

ESTTA Tracking number: **ESTTA636532**

Filing date: **11/03/2014**

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	Panacea Beverage Company, LLC
Granted to Date of previous extension	11/05/2014
Address	39445 Floral Lane Mechanicsville, MD 20659 UNITED STATES
Attorney information	Adam D. Mandell Millen, White, Zelano & Branigan, P.C. 2200 Clarendon Boulevard Suite 1400 Arlington, VA 22201 UNITED STATES docketing@mwzb.com, mandell@mwzb.com, smithj@mwzb.com, culver@mwzb.com Phone:703-243-6333

Applicant Information

Application No	86204140	Publication date	07/08/2014
Opposition Filing Date	11/03/2014	Opposition Period Ends	11/05/2014
Applicant	Life LLC 322 Wyndham Circle East New Brighton, MN 55112 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2014/02/01 First Use In Commerce: 2014/02/15
All goods and services in the class are opposed, namely: Beverages with a coffee base

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.	4234480	Application Date	07/30/2010
Registration Date	10/30/2012	Foreign Priority Date	NONE
Word Mark	MY CAUSE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2011/04/18 First Use In Commerce: 2012/07/15 Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages

U.S. Registration No.	4250762	Application Date	04/06/2011
Registration Date	11/27/2012	Foreign Priority Date	NONE

Word Mark	MY CAUSE
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Design Mark	
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Description of Mark	The mark consists of the wording "My Cause" with partial concentric circles open on the right side inserted between the wording "My" and "Cause" with the logo encircling a portion of the word "Cause".
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Goods/Services	Class 032. First use: First Use: 2011/04/18 First Use In Commerce: 2012/07/05 Bottled water; Drinking water; Flavoredwaters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages
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Attachments	85097319#TMSN.png(bytes) 85288227#TMSN.png(bytes) Notice of Opposition -w- Attachments.pdf(295970 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	/adm/
Name	Adam D. Mandell

Date	11/03/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Panacea Beverage Company, LLC)	
)	
Opposer,)	Opposition No. _____
)	
v.)	App. No. 86204140
)	
Life LLC)	Mark: CAUSE
)	
Applicant.)	

NOTICE OF OPPOSITION

Panacea Beverage Company, LLC (“Opposer”), a Virginia limited liability company with a business address at 39445 Floral Lane, Mechanicsville, Maryland 20659, believes that it will be damaged by the registration of the mark that is the subject of Application No. 86204140, and hereby opposes its registration on the following grounds:

OPPOSER’S MARKS AND REGISTRATIONS:

1. Opposer is the owner of the mark MY CAUSE (the “Opposer’s Word Mark”) that identifies and distinguishes in commerce goods including drinking water; flavored waters; non-alcoholic beverages with tea flavor; sparkling water; water beverages.

2. Opposer is the owner of the following mark (the “Opposer’s Design Mark”) that identifies goods including bottled water; drinking water; flavored waters; non-alcoholic beverages with tea flavor; sparkling water; water beverages:



Opposer's Word Mark and Opposer's Design Mark are sometimes collectively referred to hereinafter as "Opposer's Marks".

3. Opposer has used Opposer's Word Mark continuously in commerce in the United States since at least as early as July 15, 2012.

4. Opposer has used Opposer's Design Mark continuously in commerce in the United States since at least as early as July 5, 2012.

5. Opposer is the owner of the following registrations in the U.S. Patent and Trademark Office ("PTO") for Opposer's Marks:

Mark:	MY CAUSE
Reg. No.:	4234480
Filed:	July 30, 2010
Registered:	October 30, 2012
Goods:	International Class 32: Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages.

Mark:



Reg. No.:	4250762
Filed:	April 6, 2011
Registered:	November 27, 2012
Goods:	International Class 32: Bottled water; Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages.

6. As proof of status and title, attached as Exhibit A hereto and incorporated by reference herein are true and correct printouts of the TESS, TSDR and Assignment records for the foregoing registrations from the PTO's online databases.

