

**This Opinion is Not a
Precedent of the TTAB**

Mailed: December 14, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

—
Trademark Trial and Appeal Board
—

Lagunitas Brewing Company

v.

Deanna Fulton and Kunoor Chopra
—

Opposition No. 91254430
—

J. Scott Gerian and Joy L. Durand of Dickenson, Peatman & Fogarty
for Lagunitas Brewing Company.

Michael Culver of Millen, White, Zelano & Branigan, P.C. and Verena Benker of
TrademarkISG for Deanna Fulton and Kunoor Chopra.
—

Before Zervas, Lykos and Hudis,
Administrative Trademark Judges.

Opinion by Hudis, Administrative Trademark Judge:

Deanna Fulton and Kunoor Chopra (“Applicants”) seek registration on the
Principal Register of the standard character mark LAGUNATIC for:

Beer glasses; Beer jugs; Beer mugs; Beer pitchers; Candy boxes; Coffee
cups, tea cups and mugs; Dinnerware; Drinking glasses; Drinkware;
Glass beverage ware; Glass bowls; Glass dishes; Glass jars; Insulating
sleeve holder for beverage cups; Insulating sleeve holder for bottles;
Insulating sleeve holders for beverage cans; Knife boards; Lunch boxes;
Plates; Shot glasses; Soap holders; Stemware; Trays for household

purposes; Wine buckets; Wineglasses; Wine jugs; Wine openers; Cheese board and knife set; Paper and plastic cups, in International Class 21.

Towels; Beach towels; Hand towels; Kitchen towels, in International Class 24.

Flip-flops for use as footwear; Hats; Socks; Bottoms as clothing for women; Bottoms as clothing for men; Bottoms as clothing for children; Sweatshirts for women; Sweatshirts for men; Sweatshirts for children; T-shirts for women; T-shirts for men; T-shirts for children; Tops as clothing for women; Tops as clothing for men; Tops as clothing for children, in International Class 25.

Beer; Beer making kit; Non-alcoholic beer, in International Class 32.¹

In its Notice of Opposition,² Lagunitas Brewing Company (“Opposer”) opposes registration of Applicants’ LAGUNATIC mark under Trademark Act Section 2(d), 15 U.S.C. § 1052(d), on the ground that Applicants’ mark, when used on or in connection with the goods as identified in the Application, so resembles Opposer’s previously registered LAGUNITAS mark for “ale” in International Class 32³ as to be likely to cause confusion, mistake, or deception. Opposer also pleads prior common law rights in the LAGUNITAS mark in connection with glassware, clothing, towels, coolers,

¹ Application Serial No. 88515116 was filed on July 15, 2019, based upon Applicants’ allegation of a bona fide intention to use the mark in commerce under Trademark Act Section 1(b), 15 U.S.C. § 1051(b).

² 1 TTABVUE. References to the pleadings, the evidence of record and the parties’ briefs refer to the Board’s TTABVUE docket system. Coming before the designation TTABVUE is the docket entry number; and coming after this designation are the page and paragraph references, if applicable. *See, e.g., Turdin v. Trilobite, Ltd.*, 109 USPQ2d 1473, 1476 n.6 (TTAB 2014).

³ Registration No. 3401146 was issued on the Principal Register on March 25, 2008; renewed. The registration certificate contains the following translation statement: “The foreign wording in the mark translates into English as Little Lagoon.” Opposer asserts that LAGUNITAS is a Spanish word. Opposer’s Reply Brief, 25 TTABVUE 8.

bottle openers, trays, keychains, frisbees, camping chairs, and pillows⁴ as a basis for its Section 2(d) claim.

Applicants denied the salient allegations of the Notice of Opposition in their Answer.⁵ The sole “affirmative defense” asserted in Applicants’ Answer states:

The nature of Applicants’ products, and the circumstances of any purchase, and the differences in the respective marks negate any likelihood of confusion with Opposer’s mark and products. The base word “laguna” and variations thereof are widely used and registered for a variety of merchandise such that a likelihood of confusion will not arise.

This is not a true affirmative defense. However, to the extent it amplifies the denials in Applicants’ Answer, it is permissible, *ProMark Brands Inc. v. GFA Brands, Inc.*, 114 USPQ2d 1232, 1236 n.11 (TTAB 2015), and we consider the substance of these assertions in deciding the opposition – to the degree supported by evidence and argument.

The case is fully briefed. To prevail on its Trademark Act Section 2(d) claim, Opposer must prove, by a preponderance of the evidence its entitlement to a statutory cause of action, priority and likelihood of confusion. *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1848 (Fed. Cir. 2000). As discussed more fully below, we find that Opposer has met its burden of proof. We therefore sustain the Opposition.

