

ESTTA Tracking number: **ESTTA698549**

Filing date: **09/28/2015**

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	Spirits International B.V.
Granted to Date of previous extension	09/27/2015
Address	3, rue du Fort Rheinsheim Luxembourg, L-2419 LUXEMBOURG
Domestic Representative	Kathleen Gallagher-Duff Attorney of Record, member of the DC bar Covington & Burling LLP One CityCenter, 850 Tenth Street NW Washington, DC 20001 UNITED STATES trademarks@cov.com Phone:202.662.5299

Applicant Information

Application No	86439435	Publication date	03/31/2015
Opposition Filing Date	09/28/2015	Opposition Period Ends	09/27/2015
Applicant	Classic Liquor Importers Ltd. 20 West 47th Street, Suite 205 New York, NY 10036 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Wines and spirits

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.	4537800	Application Date	11/15/2013
Registration Date	05/27/2014	Foreign Priority Date	NONE
Word Mark	ELIT		

Design Mark	
Description of Mark	The mark consists of the word "ELIT" in lower case stylized letters.
Goods/Services	Class 033. First use: First Use: 2004/03/00 First Use In Commerce: 2004/03/00 (Based on Use in Commerce) Vodka (Based on 44(e)) Vodka

U.S. Registration No.	4567379	Application Date	11/15/2013
Registration Date	07/15/2014	Foreign Priority Date	09/25/2013
Word Mark	ELIT		

Design Mark	
Description of Mark	The mark consists of a triangular shaped design which appears in gray, with bottom element on a slant and containing within it a flame-like design that appears in red. The word "ELIT" appears in lower case stylized letters, in black, centered under the triangle.
Goods/Services	Class 033. First use: First Use: 2004/03/00 First Use In Commerce: 2004/03/00 (Based on Use in Commerce) Vodka (Based on 44(d) Priority Application) Vodka

U.S. Registration No.	3044248	Application Date	10/23/2002
Registration Date	01/17/2006	Foreign Priority Date	NONE

Word Mark	STOLICHNAYA ELIT
Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2004/03/00 First Use In Commerce: 2004/03/00 Distilled spirits; vodka; [prepared vodka-based alcoholic beverages]

U.S. Registration No.	3325498	Application Date	08/12/2002
Registration Date	10/30/2007	Foreign Priority Date	NONE
Word Mark	STOLICHNAYA ELIT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2004/03/00 First Use In Commerce: 2004/03/00 Vodka		

Attachments	86120036#TMSN.png(bytes) 86120038#TMSN.png(bytes) 78177458#TMSN.png(bytes) Notice of Opposition.pdf(504762 bytes) Exhibit A - ELIT Registrations.pdf(4164785 bytes) Exhibit B - ROYAL ELITE.pdf(83727 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	/KathleenGallagher-Duff/
Name	Kathleen Gallagher-Duff
Date	09/28/2015

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

In the Matter of: Serial No. 86/439,435
Date of Filing: October 30, 2014
Mark: ROYAL ELITE
Date of
Publication: March 31, 2015

Spirits International B.V.,

Opposer,

v.

Classic Liquor Importers Ltd.,

Applicant.

Opp. No. _____

NOTICE OF OPPOSITION

Spirits International B.V. (“SPI” or “Opposer”), a besloten vennootschap (b.v.) organized under the laws of Netherlands with a current business address at 3, rue du Fort Rheinsheim, Luxembourg, L-2419, believes that it will be damaged by registration of the mark ROYAL ELITE, shown in Serial No. 86/439,435, for “wine and spirits” in International Class 33.

The grounds for opposition are as follows:

1. By the application herein opposed, Applicant seeks to obtain registration on the Principal Register of the United States Patent and Trademark Office (“PTO”) of the mark ROYAL ELITE for “wine and spirits” in International Class 33.

2. The application herein opposed was filed on October 30, 2014, and was published for opposition on March 31, 2015. On April 30, 2015, the Trademark Trial and Appeal Board (“TTAB”) granted Opposer’s request for a 90-day extension of time (until July 29, 2015) to file a Notice of Opposition. On July 29, 2015, the TTAB granted Opposer’s request, with Applicant’s consent, for an additional 60 days to file a Notice of Opposition (until September 27, 2015). (As September 27 is a Sunday, the deadline to file the Notice of Opposition is Monday, September 28, 2015). Accordingly, the filing of this Notice of Opposition is timely.

