

ESTTA Tracking number: **ESTTA713830**

Filing date: **12/10/2015**

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	DESNOES & GEDDES LIMITED		
Entity	LIMITED LIABILITY COM-PANY	Citizenship	Jamaica
Address	214 SPANISH TOWN ROAD KINGSTON JAMAICA 11, JAMAICA		

Attorney information	John J. Dabney McDermott Will & Emery LLP 500 North Capitol Street, N.W. The McDermott Building Washington, DC 20001-1531 UNITED STATES jdabney@mwe.com, dciplit@mwe.com, kbukrinsky@mwe.com, hpmorrisson@mwe.com, ksandacz@mwe.com Phone:202 756 8000
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Applicant Information

Application No	85933900	Publication date	11/10/2015
Opposition Filing Date	12/10/2015	Opposition Period Ends	12/10/2015
Applicant	Mackinaw Management Co. LLC 475 N. Lake Blvd. Tahoe City, CA 96145 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 2012/06/02 First Use In Commerce: 2012/06/02
All goods and services in the class are opposed, namely: Ales; 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.	1546654	Application Date	07/07/1988
Registration Date	07/04/1989	Foreign Priority Date	NONE
Word Mark	DRAGON		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 032. First use: First Use: 1923/00/00 First Use In Commerce: 1978/00/00 BEER
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U.S. Registration No.	1387709	Application Date	10/18/1984
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Registration Date	03/25/1986	Foreign Priority Date	NONE
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Word Mark	DRAGON STOUT
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 1923/00/00 First Use In Commerce: 1978/00/00 BEER
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U.S. Registration No.	3735714	Application Date	05/14/2008
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Registration Date	01/12/2010	Foreign Priority Date	NONE
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Word Mark	DRAGON'S MILK
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 2002/05/08 First Use In Commerce: 2003/12/10 Beer
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Attachments	73504400#TMSN.png(bytes) 77474143#TMSN.png(bytes) HOP DRAGON Notice of Opposition.pdf(37420 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	/John J. Dabney/
Name	John J. Dabney
Date	12/10/2015

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

DESNOES & GEDDES, LTD.,

Opposer,

v.

MACKINAW MANAGEMENT CO. LLC,

Applicant.

Opposition No. _____

Serial No: 85/933900

Mark: HOP DRAGON

NOTICE OF OPPOSITION

DESNOES & GEDDES, LTD., a limited liability company organized and existing under the laws of Jamaica, having its principal place of business at 214 Spanish Town Rd, Kingston, Jamaica 11 (“Opposer”) will be damaged by registration of “HOP DRAGON” in Application Ser. No. 85/933900, filed by Mackinaw Management Co. LLC, a California limited liability company located at 475 N. Lake Blvd. Tahoe City CA 96145 (“Applicant”), and opposes registration of same.

1. For over 37 years, Opposer has continuously sold beer under the mark DRAGON and formatives thereof (collectively, “DRAGON Marks”) in the United States.
2. Over that time, Opposer has invested substantial sums of money to advertise and promote its DRAGON-branded beer and has earned substantial revenues from the sale of such products in the United States.
3. Opposer’s DRAGON-branded products are widely available in the United States at retail stores, supermarkets, bars and restaurants.

4. Opposer owns U.S. trademark registrations for DRAGON (Reg. No. 1546654), DRAGON STOUT (Reg. No. 1387709), and DRAGON'S MILK (Reg. No. 3735714) all for beer. Those registrations are valid, subsisting, and incontestable.

5. Opposer also owns common law rights to its DRAGON Marks for beer.

6. Opposer's DRAGON Marks are inherently distinctive because they do not describe an attribute of Opposer's goods.

7. For decades, consumers have associated Opposer's DRAGON Marks as identifying goods emanating exclusively from Opposer.

8. Notwithstanding Opposer's rights to the DRAGON Marks, on May 16, 2013, Applicant applied to register the mark HOP DRAGON for "ales; beers." Applicant's mark was published for opposition on November 10, 2015.

9. Applicant's mark HOP DRAGON is confusingly similar to Opposer's DRAGON Marks in sight, sound, meaning and overall commercial impression.

10. Applicant's and Opposer's goods are identical and sold in the same channels of trade to the same customers.

11. Applicant's use and registration of HOP DRAGON is likely to cause confusion, deception, and/or mistake with respect to Opposer's DRAGON Marks.

12. Applicant's use and registration of HOP DRAGON will interfere with Opposer's DRAGON Marks and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer prays that registration of Applicant's mark be denied.

Respectfully submitted,

DESNOES & GEDDES LTD.

Dated: December 10, 2015

By: /John J. Dabney/

John J. Dabney

Katie Bukrinsky

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Attorneys for Opposer

CERTIFICATE OF SERVICE

Opposer DESNOES & GEDDES LTD., by and through its attorneys, hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon Applicant on this 10th Day of December, 2015, by First Class Mail at the following address:

ANNE W. GLAZER
STOEL RIVES LLP
900 SW 5TH AVE STE 2600
PORTLAND, OREGON UNITED STATES 97204-1268

/ John J. Dabney/ _____
John J. Dabney
McDERMOTT WILL & EMERY LLP
Attorney for Opposer