

ESTTA Tracking number: **ESTTA741283**

Filing date: **04/20/2016**

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	Ace of Spades Holdings, LLC
Granted to Date of previous extension	04/20/2016
Address	1411 Broadway, 39th Floor New York, NY 10018 UNITED STATES

Correspondence information	Afschineh Latifi Tucker & Latifi, LLP 160 East 84th Street Suite 5E New York, NY 10028 UNITED STATES alatifi@tuckerlatifi.com Phone:212-472-6262
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Applicant Information

Application No	86171778	Publication date	12/22/2015
Opposition Filing Date	04/20/2016	Opposition Period Ends	04/20/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	9292-9660 Quebec Inc. Suite 5 Montreal, Quebec, H2V1W8 CANADA		

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: Alcoholic beverages, namely, vodka

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.	4516769	Application Date	11/14/2012
Registration Date	04/22/2014	Foreign Priority Date	05/15/2012
Word Mark	A		

Design Mark	
Description of Mark	The mark consists of a spade design with a stylized letter "A" and three shaded-circles, curved lines, and curved lineswith vine-like designs.
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Alcoholic beverages except beers, including wines, sparkling wines and champagnes

U.S. Registration No.	4582828	Application Date	06/07/2013
Registration Date	08/12/2014	Foreign Priority Date	NONE

Word Mark	A
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Design Mark	
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Description of Mark	The mark consists of the letter "A" within a spade.
Goods/Services	Class 033. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Champagne

Attachments	79122950#TMSN.png(bytes) 85953430#TMSN.png(bytes) PV Ace Logo - Notice of Opposition.pdf(1924273 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 Overnight Courier on this date.

Signature	/Afschineh Latifi/
Name	Afschineh Latifi
Date	04/20/2016

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

In the matter of Application Serial Nos. 86/171778
Trademarks: PV plus ACE Design
Published: December 22, 2015

Ace of Spades Holdings, LLC

Opposer,

-against-

9292-9660 Quebec Inc.

Applicant.

Opposition No.

App. Serial No. 86/171778

NOTICE OF OPPOSITION

Opposer, Ace of Spades Holdings, LLC ("Opposer"), through its undersigned counsel, is filing this opposition based upon the belief that it will be damaged by the registration of Application Serial No. 86/171778 for the mark PV plus ACE Design (hereinafter "the Infringing Mark") filed by 9292-9660 Quebec Inc. ("Applicant") and hereby opposes registration of the Infringing Mark.

As grounds for its opposition, Opposer alleges that:

1. Opposer is a Delaware limited liability company with an office and place of business located at 1411 Broadway, New York, New York 10018.
2. Opposer is the owner of several U.S. Trademark Registrations for the



Design Mark, namely, Reg. Nos. 4516769 and 4582828 both for champagne in Class 33, 4841123 for paper goods in Class 16 and 4841135 for beverage ware in Class 21. In addition, Opposer is the owner of U.S. Registration No. 4733892 for the ACE OF SPADES word mark for champagne in Class 33 along with numerous other registrations for various goods and services, such as champagne, entertainment and restaurant services, under the ACE OF SPADES word mark in over 44 countries around the world.

3. Opposer has been using its ACE OF SPADES Logo in connection with champagne since 2006.

4. Opposer is the owner of the renowned and world famous ARMAND DE BRIGNAC Champagne which is also popularly known, among the purchasing public as well as those in the trade and entertainment industry, as ACE OF SPADES champagne. Opposer's bottles are all prominently embossed with its famous ACE OF SPADES logo both on the front and around the neck of the bottle and are immediately identified by consumers worldwide with the famous songwriter, musical artist, record producer, entrepreneur and business mogul, Mr. Shawn Carter, professionally known as Jay Z, who is the owner of Opposer. Attached hereto and identified as *Exhibit 1* is a photo of one of Applicant's bottles.

5. Separate and apart from being a world famous musical artist, as a result of his many successful business ventures, including his various entertainment venues, Mr. Carter has become one of the most prominent, respected, popular and

venerated artists, celebrities and business executives of our time. If there is one word with which to describe Mr. Carter, it's the word "icon". Mr. Carter has received and continues to receive tremendous unsolicited press on a daily basis for his music and his various other ventures, including his restaurant/nightclubs and newly acquired champagne line, Ace of Spades. In addition, Mr. Carter expends large sums of money annually to protect his name and all his famous trademarks worldwide to ensure the integrity and fame associated with his products, businesses and name.