⁴ Notice of Opposition, 1 TTABVUE 4, ¶ 3.

⁵ Answer, 4 TTABVUE.

I. The Evidentiary Record

The record consists of the pleadings and, by operation of Trademark Rule 2.122(b), 37 C.F.R. § 2.122(b), the file of Applicants' involved application. In addition, the parties introduced the following evidence:

A. Opposer's Evidence

- Opposer's Testimony Declaration of Joy Durand ("Durand Decl."), Opposer's counsel, with exhibits consisting generally of excerpts from a book written by Opposer's founder, portions of Applicants' admissions responses and interrogatory answers, and results of Internet research [8 TTABVUE].
- Opposer's Testimony Declaration of Jeremy Marshall ("Marshall Decl."), Opposer's Head Brewmaster, with an exhibit comprising captured historical pages from Opposer's website [9 TTABVUE].
- Opposer's Testimony Declaration of Paige Guzman ("Guzman Decl."), Opposer's Chief Marketing Officer, with exhibits consisting generally of depictions of Opposer's mark on cans, bottles and various non-beverage goods, comparative industry sales data, awards and recognition documentation, uses of Opposer's mark in social media, Opposer's event sponsorships, and media mentions and discussions of Opposer's business [Public 13-14 TTABVUE; Confidential 15 TTABVUE].
- Opposer's Notice of Reliance ("O NOR"), with exhibits consisting generally of TSDR database search results for Opposer's asserted registered mark, third-party registrations, and depictions of the same third-party marks on Opposer's and Applicants' types of goods [10-12 TTABVUE].

B. Applicants' Evidence⁶

- Applicants' Testimony Declaration of Deanna Fulton ("Fulton Decl.") [16 TTABVUE 2].
- Applicants' Testimony Declaration of Kunoor Chopra ("Chopra Decl.") [16 TTABVUE 3-4].
- Applicants' Testimony Declaration of Richard Tawtel ("Tawtel Decl."), a third-party witness and Laguna Beach, California resident [16 TTABVUE 5].
- Applicants' Testimony Declaration of Tim Templeton ("Templeton Decl."), a third-party witness and Laguna Beach, California resident [16 TTABVUE 6-12].

⁶ Applicants attached three exhibits to their trial brief. Exhibits A and C, the definition of

- Applicants' Notice of Reliance ("A NOR"), with exhibits consisting generally of TESS database search results for Opposer's registered marks containing the term LAGUNITAS (but not asserted in this Opposition), online definitions for certain terms and geographical locations, TESS database search results for third-party marks, and online references to LAGUNATIC(S) [17-19 TTABVUE].

C. Opposer's Rebuttal Evidence

- Opposer's Second Testimony Declaration of Joy Durand ("Durand2 Decl."), Opposer's counsel, with exhibits consisting generally of online definitions for certain terms and results of Internet research [20 TTABVUE].

II. Applicants' Evidentiary Objections

Before proceeding to the merits of the refusal, we address Applicants' evidentiary objections.⁷ Applicants object on the ground of hearsay to each of the following: (i) the captured third-party web pages submitted with Opposer's Notice of Reliance, and (ii) excerpts from the book written by Opposer's founder submitted with the Durand Declaration.⁸

"IPA" and portions of the book written by Opposer's founder, were already made of record and should not have been attached to Applicants' brief. *ITC Entertainment Grp. Ltd. v. Nintendo of Am. Inc.*, 45 USPQ2d 2021, 2022-23 (TTAB 1998) (filing duplicative submissions is a waste of time and resources, and is a burden on the Board). Exhibit B is a non-precedential decision of the Board. While applicants may cite to non-precedential decisions, such decisions are not binding ... and the Board does not encourage this practice." *In re Loggerhead Tools, LLC*, 119 USPQ2d 1429, 1440 n.8 (TTAB 2016).

⁷ Applicants' Brief, 24 TTABVUE 27.

⁸ Applicants also objected on hearsay grounds to the captured historical web pages of Opposer's website from the Internet Archive (Wayback Machine) submitted with the Marshall Declaration, and the captured present-day (2020) web pages of Opposer's website submitted with the Guzman Declaration. Because Mr. Marshall's and Ms. Guzman's testimony and evidence pertain to Opposer's prior common law trademark rights regarding beer, non-alcoholic beer and collateral (non-beverage) merchandise, and because we rely on Opposer's pleaded registration to establish entitlement to a statutory cause of action and priority, there is no need to make rulings on these hearsay objections. *Poly-America, L.P. v. Illinois Tool Works Inc.*, 124 USPQ2d 1508, 1510 (TTAB 2017) (declining to rule on evidentiary objections are that were not outcome-determinative).

