

ESTTA Tracking number: **ESTTA719644**

Filing date: **01/11/2016**

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	The Coca-Cola Company
Granted to Date of previous extension	01/10/2016
Address	One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES

Correspondence information	Jessica Lewis One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES jeslewis@coca-cola.com,vkeenana@coca-cola.com Phone:404-676-0394
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Applicant Information

Application No	79154259	Publication date	07/14/2015
Opposition Filing Date	01/11/2016	Opposition Period Ends	01/10/2016
International Registration No.	1221256	International Registration Date	07/18/2014
Applicant	ORGY CO., Ltd (KABUSHIKIGAISYA ORGY) 1218-1, Horiuchi JAPAN		

Goods/Services Affected by Opposition

<p>Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Tote bags; leather and imitation leather bags; bags for sports; backpacks; shoulder bags; Boston bags; shoe bags for travel; waist bags; carry-on bags; carrying cases; barrel bags; clutch bags; hiking bags; school bags; travel bags; beach bags; umbrellas; walking sticks</p>
<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, jackets; coats; dresses; vests; skirts; pants; sweaters; shirts; tee-shirts; headwear, namely, caps; clothing, namely, jerseys; clothing, namely, layettes; sleep masks; shoes; beachshoes; sports shoes; wooden shoes; sandals; footwear; underwear; clothing, namely, gloves; clothing for sports, namely, jerseys; boots for sports; bathing caps; hats; bathing suits; clothing, namely, ear muffs; leg warmers; clothing, namely, muffs; overalls; parkas; pullovers; pyjamas; bath robes; scarfs; shawls; slippers; socks; fur stoles; suits; swimsuits; underpants</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1436191	Application Date	12/16/1985
Registration Date	04/14/1987	Foreign Priority Date	NONE
Word Mark	COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1964/00/00 First Use In Commerce: 1964/00/00 CONTAINERS MADE OF METAL/TIN, KEYRINGS [AND MONEY CLIPS NOT MADE OF PRECIOUS METALS]</p> <p>Class 008. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [CUTLERY -NAMELY, FORKS, KNIVES, AND SPOONS USED AS TABLE-WARE;] NON-MECHANICAL CAN/BOTTLE OPENER</p> <p>Class 009. First use: First Use: 1948/00/00 First Use In Commerce: 1948/00/00 RADIOS, [TELEPHONES, CALCULATORS, THERMOMETERS, SUNGLASSES, PLASTIC MAGNETS ANDMAGNETIC MEMO HOLDERS FOR REFRIGERATORSAND KITCHEN CABINETS]</p> <p>Class 011. First use: First Use: 1964/04/30 First Use In Commerce: 1964/04/30 ELECTRIC LAMPS, ELECTRIC COOLERS IN THENATURE OF REFRIGERATION UNITS [, AND PORTABLE GRILLS FOR COOKING]</p> <p>Class 014. First use: First Use: 1963/06/00 First Use In Commerce: 1963/06/00 JEWELRY, NAMELY [CHARMS, PENDANTS,] RINGS, BRACELETS AND [NECKLACES, STICK PINS,] LAPEL PINS, WATCHES, CLOCKS [, MONEY CLIPS, AND MEDALLIONS, MADE OF PRECIOUS AND NONPRECIOUS METALS]</p> <p>Class 016. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 WRITING INSTRUMENTS; NAMELY-PENS, PENCILS AND [MECHANICAL PENCILS;] WRITING PADS AND [NOTEBOOKS,] FOLDERS AND PORTFOLIOS FOR PAPERS, PEN AND [PENCIL HOLDERS,] PAPER CLIP HOLDERS, PAPER WEIGHTS,AND [LETTER OPENERS,] PLAYING CARDS, [BOOK COVERS,] POSTCARDS AND [POSTERS,] PAPER NAPKINS, ADHESIVE STICKERS, GREETING CARDS [, BOOKMARKS AND ERASABLE MEMO BOARDS, CALENDARS]</p> <p>Class 018. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 [UMBRELLAS, BUSINESS FOLDERS, NAMELY BRIEF CASE TYPE PORTFOLIOS, BRIEF CASES MADE OF LEATHER AND VINYL, ATTACHE CASES,VARIOUS LUGGAGE AND BAGS, NAMELY, PURSES, HANDBAGS,] ALL PURPOSE SPORTS BAGS, [GYM BAGS] AND ALL PURPOSE GEAR CARRYING BAGS [, LUGGAGE AND LUGGAGE TAGS MADE OF LEATHER, VINYL AND TEXTILES, WALLETS, AND CREDIT CARD HOLDERS]</p> <p>Class 020. First use: First Use: 1960/00/00 First Use In Commerce: 1960/00/00 [HASSOCKS,] MIRRORS, WOODEN STORAGE BOXES FOR THE HOME, AIR MATTRESSES, [AIRPILLOWS, AIR CUSHIONS,] GARDEN UMBRELLAS [, BEAN BAG CHAIRS, CHILDREN'S FURNITURE, AND INFLATABLE CUSHIONS]</p> <p>Class 021. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [DISHWARE MADE OF NONPRECIOUS METAL AND PAPER, NAMELY,</p>		