6. Along these lines, Opposer has spent vast sums of money to protect its trademarks: (i) ARMAND DE BRIGNAC, (ii) ACE OF SPADES; and, (iii)



various famous logos, such as the Stylized "Ace of Spades Design" worldwide in connection with a wide array of goods and services including but not limited to champagne, entertainment and restaurant services. Being produced by the world famous Champagne Cattier, Armand de Brignac, Ace of Spades champagne has become one of the most well-known champagnes in the world. The fact that Mr. Carter is now the face of the product has catapulted the ACE OF SPADES champagne line, along with all the other products sold under the ACE OF SPADES family of marks to astronomical fame.

7. As a result of the continuous unsolicited media coverage Opposer has been receiving over the past 10 years for its Ace of Spades champagne and related product lines, consumers readily identify Opposer's Ace of Spades mark and logo with Opposer and Mr. Carter.

8. This recognition is further enhanced since the Ace of Spades champagne is served at some of the most prominent restaurants and nightclubs worldwide,

including at Mr. Carter's 40/40 club in New York City.

9. Opposer's Ace of Spades products have gained not only tremendous nationwide fame and notoriety but in actuality the fame associated with Opposer's Ace of Spades mark and products is worldwide. Customers worldwide routinely ask for a glass of "Ace of Spades" when referring to Opposer's Armand de Brignac champagne. In dark night clubs, Opposer's iconic Ace of Spades logo prominently adorning its bottles identifies Opposer's champagne as that of Armand de Brignac.

10. In or about January 2016, Opposer, through a trademark watch service it has in place for its Ace of Spades family of marks, was alerted to the filing of an Application for the Infringing Mark by Applicant for "alcoholic beverages, namely, vodka" in International Class 33.

11. There is no doubt that Opposer has made the ACE Logo and ACE OF SPADES word mark famous through its uninterrupted and continuous use of the mark as used in connection with a champagne line and other products for over 10 years, thus making the marks readily identifiable by the purchasing public with Opposer. In addition, the fact that the ACE Logo and ACE OF SPADES mark are readily identified with the famous musician and entrepreneur, Shawn Carter aka Jay Z, it can undoubtedly be said that no matter what category of goods/services the ACE Logo and ACE OF SPADES mark are attached to, even more a vodka line which is in the same realm as that of Opposer's business, alcoholic beverages, the consuming public will associate such products as those that are sponsored by or associated with Opposer. In this case, there is no doubt that the consuming public will easily make the jump that Opposer has simply started a vodka line, especially seeing Applicant's bottle from across the room in a dimly

lit night club.

12. Therefore, as a result of the tremendous unsolicited press as well as the paid advertisements for the ACE OF SPADES product lines and the strong connection between the products and the brand with Mr. Carter, there is no doubt that consumers will mistakenly believe that Applicant's vodka, originates from Opposer, or that these products are somehow sponsored, authorized or approved by Opposer, when in fact they are not, all possibly to the detriment of and damage to the reputation of Opposer.

13. The registration by Applicant of the Infringing Mark will dilute and impair Opposer's rights in its Ace of Spades mark, which it has spent over 10 years cultivating, promoting and making famous in the United States and worldwide. If Applicant is permitted to register its Infringing Mark, such registration will eventually result in the inability of Opposer's ACE Logo and ACE OF SPADES mark to function as an indicator of origin of its goods and services and will also create confusion in the marketplace and among consumers as to the source of its goods and services.

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WHEREFORE, Opposer respectfully prays that this Notice of Opposition be sustained and that the registration of Application Serial Nos. 86/171778 be refused, and that the registration of the trademark therein sought, for the goods therein specified, be denied and refused.

Dated: New York, New York
April 20, 2016

Respectfully submitted,


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Attorneys for Opposer
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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing *Notice of Opposition* was served by first class mail, postage prepaid, as well as by overnight courier service, upon Applicant and its counsel of record, this 20th day of April, as follows:

9292-9660 Quebec Inc.
1530 Bernard, Suite 5
Montreal, Quebec
CANADA H2V1W8

and

Steven N. Terranova, Esq.
Withrow & Terranova, PLLC
100 Regency Forest Drive, Suite 160
Cary, NC 27518


Afschineh Latifi



Exhibit 1