3. Opposer is the owner of the following family of marks that consist of or include the word ELIT and that are registered on the PTO’s Principal Register: (i) elit (Stylized), which obtained registration on May 27, 2014 for vodka in International Class 33 (Reg. No. 4,537,800); (ii) ELIT & Design, which obtained registration on July 15, 2014 for vodka in International Class 33 (Reg. No. 4,567,379); (iii) STOLICHNAYA ELIT & Design, which obtained registration on January 17, 2006 for distilled spirits and vodka in International Class 33 (Reg. No. 3,044,248); and (iv) STOLICHNAYA ELIT, which obtained registration on October 30, 2007 for vodka in International Class 33 (Reg. No. 3,325,498) (the “ELIT Marks”). The forgoing registrations (the “ELIT Registrations”) are valid and subsisting and thus are *prima facie* evidence of Opposer’s exclusive right to use the ELIT Marks in commerce on the goods identified above. Copies of the registration certificates and of the current status of the ELIT Registrations from the PTO’s Trademark Applications and Registrations Retrieval (“TARR”) database are attached hereto as Exhibit A.

4. As Opposer has promoted its distilled spirits products under its ELIT Marks for over ten years, its ELIT Marks have become known to the public as marks

associated with Opposer, and Opposer has acquired significant and valuable goodwill in the ELIT Marks.

5. By adopting and using its ELIT Marks for an extensive period of time and by filing its federal registration intent-to-use applications for its STOLICHNAYA ELIT and STOLICHNAYA ELIT & Design marks prior to any date on which Applicant can rely to establish rights in its ROYAL ELITE mark, Opposer has acquired exclusive rights in its ELIT Marks that are superior to those of Applicant in the mark ROYAL ELITE.

6. Applicant's ROYAL ELITE mark is confusingly similar to Opposer's ELIT Marks. The dominant element of Applicant's mark is the term "Elite," which subsumes Opposer's ELIT mark in its entirety. Indeed, Applicant's website at <http://www.royalelitevodka.com/>, which displays images of Applicant's ROYAL ELITE vodka bottles, demonstrate that the ELITE portion of Applicant's mark is the dominant element. The ELITE portion of Applicant's mark appears in typeface that is significantly larger and bolder than that of the word "Royal." See Attachment B.

7. The words "Elit" and "Elite" are identical in sound and commercial impression, and are nearly identical in appearance. The addition of the highly suggestive, if not descriptive, laudatory, term "Royal" does not sufficiently distinguish Applicant's mark from Opposer's ELIT Marks. Indeed, consumers are likely to believe that Applicant's mark ROYAL ELITE is a member of Opposer's family of ELIT Marks.

8. Applicant's mark ROYAL ELITE identifies goods that are very closely related, and probably identical to, the goods identified by Opposer's ELIT Marks. Applicant's mark identifies "wine and spirits." Wine is an alcoholic beverage that is closely

related to distilled spirits, including vodka, and “spirits” includes products on which Opposer has used its ELIT Marks for over 10 years -- distilled spirits and vodka.

9. On information and belief, Applicant’s ROYAL ELITE products will be provided to the same class of consumers and through the same channels of distribution as the products that Opposer offers under its family of ELIT Marks, and will be directly competitive with Opposer’s products that are identified by Opposer’s ELIT Marks.

10. The adoption and use by Applicant of the mark ROYAL ELITE on wine and spirits is likely to cause confusion with Opposer’s use of its family of ELIT marks for distilled spirits and vodka, and is likely to cause consumers to assume, erroneously, that Applicant’s goods and services originate with, are sponsored or approved by, or somehow are associated with, Opposer. Opposer’s invaluable goodwill in its ELIT Marks will be seriously jeopardized thereby.

11. Opposer believes that it will be damaged by Applicant’s registration of the mark ROYAL ELITE for wine and spirits because such registration will assist and support Applicant in the confusing and misleading use of a mark that is confusingly similar to Opposer’s family of ELIT Marks as to which Opposer has prior rights, and will create statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Application Serial No. 86/439,435 be denied. Please charge the fee required in

37 C.F.R. § 2.6(a)(17) and any other fees required in connection with this Notice of Opposition to the undersigned's deposit account, Account No. 03-3412.

By: 

Bingham B. Leverich
Marie A. Lavalleye
Kathleen T. Gallagher-Duff
COVINGTON & BURLING LLP
One CityCenter
850 Tenth St. NW
Washington, D.C. 20001

Attorneys for Opposer
Spirits International B.V.

