

ESTTA Tracking number: **ESTTA734271**

Filing date: **03/17/2016**

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	Patron Spirits International AG		
Entity	Aktiengesellschaft	Citizenship	Switzerland
Address	Quaistrasse 11 Schaffhausen, 8200 SWITZERLAND		

Attorney information	Jessica Bromall Sparkman 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		
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Applicant Information

Application No	86765751	Publication date	02/16/2016
Opposition Filing Date	03/17/2016	Opposition Period Ends	03/17/2016
Applicant	Conyngham Brewing Company 309 Main St Box AM Conyngham, PA 18219 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 2015/05/01 First Use In Commerce: 2015/05/01
All goods and services in the class are opposed, namely: Beer, ale and lager

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) Notice of Opposition (signed) - PIRATE PISS - U.S. App. No. 86765751.pdf(217226 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 bromall sparkman/
Name	Jessica Bromall Sparkman
Date	03/17/2016

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

PATRÓN SPIRITS INTERNATIONAL AG, a Swiss company Opposer, v. CONYNGHAM BREWING COMPANY, a Pennsylvania limited liability company Applicant.	Opposition No.: _____ Application Serial No.: 86/765,751 Mark: PIRATE PISS Published for Opposition: February 16, 2016 Atty. Ref. No.: 57062-0498
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NOTICE OF OPPOSITION

Opposer Patrón Spirits International AG ("Opposer"), a Swiss company, having an address of Quaistrasse 11, 8200 Schaffhausen, Switzerland believes that it will be damaged by the registration of PIRATE PISS on the Principal Register in connection with "Beer, ale, and lager" in Int. Cl. 32. The mark PIRATE PISS is the subject of App. Ser. No. 86/765,751, allegedly owned by Conyngham Brewing Company ("Applicant"), a Pennsylvania limited liability company, and Opposer hereby opposes registration thereof.

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, liqueur, rum and vodka products.
2. Opposer is the source of PYRAT[®] brand rum products. Opposer distributes and sells PYRAT[®] products throughout the United States and throughout the world. Opposer, and its predecessors-in-interest, have continuously used the PYRAT[®] mark, and continuously sold PYRAT[®] brand products, 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[®] in connection with rum products.

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," and is also 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. Opposer's registration 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," and is also 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. Opposer's registration has not been revoked or cancelled.

5. Opposer's PYRAT marks described in Paragraphs 2 through 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 Ser. No. 86/765,751 filed on September 23, 2015, for registration of the mark PIRATE PISS ("Applicant's Mark") in standard characters for use in connection with "Beer, ale, and lager" in Int. Cl. 32 ("Applicant's Goods").

7. PYRAT is pronounced like the word "pirate" and is an alternate spelling of the word "pirate" that was commonly used in or around the 1500's through the 1800's, and is sometimes used today.

8. Opposer's registrations for Opposer's Mark predate Applicant's application. Opposer has sold PYRAT[®] brand products in the United States continuously since 1996; and PYRAT[®] brand products have been the subject of press, including magazines and third party blogs and websites. As a result, Opposer's Mark has become well known and associated with Opposer in the United States. Because of Opposer's efforts, and by virtue of the excellence of the goods offered and provided by Opposer under Opposer's Mark, Opposer has built a valuable reputation and significant goodwill in its Mark belonging exclusively to Opposer.

9. Applicant's Mark so resembles Opposer's Mark, including with respect to sight, sound, and meaning, that it is likely that when Applicant's Mark is used in connection with Applicant's Goods, it will cause confusion, mistake, or deception. Applicant's Mark, therefore, creates a confusingly similar commercial impression. Thus, consumers will likely believe that Applicant's use of the mark PIRATE PISS in connection with Applicant's Goods is in some way associated with, connected with, or sponsored, authorized, approved or licensed by Opposer.

10. Applicant's Mark so resembles Opposer's Mark that it is 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 injure Opposer's reputation or the goodwill Opposer has established in Opposer's Mark. Furthermore, Applicant's use of crude language in Applicant's Mark will reflect poorly on Opposer, and is likely to injure the goodwill and reputation that Opposer has worked so hard to establish.

11. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of the mark PIRATE PISS in connection with Applicant's Goods as identified in application Serial No. 86/765,751. 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 Ser. No. 86/765,751 be refused.

Respectfully submitted,

Dated: March 17, 2016

/s/ Jessica Bromall Sparkman

Bernard R. Gans, Esq.

Jessica Bromall Sparkman, Esq.

Attorney for Opposer Patrón Spirits International AG

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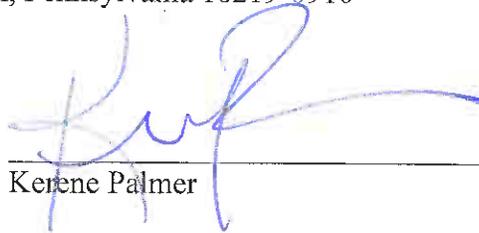
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CERTIFICATE OF SERVICE

It is hereby certified that on **March 17, 2016**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid, to Applicant at the correspondence address of record in the Patent and Trademark Office:

Conyngham Brewing Company
P.O. Box Am
Conyngham, Pennsylvania 18219-0910



Kerene Palmer