	<p>DISHES, MUGS, BOWLS, GOBLETS, TANKARDS, CUPS,] COASTERS, AND SERVING TRAYS, [GLASSWARE, NAMELY, TANKARDS,] MUGS, TUMBLERS, [GOBLETS, STEMWARE, PLATES, PITCHERS, DECANTERS, PARTY BOWLS,] STORAGE JARS, [AND FLORAL CONTAINERS; PORCELAIN GIFTWARE, NAMELY,] FIGURINES, [PLATES, CUPS, SAUCERS, BELLS AND EGGS; DECANTERS, CERAMIC TRIVETS,] THERMAL INSULATED BEVERAGE HOLDERS, ICE BUCKETS, AND ICE CHESTS</p> <p>Class 024. First use: First Use: 1981/03/00 First Use In Commerce: 1981/03/00 [BATH LINEN, NAMELY, BATH TOWELS, FINGERTIP TOWELS AND WASH CLOTHS, SHOWER AND WINDOW CURTAINS; KITCHEN LINEN, NAMELY, TABLECLOTHS, TABLE RUNNERS, NAPKINS, AND PLACE MATS MADE OF FABRIC;] BARBECUE AND OVEN MITTS, [CURTAINS, POTHOLDERS, FABRIC APPLIANCE COVERS,] BEACH TOWELS WHICH INCLUDE STANDARD AND OVERSIZED TOWELS</p> <p>Class 025. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 CLOTHING, NAMELY-[HATS,] T-SHIRTS, SWEATSHIRTS, [SHORTS,] [PAJAMAS, SWEATERS,] [SOCKS,] SUN VISORS; [NECKTIES, JOGGING SUITS, ATHLETIC HEAD AND WRIST] BANDS, CAPS, VISORS, JACKETS, [VESTS AND APRONS]</p> <p>Class 026. First use: First Use: 1973/00/00 First Use In Commerce: 1973/00/00 BELT BUCKLE [AND BADGES NOT MADE OF PRECIOUS METALS, TIE PINS AND TIE CLIPS]</p> <p>Class 027. First use: First Use: 1976/12/00 First Use In Commerce: 1976/12/00 WALL HANGINGS NOT OF TEXTILE; RUGS [, AND VINYL OR PLASTIC PLACEMATS]</p> <p>Class 028. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [SPORTING EQUIPMENT, NAMELY, GOLF TEES, GOLF BALLS, BASKETBALLS, FISHING LURES, TENNIS BALLS AND TENNIS RACKETS, BATS, AND BASKETBALL BACKBOARDS,] TOYS, NAMELY [--DOLLS, PUZZLES, DART BOARDS, PLASTIC DISH SETS, WHISTLES,] YOM-OS'S, INFLATABLE AIR MATTRESSES AND [BALLS FOR RECREATIONAL USE, BANKS, RUBBER BALLS,] NON-POWERED TOY VEHICLES AND [ACCESSORIES,] DIE CAST METAL VEHICLES, TRAINS AND CHRISTMAS TREE ORNAMENTS AND DECORATIONS</p> <p>Class 034. First use: First Use: 1950/00/00 First Use In Commerce: 1950/00/00 [MATCHES,] LIGHTERS [, AND ASHTRAYS]</p>
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U.S. Registration No.	2844978	Application Date	06/19/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1950/01/01 First Use In Commerce: 1950/01/01 Clothing for men, women and children, namely, [belts,] jackets, coats, tops, [vests,] shirts, blouses,[jerseys,] bottoms, shorts,[pants, trousers,] boxer shorts, [dresses, skirts, neckties, scarves, bandannas, night gowns, night shirts,] pajamas, loungewear, [socks, sweaters,] sweat shirts, sweat pants, [cummerbunds,] aprons, t-shirts, headwear, hats, caps; [sun visors; slippers]		

U.S. Registration No.	2052760	Application Date	05/17/1996
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Registration Date	04/15/1997	Foreign Priority Date	NONE
Word Mark	COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/03/11 First Use In Commerce: 1988/03/11 footwear		

U.S. Registration No.	1738263	Application Date	10/28/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 015. First use: First Use: 1991/05/29 First Use In Commerce: 1991/05/29 [musical dioramas] Class 024. First use: First Use: 1991/07/11 First Use In Commerce: 1991/07/11 kitchen linens; namely, towels and dishcloths Class 025. First use: First Use: 1991/07/08 First Use In Commerce: 1991/07/08 aprons		