September 28, 2015

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

In the Matter of: Serial No. 86/439,435
Date of Filing: October 30, 2014
Mark: ROYAL ELITE
Date of
Publication: March 31, 2015

Spirits International B.V.,

Opposer,

v.

Classic Liquor Importers Ltd.,

Applicant.

Opp. No. _____

CERTIFICATE OF SERVICE

This is to certify that I have this 28th day of September 2015 served Applicant's counsel of record with the foregoing Notice of Opposition by email to tm@ostrolenk.com and by depositing a copy of the same in the United States mail, postage prepaid and properly addressed as follows:

Max Moskowitz, Esq.
Ostrolenk Faber LLP
1180 Avenue Of The Americas
Floor 7
New York, New York 10036-8443


Kathleen T. Gallagher-Duff
Counsel for Opposer Spirits International B.V.

EXHIBIT A

STATUS **DOCUMENTS**

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Mark: ELIT



US Serial Number: 86120036

Application Filing Date: Nov. 15, 2013

US Registration Number: 4537800

Registration Date: May 27, 2014

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: May 27, 2014

Publication Date: Mar. 11, 2014

Mark Information

Mark Literal Elements: ELIT

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FOR THE MARK

Description of Mark: The mark consists of the word "ELIT" in lower case stylized letters.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Related Properties Information

Claimed Ownership of US Registrations: [3044248](#), [3325498](#)

Foreign Information

Foreign Registration Number: 011247582

Foreign Registration Date: Sep. 11, 2013

Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)

Foreign Expiration Date: Oct. 08, 2015

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: (Based on Use in Commerce) Vodka(Based on 44(e)) Vodka

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: Mar. 2004

Use in Commerce: Mar. 2004

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: Yes

Currently 44E: Yes

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Spirits International B.V.

Owner Address: 3, rue du Fort Rheinsheim
Luxembourg L-2419
LUXEMBOURG

Legal Entity Type: besloten vennootschap (b.v.)

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marie A. Lavalleye

Docket Number: 028987.00

Attorney Primary Email Address: trademarks@cov.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARIE A. LAVALLEYE

Covington & Burling LLP
One CityCenter, 850 Tenth Street, N.W.
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.662.5439

Fax: 202.778.5

Correspondent e-mail: trademarks@cov.com

Correspondent e-mail Yes
Authorized: _____

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 27, 2014	REGISTERED-PRINCIPAL REGISTER	
Mar. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 11, 2014	PUBLISHED FOR OPPOSITION	
Feb. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 04, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 04, 2014	ASSIGNED TO EXAMINER	68603
Nov. 30, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 19, 2013	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: May 27, 2015

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

United States of America
United States Patent and Trademark Office

elit

Reg. No. 4,537,800

Registered May 27, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

SPIRITS INTERNATIONAL B.V. (NETHERLANDS BESLOTEN VENNOOTSCHAP (B.V.))
3, RUE DU FORT RHEINSHEIM
LUXEMBOURG, LUXEMBOURG L-2419

FOR: (BASED ON USE IN COMMERCE) VODKA(BASED ON 44(E)) VODKA, IN CLASS 33
(U.S. CLS. 47 AND 49).

FIRST USE 3-0-2004; IN COMMERCE 3-0-2004.

OWNER OF ERPN CMNTY TM OFC REG. NO. 011247582, DATED 9-11-2013, EXPIRES 10-8-2022.

OWNER OF U.S. REG. NOS. 3,044,248 AND 3,325,498.

THE MARK CONSISTS OF THE WORD "ELIT" IN LOWER CASE STYLIZED LETTERS.

SER. NO. 86-120,036, FILED 11-15-2013.

PATRICIA EVANKO, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

STATUS **DOCUMENTS**

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Mark: ELIT



US Serial Number: 86120038

Application Filing Date: Nov. 15, 2014

US Registration Number: 4567379

Registration Date: Jul. 15, 2014

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: Jul. 15, 2014

Publication Date: Apr. 29, 2014

Mark Information

Mark Literal Elements: ELIT

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 a triangular shaped design which appears in gray, with bottom element on like design that appears in red. The word "ELIT" appears in lower case stylized letters, in black,

Color Drawing: Yes

Color(s) Claimed: The color(s) gray, red and black is/are claimed as a feature of the mark.