COUNT ONE
LIKELIHOOD OF CONFUSION

7. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 6 as though set forth herein.

8. Opposer's rights in Opposer's Mark notwithstanding, Applicant filed on February 25, 2014 with the PTO Application No. 86204140 to register the mark CAUSE, as a standard character mark, for the following goods: International Class 30: beverages with a coffee base. Application Ser. No. 86204140 is hereinafter referred to as the "Opposed Application". The mark that is the subject of the Opposed Application is hereinafter referred to as the "Applicant's Mark".

9. Opposer's use and/or constructive use rights for Opposer's Marks are prior to any rights of Applicant to Applicant's Mark.

10. In view of the similarities between Opposer's Marks and Applicant's Mark, and the relationship between Opposer's goods as identified by Opposer's Marks and the goods identified in the Opposed Application, it is likely that members of the public will erroneously believe that Applicant's goods originate with, or are in some manner connected or associated with, or sponsored by, Opposer, all to the harm of Opposer's goodwill and reputation.

11. Applicant's Mark so resembles Opposer's Marks as to be likely when used on or in connection with Applicant's goods as to be likely to cause confusion, mistake or to deceive, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

12. If Applicant is granted registration of the subject mark, it would obtain a prima facie exclusive right to use of its mark that would cause damage and injury to Opposer.

WHEREFORE, Panacea Beverage Company, LLC respectfully requests that this opposition be granted and that Application No. 86204140 be denied registration.

Date: November 3, 2014

Panacea Beverage Company, LLC

/adm/

By: Adam D. Mandell
Jeffrey A. Smith
Michael S. Culver
Millen, White, Zelano & Branigan, P.C.
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Fax: 703-243-6410
mandell@mwzb.com
smithj@mwzb.com
culver@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing Notice of Opposition with Exhibit A was served this November 3, 2014 by first-class mail, postage prepaid, on the following:

LIFE LLC
322 WYNDHAM CIR E
NEW BRIGHTON, MINNESOTA 55112-3165
UNITED STATES

By: /adm/
Attorney for Opposer

EXHIBIT A

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MY CAUSE

Word Mark MY CAUSE
Goods and Services IC 032. US 045 046 048. G & S: Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages. FIRST USE: 20110418. FIRST USE IN COMMERCE: 20120715
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85097319
Filing Date July 30, 2010
Current Basis 1A
Original Filing Basis 1B
Published for Opposition January 11, 2011
Registration Number 4234480
Registration Date October 30, 2012
Owner (REGISTRANT) **Panacea** Beverage Company, LLC CORPORATION VIRGINIA 39445 Floral Lane Mechanicsville MARYLAND 20659
Attorney of Record Jeffrey A. Smith
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: MY CAUSE

MY CAUSE

US Serial Number: 85097319
Application Filing Date: Jul. 30, 2010
US Registration Number: 4234480
Registration Date: Oct. 30, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Oct. 30, 2012
Publication Date: Jan. 11, 2011
Notice of Allowance Date: Mar. 08, 2011

Mark Information

Mark Literal Elements: MY CAUSE
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages
International Class(es): 032 - Primary Class
U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 18, 2011
Use in Commerce: Jul. 15, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Panacea Beverage Company, LLC
Owner Address: 39445 Floral Lane
Mechanicsville, MARYLAND 20659
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jeffrey A. Smith
Docket Number: PANACEA-0002
Attorney Primary Email: docketing@mwzb.com
Attorney Email Address: No
Authorized:

Correspondent

Correspondent: JEFFREY A. SMITH
Name/Address: MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