A. Third-Party Web Pages submitted with Opposer's Notice of Reliance

Turning first to the captured third-party web pages submitted with Opposer's Notice of Reliance, Applicant's hearsay objection is **sustained**. We therefore consider the contents of these materials for what they show on their face, but not to demonstrate the truth of the statements contained therein. *See Ricardo Media Inc. v. Inventive Software, LLC*, 2019 USPQ2d 311355, at *2 (TTAB 2019) (unaccompanied by testimony, articles from the Internet may not be considered for the truth of the matters asserted but are admissible for what they show on their face).

B. Third-Party Web Pages submitted with the Guzman Declaration

Because Ms. Guzman has not testified to any personal knowledge regarding the contents of the third-party web pages submitted with her Declaration, Applicant's hearsay objection is **sustained**. We consider the contents of the third-party web pages submitted with Ms. Guzman's Declaration for what they show on their face, but not to demonstrate the truth of statements contained therein. *Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 USPQ2d 1043, 1057 (TTAB 2017) ("We ... disregard the ... [third-party webpages] in ... [the witness'] declaration that apparently constitute[] hearsay and lack[] underlying knowledge by ... [the witness], but nonetheless consider the [attached] webpages ... for what they show on their face, as they could have been admitted by a notice of reliance."). *Cf. Harry Winston, Inc. v. Bruce Winston Gem Corp.*, 111 USPQ2d 1419, 1427-28 (TTAB 2014) ("[S]uch materials are frequently competent to show, on their face, matters relevant to

trademark claims (such as public perception), regardless of whether the statements are true or false. Accordingly, they will not be excluded outright”).

C. Excerpts from Book written by Opposer’s Founder submitted with the Durand Declaration

We now consider Applicants’ hearsay objection to excerpts from a book by the founder and owner of Opposer, Tony Magee, titled “So You Want to Start a Brewery? The Lagunitas Story,” submitted with the First Durand Declaration.⁹

In her Declaration, Ms. Durand, Opposer’s attorney, states:¹⁰

Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the book [“So You Want to Start a Brewery? The Lagunitas Story”] written by Tony Magee and published in 2012 by Chicago Review Press, Incorporated and will be relied upon to demonstrate the fame and strength of the LAGUNITAS mark. I purchased this book in the United States from Amazon.com.

Ms. Durand thus testified that Mr. Magee’s book is a “printed publication[], ... [a] book[] ..., available to the general public in ... general circulation[,]” and she “indicate[d] generally the relevance of ... [this] evidence and associate[d] it with one or more issues in the proceeding[,]” laying the foundation for admissibility as if this material was submitted via a Notice of Reliance pursuant to Trademark Rules 2.122(e)(1) and 2.122(g), 37 C.F.R. §§ 2.122(e)(1) and 2.122(g).

However, because Ms. Durand’s Declaration goes no further than the testimony quoted above, we only consider the excerpts from the Magee book for what they state on their face and not for their truth – that the LAGUNITAS mark is famous and

⁹ Durand Decl. 8 TTABVue 2, 5-29, ¶ 2, Exh. 1.

¹⁰ Durand Decl. 8 TTABVue 2, ¶ 2.

strong. *See Ricardo Media Inc. v. Inventive Software, LLC*, 2019 USPQ2d 311355, at *2 (TTAB 2019) (unaccompanied by testimony, excerpts from printed publications may not be considered for the truth of the matters asserted but are admissible for what they show on their face). Accordingly, Applicant's hearsay objection is sustained. Also, since Opposer did not provide testimony or other evidence regarding the extent of the book's distribution, it has little probative value to other issues in this proceeding, such as the public perception of Opposer's mark. *See, e.g., Harry Winston*, 111 USPQ2d at 1427-28 (although printed publications were not considered for the truth of the matter, "such publications can be used to demonstrate promotion of the mark by its owner, public perceptions of the mark by others, and other issues relevant to this proceeding.").

Finally, after objecting to the admissibility of the Magee book, Applicants paradoxically argue that they should be able to rely on certain statements in the book to show that Opposer does not have a strong mark.¹¹ In any event, we do not rely on the statements made in Mr. Magee's book for our disposition of this proceeding.

III. The Parties

Opposer, through Ms. Guzman, presented testimony and documentary evidence showing continuous use of the trade name and mark LAGUNITAS in association with the advertising and sale of beer throughout the United States since as early as 1993.¹²

¹¹ Applicants introduced the same portions of the Magee book that Opposer introduced into the record. Applicants did so needlessly. Trademark Rule 2.122(a), 37 C.F.R. § 122(a) ("When evidence has been made of record by one party in accordance with these rules, it may be referred to by any party for any purpose permitted by the Federal Rules of Evidence.").