Design Search Code(s): 01.15.15 - Fire (flames), emanating from objects, words or numbers
26.05.21 - Triangles that are completely or partially shaded

Related Properties Information

Claimed Ownership of US Registrations: [2840078](#), [3044248](#), [3325498](#) and others

Foreign Information

Priority Claimed: Yes

Foreign Application Number:	012168175	Foreign Application Filing Date:	Sep. 25, 2
Foreign Registration Number:	012168175	Foreign Registration Date:	Jan. 28, 21
Foreign Application/Registration Country:	EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)	Foreign Expiration Date:	Sep. 25, 2

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: (Based on Use in Commerce) Vodka (Based on 44(d) Priority Application) Vodka

International Class(es):	033 - Primary Class	U.S Class(es):	047, 049
Class Status:	ACTIVE		
Basis:	1(a) 44(e)		
First Use:	Mar. 2004	Use in Commerce:	Mar. 2004

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name:	Spirits International B.V.		
Owner Address:	3, rue du Fort Rheinsheim Luxembourg L-2419 LUXEMBOURG		
Legal Entity Type:	besloten vennootschap (b.v.)	State or Country Where Organized:	NETHERL

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marie A. Lavalleye

Docket Number: 028987.00

Attorney Primary Email: trademarks@cov.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Name/Address: MARIE A. LAVALLEYE

Covington & Burling LLP
 One CityCenter, 850 Tenth Street, N.W.
 Washington, DISTRICT OF COLUMBIA 20001
 UNITED STATES

Phone: 202.662.5439

Fax: 202.778.5

Correspondent e-mail: trademarks@cov.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 15, 2014	REGISTERED-PRINCIPAL REGISTER	
Apr. 29, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 29, 2014	PUBLISHED FOR OPPOSITION	
Apr. 09, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 27, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
Mar. 25, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 25, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	66213
Mar. 25, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	66213
Mar. 17, 2014	ASSIGNED TO LIE	66213
Mar. 03, 2014	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Feb. 04, 2014	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 04, 2014	LETTER OF SUSPENSION E-MAILED	6332
Feb. 04, 2014	SUSPENSION LETTER WRITTEN	68603
Feb. 04, 2014	ASSIGNED TO EXAMINER	68603

Dec. 03, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED
Nov. 30, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
Nov. 19, 2013	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: Jul. 15, 20

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United States of America

United States Patent and Trademark Office



Reg. No. 4,567,379

Registered July 15, 2014

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

SPIRITS INTERNATIONAL B.V. (NETHERLANDS BESLOTEN VENNOOTSCHAP (B.V.))
3, RUE DU FORT RHEINSHEIM
LUXEMBOURG, LUXEMBOURG L-2419

FOR: (BASED ON USE IN COMMERCE) VODKA (BASED ON 44(D) PRIORITY APPLICATION) VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 3-0-2004; IN COMMERCE 3-0-2004.

PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 012168175, FILED 9-25-2013, REG. NO. 012168175, DATED 1-28-2014, EXPIRES 9-25-2023.

THE COLOR(S) GRAY, RED AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

OWNER OF U.S. REG. NOS. 2,840,078, 3,325,498 AND OTHERS.

THE MARK CONSISTS OF A TRIANGULAR SHAPED DESIGN WHICH APPEARS IN GRAY, WITH BOTTOM ELEMENT ON A SLANT AND CONTAINING WITHIN IT A FLAME-LIKE DESIGN THAT APPEARS IN RED. THE WORD "ELIT" APPEARS IN LOWER CASE STYLIZED LETTERS, IN BLACK, CENTERED UNDER THE TRIANGLE.

SER. NO. 86-120,038, FILED 11-15-2013.

PATRICIA EVANKO, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
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Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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STATUS **DOCUMENTS**

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Mark: STOLICHNAYA ELIT



US Serial Number: 78177458

Application Filing Date: Oct. 23, 2005

US Registration Number: 3044248

Registration Date: Jan. 17, 2005

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: May 07, 2012

Publication Date: Oct. 25, 2005

Mark Information

Mark Literal Elements: STOLICHNAYA ELIT

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS "CAPITOL" MEANING "ELITE"

Transliteration: The non-Latin characters in the mark transliterate to "ELIT".

Design Search Code(s): 20.03.10 - Alcohol bottle labels; Bottles, labels for alcohol bottles; Labels, alcohol bottles
26.05.21 - Triangles that are completely or partially shaded
28.01.25 - Cyrillic characters (Russian); Hieroglyphic characters; Inscriptions in other non-Latin

Related Properties Information

Claimed Ownership of US [0865462](#), [1291454](#) and others
Registrations:

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: Distilled spirits; vodka; [prepared vodka-based alcoholic beverages]

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 2004

Use in Commerce: Mar. 2004

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Spirits International B.V.