2200 CLARENDON BLVD STE 1400
ARLINGTON, VIRGINIA 22201-3360
UNITED STATES

Phone: (703) 465-5355

Fax: (703) 243-6410

Correspondent e-mail: docketing@mwzb.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 30, 2012	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Sep. 24, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 12, 2012	STATEMENT OF USE PROCESSING COMPLETE	66230
Sep. 06, 2012	USE AMENDMENT FILED	66230
Sep. 06, 2012	TEAS STATEMENT OF USE RECEIVED	
Mar. 02, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 29, 2012	EXTENSION 2 GRANTED	98765
Feb. 29, 2012	EXTENSION 2 FILED	98765
Feb. 29, 2012	TEAS EXTENSION RECEIVED	
Sep. 10, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Sep. 09, 2011	EXTENSION 1 GRANTED	66230
Sep. 07, 2011	EXTENSION 1 FILED	66230
Sep. 09, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Sep. 07, 2011	TEAS EXTENSION RECEIVED	
Mar. 08, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 11, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 11, 2011	PUBLISHED FOR OPPOSITION	
Dec. 08, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Dec. 08, 2010	ASSIGNED TO LIE	68123
Nov. 16, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 15, 2010	ASSIGNED TO EXAMINER	72152
Aug. 04, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 03, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 24, 2012



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Word Mark	MY CAUSE
Goods and Services	IC 032. US 045 046 048. G & S: Bottled water; Drinking water; Flavored waters; Non-alcoholic beverages with tea flavor; Sparkling water; Water beverages. FIRST USE: 20110418. FIRST USE IN COMMERCE: 20120705
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles
Serial Number	85288227
Filing Date	April 6, 2011
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	August 16, 2011
Registration Number	4250762
Registration Date	November 27, 2012
Owner	(REGISTRANT) Panacea Beverage Company, LLC LIMITED LIABILITY COMPANY VIRGINIA 39445 Floral Lane Mechanicsville MARYLAND 20659
Attorney of Record	Jeffrey A. Smith
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the wording "My Cause" with partial concentric circles open on the right side inserted between the wording "My" and "Cause" with the logo encircling a portion of the word "Cause".

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

-
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Mark: MY CAUSE



US Serial Number: 85288227
Application Filing Date: Apr. 06, 2011
US Registration Number: 4250762
Registration Date: Nov. 27, 2012
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 27, 2012
Publication Date: Aug. 16, 2011
Notice of Allowance Date: Oct. 11, 2011

Mark Information

Mark Literal Elements: MY CAUSE
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of the wording "My Cause" with partial concentric circles open on the right side inserted between the wording "My" and "Cause" with the logo encircling a portion of the word "Cause".
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.01.18 - Circles, three or more concentric; Three or more concentric circles; Concentric circles, three or more

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

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U.S Class(es): 045, 046, 048
Class Status: ACTIVE
Basis: 1(a)
First Use: Apr. 18, 2011
Use in Commerce: Jul. 05, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Panacea Beverage Company, LLC
Owner Address: 39445 Floral Lane
Mechanicsville, MARYLAND 20659
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: VIRGINIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jeffrey A. Smith

Docket Number: PANACEA-0008

Attorney Primary Email docketing@mwzb.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: JEFFREY A. SMITH
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UNITED STATES

Phone: (703) 465-5355

Fax: (703) 243-6410

Correspondent e-mail: docketing@mwzb.com

Correspondent e-mail Authorized: Yes

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Prosecution History

Date	Description	Proceeding Number
Nov. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
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Oct. 24, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
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Oct. 11, 2012	USE AMENDMENT FILED	70565
Oct. 11, 2012	TEAS STATEMENT OF USE RECEIVED	
May 08, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 05, 2012	EXTENSION 1 GRANTED	70565
Apr. 10, 2012	EXTENSION 1 FILED	70565
May 03, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Apr. 10, 2012	TEAS EXTENSION RECEIVED	
Oct. 11, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 16, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 16, 2011	PUBLISHED FOR OPPOSITION	
Jul. 12, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 11, 2011	ASSIGNED TO LIE	77312
Jul. 11, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 06, 2011	ASSIGNED TO EXAMINER	77762
Apr. 12, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
Apr. 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 09, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

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Date in Location: Oct. 24, 2012



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