U.S. Registration No.	3487158	Application Date	05/25/2007
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	THINGS GO BETTER WITH COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 [Clocks and watches] Class 016. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 [Stationery, calendars, printed paper signs] Class 020. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 [Holiday ornaments made of plastic] Class 021. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Dinnerware, namely, plates, cups [, mugs]		

	Class 025. First use: First Use: 1999/00/00 First Use In Commerce: 1999/00/00 Clothing, namely, [belts, caps,] shirts [, sweat shirts, shorts, pants, sweat pants, socks, and pajamas]
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U.S. Registration No.	2844977	Application Date	06/19/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1941/01/01 First Use In Commerce: 1941/01/01 Purses; handbags; general gear carryingbags; wallets; billfolds; [fanny bags;] gym bags; backpacks; luggage; luggagetags; tote bags; travel bags; duffel bags; [beach bags; business card cases; umbrellas; caf�� umbrellas; trunks]		

Attachments	77190244#TMSN.png(bytes) Notice of Opposition - SUICOKE.pdf(132851 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	/jessica lewis/
Name	Jessica Lewis
Date	01/11/2016

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

IN THE MATTER OF U.S. APPLICATION SERIAL NO. 79/154,259

Mark: SUICOKE

Filed: July 18, 2014

Published: July 14, 2015

<p>THE COCA-COLA COMPANY,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>Orgy Co., Ltd (Kabushikigaisya Orgy)</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p>
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NOTICE OF OPPOSITION

The Coca-Cola Company (“Opposer” or “Coca-Cola”), a corporation organized and existing under the laws of the state of Delaware, having its office and principal place of business at One Coca-Cola Plaza, NW, Atlanta, GA 30313, believes that it will be damaged by the registration of the mark SUICOKE, Application Serial No. 79/154,259 (the “Application”), filed on July 18, 2014 by Orgy Co., Ltd. (the “Applicant”) in International Class 18 and 25. Opposer requests that the registration of the SUICOKE mark be refused.

As grounds for its opposition, Coca-Cola alleges as follows:

1. Coca-Cola is the world’s largest beverage company, serving more than 1.6 billion consumers each day in more than 200 countries around the world.
2. Coca-Cola’s COKE and DIET COKE brands are the top two soft drink brands in the world.
3. Since as early as 1887, Coca-Cola and its related companies have continuously used the COCA-COLA mark, and variations thereof, in connection with beverages, syrups, and concentrates for making beverages (collectively the “COKE Marks”).

4. Since as early as 1950, Coca-Cola and its related companies have continuously used the COKE mark on clothing.

5. Since as early as 1941, Coca-Cola and its related companies have continuously used the COKE mark on bags.

6. Coca-Cola is the owner of numerous U.S. Trademark registrations for the COKE Marks, the details of some of these registrations are set forth below:

Registration Details	Dates	Goods
<p>COKE</p> <p>SN: 73/573,878</p> <p>RN: 1,436,191</p>	<p>First Use: 1950</p> <p>Filed: December 16, 1985</p> <p>Registered: April 14, 1987</p>	<p>Clothing, namely- t-shirts, sweatshirts, sun visors; bands, caps, visors, jackets</p> <p>(Int'l Class: 25)*</p>
<p>COKE</p> <p>SN: 78/264,410</p> <p>RN: 2,844,978</p>	<p>First Use: January 1, 1950</p> <p>Filed: June 19, 2003</p> <p>Registered: May 25, 2004</p>	<p>Clothing for men, women and children, namely, jackets, coats, tops, shirts, blouses, bottoms, shorts, boxer shorts, pajamas, loungewear, sweat shirts, sweat pants, aprons, t-shirts, headwear, hats, caps</p> <p>(Int'l Class: 25)</p>
<p>COKE</p> <p>SN: 75/114,281</p> <p>RN: 2,052,760</p>	<p>First Use: March 11, 1988</p> <p>Filed: May 17, 1996</p> <p>Registered: April 15, 1997</p>	<p>Footwear</p> <p>(Int'l Class: 25)</p>

