,058,075 has not been revoked or cancelled.
4. Opposer is the owner of record of U.S. Trademark Reg. No. 2,727,996, issued on June 17, 2003, for the mark PYRAT for "distilled spirits" as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on November 7, 2001. Reg. No. 2,727,996 has not been revoked or cancelled.
5. Opposer's PYRAT marks described in Paragraphs 3 and 4 above, and as reflected in Opposer's U.S. Reg. Nos. 2,058,075 and 2,727,996 are collectively referred to herein as "Opposer's Mark."
6. On information and belief, Applicant is the owner of record of trademark application Serial No. 86/054,393 filed on September 3, 2013, based on intent-to-use, for

registration of the mark NASSAU BAHAMAS PIRATE REPUBLIC BREWING COMPANY & Design ("Applicant's Mark") for use in connection with "Beer" ("Applicant's Goods").

7. PYRAT is pronounced as "pirate" and is the old English spelling of "pirate."

8. Since long prior to September 3, 2013, the filing date of Applicant's application, Opposer has used Opposer's Mark in connection with rum, with the result that Opposer's Mark has become known and associated with Opposer in the United States.

9. Applicant's Mark so resembles, both visually and aurally, Opposer's Mark as to be likely, when used in connection with the Applicant's Goods, as to cause confusion, mistake, or deception. As a result, Applicant's Mark creates a confusingly similar commercial impression. Thus, consumers will likely believe that Applicant's use of Applicant's Mark in connection with Applicant's Goods is in some way associated or connected with, or sponsored, authorized, approved or licensed by Opposer.

10. Applicant's Mark so resembles and completely incorporates Opposer's Mark as to be likely to create a false designation of origin and false or misleading representation of fact that is likely to cause confusion, or to cause mistake, or to deceive as to an affiliation, connection, or association between Opposer and Applicant. Any objection or fault with the goods offered in connection with Applicant's Mark may reflect upon and seriously injure Opposer's reputation in connection with the goods offered in connection with Opposer's Mark.

11. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of Applicant's Mark in connection with Applicant's Goods as identified in application Serial No. 86/054,393. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that application Serial No. 86/054,393 be refused.

Respectfully submitted,

Dated: September 29, 2014

/BERNARD R. GANS/

Bernard R. Gans, Esq.

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**CERTIFICATE OF SERVICE**

It is hereby certified that on **September 29, 2014**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid, to Opposer at the correspondence address of record in the Patent and Trademark Office:

Carl J. Spagnuolo  
McHale & Slavin, P.A.  
2855 PGA Blvd.  
Palm Beach Gardens, Florida 33410-2910



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Esther Silverman