¹² Guzman Decl., 13 TTABVUE 3, 12-53, ¶ 3, Exh. 1.

Ms. Guzman also testified that Opposer's LAGUNITAS branded beer and non-alcoholic beer is sold in all 50 states through approximately 120,000 outlets where alcoholic beverages are sold; including taprooms, restaurants, bars and retail outlets such as liquor stores and supermarkets.¹³ Mr. Marshall testified as to nationwide use of the LAGUNITAS mark on a range of non-beverage promotional products before Applicants' intent-to-use application filing date of July 15, 2019.¹⁴

Applicants have not made of record any evidence demonstrating use of the LAGUNATIC mark in commerce prior to their application filing date.

Applicants testified that they have regularly vacationed in Laguna Beach, California, and as a consequence have become aware that the term "lagunatics" is used among residents of Laguna Beach to refer to one another for their love of the city and to those who are "crazy" about Laguna Beach and its lifestyle.¹⁵ The term "lagunatic" embodies the spirit that Applicants want to associate with their products as representing a love for Laguna Beach.¹⁶ Applicants plan is to embed a local Laguna vibe into their products by engaging with local residents and artists who would contribute through various forms such as art and design.¹⁷

¹³ Guzman Decl., 13 TTABVUE 3, 55-145, ¶¶ 4, 5, 6, Exhs. 2, 3.

¹⁴ Marshall Decl., 9 TTABVUE 2-3, 5-22, ¶¶ 2-3, Exh. 1.

¹⁵ Fulton Decl., 16 TTABVUE 2, ¶¶ 2 and 4; Chopra Decl., 16 TTABVUE 3, ¶¶ 2-3.

¹⁶ Chopra Decl., 16 TTABVUE 4-5, ¶ 4.

¹⁷ *Id.*

IV. Entitlement to a Statutory Cause of Action

Entitlement to a statutory cause of action is a threshold issue that must be proven by the plaintiff in every inter partes case. *Empresa Cubana Del Tabaco v. Gen. Cigar Co.*, 753 F.3d 1270, 111 USPQ2d 1058, 1062 (Fed. Cir. 2014). To establish entitlement to a statutory cause of action under Trademark Act Section 13, 15 U.S.C., § 1063, a plaintiff must demonstrate “an interest falling within the zone of interests protected by the statute and ... proximate causation.” *Corcamore, LLC v. SFM, LLC*, 978 F.3d 1298, 2020 USPQ2d 11277, at *4 (Fed. Cir. 2020), *cert. denied*, 141 S. Ct. 2671 (2021), (citing *Lexmark Int’l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 109 USPQ2d 2061, 2067-70 (2014)).¹⁸ Stated another way, a plaintiff is entitled to bring a statutory cause of action by demonstrating a real interest in the proceeding and a reasonable belief of damage. *Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC*, 965 F.3d 1370, 2020 USPQ2d 10837, at *3 (Fed. Cir. 2020), *cert. denied*, ___ U.S. ___ (2021); *see also Empresa Cubana*, 111 USPQ2d at 1062.

There is “no meaningful, substantive difference between the analytical frameworks expressed in *Lexmark* and *Empresa Cubana*.” *Corcamore*, 2020 USPQ2d 11277 at *4. Thus, “a party that demonstrates a real interest in [oppos]ing a trademark under [Trademark Act Section 13, 15 U.S.C.] § 106[3] has demonstrated

¹⁸ Our decisions have previously analyzed the requirements of Trademark Act Sections 13 and 14, 15 U.S.C. §§ 1063-64, under the rubric of “standing.” We now refer to this inquiry as entitlement to a statutory cause of action. Despite the change in nomenclature, our prior decisions and those of the Federal Circuit interpreting Trademark Act Sections 13 and 14 remain applicable. *Spanishtown Enters., Inc. v. Transcend Res., Inc.*, 2020 USPQ2d 11388, at *2 (TTAB 2020).

an interest falling within the zone of interests protected by [the Trademark Act] Similarly, a party that demonstrates a reasonable belief of damage by the registration of a trademark demonstrates proximate causation within the context of § 106[3].” See *Corcamore*, 2020 USPQ2d 11277 at *7.

Opposer made of record the Trademark Status & Document Retrieval (“TSDR”) registration record for its pleaded LAGUNITAS mark.¹⁹ Opposer thus has established its entitlement to bring a claim under Trademark Act Section 2(d). *Cunningham*, 55 USPQ2d at 1844.