Registration Details	Dates	Goods
<p>COKE</p> <p>SN: 74/216,074</p> <p>RN: 1,738,263</p>	<p>First Use: July 8, 1991</p> <p>Filed: October 28, 1991</p> <p>Registered: December 8, 1992</p>	<p>Aprons</p> <p>(Int't Class: 25)*</p>
<p>THINGS GO BETTER WITH COKE</p> <p>SN: 77/190,244</p> <p>RN: 3,487,158</p>	<p>First Use: 1999</p> <p>Filed: May 25, 2007</p> <p>Registered: August 19, 2008</p>	<p>Clothing, namely, shirts</p> <p>(Int'l Class: 25)*</p>
<p>COKE</p> <p>SN: 78/264,382</p> <p>RN: 2,844,977</p>	<p>First Use: 1941</p> <p>Filed: Jun 19, 2003</p> <p>Registered: May 25, 2004</p>	<p>Purses, handbags; general gear carrying bags; wallets; billfolds; fanny bags; gym bags; backpacks; etc...</p> <p>(Int'l Class: 25)*</p>
<p>COKE</p> <p>SN: 73/573,878</p> <p>RN: 1,436,191</p>	<p>First Use: 1969</p> <p>Filed: Dec 16, 1985</p> <p>Registered: Apr 14, 1987</p>	<p>Umbrellas, business folders, namely briefcase type portfolios briefcases made of leather and vinyl, attache cases, various luggage and bags, namely purses, handbags, all purpose sports bags, gym bags and all purpose gear carrying bags, etc...</p> <p>(Int'l Class: 18)*</p>

*Other classes not referenced.

7. Coca-Cola's registrations for its COKE Marks are valid and subsisting in law, were duly and legally issued, are *prima facie* evidence of the validity of the marks registered and constitute

constructive notice of ownership of these marks by Coca-Cola in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072.

8. Coca-Cola and its predecessors have invested a substantial amount of time, effort and money in advertising and promoting products offered in connection with the COKE Marks and have continuously and extensively used the COKE Marks in the United States and all over the world in connection with beverages and related goods. Consequently, Coca-Cola's goods bearing the COKE Marks have become widely associated with Coca-Cola.

9. Through years of advertising, promotion and use, the COKE Marks are famous and are an asset of substantial value to Coca-Cola.

10. On or about July 18, 2014, Applicant filed the referenced application seeking registration of the trademark SUICOKE in class 18 for "Tote bags; leather and imitation leather bags; bags for sports; backpacks; shoulder bags; Boston bags; shoe bags for travel; waist bags; carry-on bags; carrying cases; barrel bags; clutch bags; hiking bags; school bags; travel bags; beach bags; umbrellas; walking sticks," and in Class 25 for "T-Shirts, Tee Shirts" and in class 25 for "Clothing, namely, jackets; coats; dresses; vests; skirts; pants; sweaters; shirts; tee-shirts; headwear, namely, caps; clothing, namely, jerseys; clothing, namely, layettes; sleep masks; shoes; beach shoes; sports shoes; wooden shoes; sandals; footwear; underwear; clothing, namely, gloves; clothing for sports, namely, jerseys; boots for sports; bathing caps; hats; bathing suits; clothing, namely, ear muffs; leg warmers; clothing, namely, muffs; overalls; parkas; pullovers; pyjamas; bath robes; scarfs; shawls; slippers; socks; fur stoles; suits; swimsuits; underpants."

11. The Application was filed in the name of Orgy Co., Ltd. (Kabushikigaisya Orgy).

12. The Application was assigned serial number 79/154259. The Application was filed after Coca-Cola's acquisition of its rights in the COKE Marks and long after the registration of the COKE Marks.

13. The Application was published for opposition on July 14, 2015. Coca-Cola sought and received a ninety-day extension of time to oppose the registration of Applicant's mark, and further sought an additional 60-day extension of time with consent of the applicant.

14. Between the parties, Coca-Cola is the senior user.

15. The applied for SUICOKE mark is identical to Coca-Cola's COKE Marks with the addition of the term "sui".

16. The applied for goods in the SUICOKE application are similar to those offered by Coca-Cola under its COKE Marks.

17. Registration of Applicant's mark will damage Coca-Cola because the SUICOKE mark is likely to cause confusion within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

18. Registration of Applicant's mark will further damage Coca-Cola because it dilutes the distinctive quality of Coca-Cola's famous COKE Marks, as governed by Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

19. By reason of all of the foregoing, Coca-Cola will be damaged by the registration of Applicant's confusingly similar mark.

20. The Patent and Trademark Office is authorized to deduct the filing fees of three hundred dollars (\$300.00) per class, and any other necessary fees in connection with the filing of this opposition from the deposit account of The Coca-Cola Company.

WHEREFORE, Coca-Cola prays that the registration for the SUICOKE application, Serial No. 79/154,259, be rejected, that this opposition be sustained, and that Coca-Cola be granted such other different and additional relief as this Board deems just and proper.

Respectfully submitted, this 11th day of January, 2016.

/jessica lewis/

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*Attorney for Opposer, The Coca-Cola
Company*

CERTIFICATE OF SERVICE

The undersigned counsel of record hereby certifies that on this 11th day of January, 2016, a copy of the foregoing *Notice of Opposition* was served by placing a copy in U.S. Mail, postage prepaid, and address to the following attorney of record:

Aoi Nawashiro
Browdy & Neimark, PLLC
1625 K Street, NW
Suite 1100
Washington, DC 20006

/jessica lewis/
Jessica Lewis, Esq.