Owner Address: 3, rue du Fort Rheinsheim
Luxembourg L-2419
LUXEMBOURG

Legal Entity Type: PRIVATE LIMITED LIABILITY COMPANY

State or Country Where Organized: NETHERL

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marie A. Lavalleye, Esq.

Docket Number: 028987.00

Attorney Primary Email Address: trademarks@cov.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Marie A. Lavalleye, Esq.

Covington & Burling LLP
One CityCenter, 850 Tenth Street, N.W.
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.662.5439

Fax: 202.778.5

Correspondent e-mail: trademarks@cov.com

Yes

Correspondent e-mail

Authorized:

Domestic Representative

Domestic Representative Name: Allied Domecq Spirits & Wine USA, Inc. (Att: Jane Bullbrook)

Phone: (313) 965-

Fax: (519) 971-5729

Domestic Representative e-mail: jane.bullbrook@adsw.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 01, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 01, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 07, 2012	AFFIDAVIT UNDER SECT 15 ABANDONED	67657
Apr. 26, 2012	PETITION TO DIRECTOR - GRANTED	76845
Apr. 02, 2012	ASSIGNED TO PETITION STAFF	76845
Mar. 09, 2012	TEAS PETITION TO DIRECTOR RECEIVED	1111
Mar. 07, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 07, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Mar. 07, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jan. 17, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 11, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 17, 2008	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2006	REGISTERED-PRINCIPAL REGISTER	
Oct. 25, 2005	PUBLISHED FOR OPPOSITION	
Oct. 05, 2005	NOTICE OF PUBLICATION	
Jul. 15, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Jul. 15, 2005	ASSIGNED TO LIE	73787
Jul. 06, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 06, 2005	USE AMENDMENT ACCEPTED	

Jun. 30, 2005	AMENDMENT TO USE PROCESSING COMPLETE	68658
Jun. 09, 2005	USE AMENDMENT FILED	68658
Jun. 28, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	76538
Jun. 09, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	76538
Jun. 09, 2005	TEAS AMENDMENT OF USE RECEIVED	
Jun. 09, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 26, 2005	FINAL REFUSAL E-MAILED	
Jan. 26, 2005	FINAL REFUSAL WRITTEN	76468
Nov. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 21, 2004	LIE CHECKED SUSP - TO ATTY FOR ACTION	73787
Aug. 30, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Oct. 06, 2003	LETTER OF SUSPENSION E-MAILED	
Jul. 29, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 09, 2003	CASE FILE IN TICRS	
Jul. 29, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 30, 2003	NON-FINAL ACTION MAILED	
Jan. 29, 2003	ASSIGNED TO EXAMINER	76468

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 07, 2015

Assignment Abstract Of Title Information - [Click to Load](#)

Proceedings - [Click to Load](#)

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,044,248

Registered Jan. 17, 2006

TRADEMARK
PRINCIPAL REGISTER

Stolichnaya



elit
элит

ALLIED DOMECQ INTERNATIONAL HOLD-
INGS BV (NETHERLANDS CORPORATION)
FLORIJNSTRAAT 1
P.O.BOX 673
ETTEN-LEUR, NETHERLANDS 4870 AR

FOR: DISTILLED SPIRITS; VODKA; PREPARED
VODKA-BASED ALCOHOLIC BEVERAGES, IN
CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 3-0-2004; IN COMMERCE 3-0-2004.

OWNER OF U.S. REG. NOS. 865,462, 1,291,454 AND
OTHERS.

THE FOREIGN WORDING IN THE MARK
TRANSLATES INTO ENGLISH AS "CAPITOL"
MEANING "MAIN CITY".

THE NON-LATIN CHARACTERS IN THE MARK
TRANSLITERATE TO "ELIT".

SER. NO. 78-177,458, FILED 10-23-2002.

SUELLEN HICKEY, EXAMINING ATTORNEY

[STATUS](#)[DOCUMENTS](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2015-09-23 13:15:34 EDT**Mark:** STOLICHNAYA ELITNo Image exists
for this case.**US Serial Number:** 78153281**Application Filing Date:** Aug. 12, 2**US Registration Number:** 3325498**Registration Date:** Oct. 30, 21**Register:** Principal**Mark Type:** Trademark**Status:** A Section 8 declaration has been accepted.**Status Date:** Oct. 19, 2013**Publication Date:** May 31, 2005**Notice of Allowance Date:** Aug. 23, 2

Mark Information

Mark Literal Elements: STOLICHNAYA ELIT**Standard Character Claim:** No**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)**Translation:** The English translation of the word STOLICHNAYA in the mark is capital meaning main city.

Related Properties Information

Claimed Ownership of US [0865462](#), [1291454](#) and others
Registrations:

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: Vodka**International Class(es):** 033 - Primary Class**U.S Class(es):** 047, 049**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Mar. 2004**Use in Commerce:** Mar. 2004

Basis Information (Case Level)

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

Current Owner(s) Information

Owner Name: Spirits International B.V.

Owner Address: 3, rue du Fort Rheinsheim
Luxembourg L2419
LUXEMBOURG

Legal Entity Type: PRIVATE LIMITED LIABILITY COMPANY **State or Country Where Organized:** NETHERL

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marie A. Lavalleye **Docket Number:** 028987.00

Attorney Primary Email Address: trademarks@cov.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Marie A. Lavalleye
Covington & Burling LLP
One CityCenter, 850 Tenth Street, N.W.
Washington, DISTRICT OF COLUMBIA 20001
UNITED STATES

Phone: 202.662.5439 **Fax:** 202.778.5

Correspondent e-mail: trademarks@cov.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Allied Domecq Spirits & Wine USA, Inc. (Att: Jane Bullbrook)

Fax: (519) 971-5729 **Phone:** (313) 965-

Domestic Representative e-mail: jane.bullbrook@adsw.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Dec. 10, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 19, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
Oct. 19, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED	68973
Oct. 14, 2013	REGISTERED - SEC. 8 (6-YR) FILED	68973
Oct. 19, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Oct. 14, 2013	TEAS SECTION 8 RECEIVED	
Mar. 01, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON- RESPONSIVE) ENTERED	88888
Mar. 01, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 11, 2011	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 11, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 17, 2008	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 30, 2007	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Sep. 25, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 16, 2007	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Aug. 16, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468
Aug. 16, 2007	ASSIGNED TO LIE	70468
Aug. 15, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 15, 2007	PETITION TO REVIVE-GRANTED	88888
Aug. 15, 2007	TEAS PETITION TO REVIVE RECEIVED	
Aug. 14, 2007	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Aug. 14, 2007	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Jan. 16, 2007	NON-FINAL ACTION E-MAILED	
Jan. 16, 2007	SU - NON-FINAL ACTION - WRITTEN	82104
Mar. 29, 2006	ASSIGNED TO EXAMINER	82104
Mar. 28, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 01, 2006	STATEMENT OF USE PROCESSING COMPLETE	70565
Feb. 14, 2006	USE AMENDMENT FILED	70565
Feb. 14, 2006	TEAS STATEMENT OF USE RECEIVED	

Aug. 23, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 31, 2005	PUBLISHED FOR OPPOSITION	
May 11, 2005	NOTICE OF PUBLICATION	
Feb. 15, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70217
Feb. 15, 2005	ASSIGNED TO LIE	70217
Jan. 26, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 12, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 21, 2004	LIE CHECKED SUSP - TO ATTY FOR ACTION	73787
Aug. 30, 2004	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	73787
Oct. 06, 2003	LETTER OF SUSPENSION E-MAILED	
Jul. 29, 2003	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 07, 2003	CASE FILE IN TICRS	
Jul. 29, 2003	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 30, 2003	NON-FINAL ACTION MAILED	
Jan. 29, 2003	ASSIGNED TO EXAMINER	76468

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 103

Date in Location: Oct. 19, 2015

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,325,498

Registered Oct. 30, 2007

**TRADEMARK
PRINCIPAL REGISTER**

STOLICHNAYA ELIT

ALLIED DOMEQ INTERNATIONAL HOLD-
INGS BV (NETHERLANDS CORPORATION)

FLORIJNSTRAAT 1

P.O. BOX 673

ETTEN-LEUR, NETHERLANDS 4870 AR

FOR: VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 3-0-2004; IN COMMERCE 3-0-2004.

OWNER OF U.S. REG. NOS. 865,462, 1,291,454,
AND OTHERS.

THE ENGLISH TRANSLATION OF THE WORD
STOLICHNAYA IN THE MARK IS CAPITAL MEAN-
ING MAIN CITY.

SN 78-153,281, FILED 8-12-2002.

LAURIE KAUFMAN, EXAMINING ATTORNEY

EXHIBIT B