V. Priority

Because Opposer relies on its asserted LAGUNITAS trademark registration that has been made of record,²⁰ and Applicants have not challenged this registration by way of any cancellation counterclaim(s), Opposer’s priority is not at issue with respect to the goods identified in its registration. *King Candy Co. v. Eunice King’s Kitchen, Inc.*, 496 F.2d 1400, 182 USPQ 108, 110 (CCPA 1974).

VI. Likelihood of Confusion

Trademark Act Section 2(d), 15 U.S.C. § 1052(d), prohibits the registration of a mark that:

[c]onsists of or comprises a mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely,

¹⁹ O NOR, 10 TTABVUE 23-28, Exh. 1.

²⁰ Opposer also relies on prior common law rights as alleged in its notice of opposition; however, in light of our determination below on the issue of likelihood of confusion, we need not make any findings regarding prior common law use of Opposer’s pleaded mark on other goods.

when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.

Our analysis is based on all of the probative evidence of record. *In re E.I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) (noting the elements, or factors, to be considered). In making our determination, we consider each *DuPont* factor for which there is evidence and argument. *See In re Guild Mortg. Co.*, 912 F.3d 1376, 129 USPQ2d 1160, 1162-63 (Fed. Cir. 2019). Varying weights may be assigned to each *DuPont* factor depending on the evidence presented. *See Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *In re Shell Oil Co.*, 992 F.2d 1204, 26 USPQ2d 1687, 1688 (Fed. Cir. 1993) (“[T]he various evidentiary factors may play more or less weighty roles in any particular determination”).

In applying the *DuPont* factors, we bear in mind the fundamental purposes underlying Trademark Act Section 2(d), which are to prevent confusion as to source and to protect trademark owners from damage caused by registration of confusingly similar marks. *Park ‘N Fly, Inc. v. Dollar Park & Fly, Inc.*, 469 U.S. 189, 224 USPQ 327, 331 (1985); *Qualitex Co. v. Jacobson Prods. Co.*, 514 U.S. 159, 34 USPQ2d 1161, 1163 (1995); *DuPont*, 177 USPQ at 566.

In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the goods. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24, 29 (CCPA 1976) (“The fundamental inquiry mandated by § 2(d) goes to the cumulative effect of differences in the essential characteristics of the goods and differences in the marks.”). We

discuss below these factors, and the other *DuPont* factors for which there is evidence and argument.

A. Similarity or Dissimilarity of Goods

The second *DuPont* factor considers “[t]he similarity or dissimilarity and nature of the goods ... described in an application or registration or in connection with which a prior mark is in use.” 177 USPQ at 567. We may find all of the parties’ goods related as to each particular class of the challenged Application if Opposer establishes relatedness as to any product listed in that class. See *Tuxedo Monopoly, Inc. v. Gen. Mills Fun Grp.*, 648 F.2d 1335, 209 USPQ 986, 988 (CCPA 1981); *In re Aquamar, Inc.*, 115 USPQ2d 1122, 1126, n.5 (TTAB 2015) (“it is sufficient for finding a likelihood of confusion if relatedness is established for any item encompassed by the identification of goods [or services] within a particular class in the application.”).

Opposer made of record definitions of the term “ale” as “a beer that is brewed by fast fermentation with a quick-acting yeast ... at relatively high temperatures” and “a type of beer brewed using a warm fermentation method, resulting in a sweet, full-bodied and fruity taste.”²¹ We find from these definitions alone that the parties’ goods in Class 32 – ale vs. beer – are legally identical.

Opposer’s proofs go further than mere dictionary definitions. Opposer submitted numerous use-based third-party registrations for multiple combinations of the types of Opposer’s goods on the one hand, and the types of Applicants’ goods recited in their

²¹ Durand Decl., 8 TTABVue 32-41, definitions of “ale” from MERIAM-WEBSTER online and WIKIPEDIA.

Application on the other hand, under the same mark (*See Appendix 1 below*).²² By way of illustration, we note the following:²³

Class	Mark & Registration No.	Goods
32	1) XX DOS EQUIS (RN 0904930) 2) MICHELOB (RN 1257788) 3) COORS (RN 1071095)	1) Beer 2) Beer 3) Malt cereal beverages-namely, beer
21	1) XX DOS EQUIS CERVEZA (RN 4351691) 2) MICHELOB (RN 1443860) 3) COORS (RN 1146169)	1) Glassware and kitchenware, namely, beverage glassware, dishes and stemware 2) Drinking vessels and beer carriers 3) Drinking Glasses and Cups; Glass Serving Pitchers; Serving Trays; Insulated Containers and Coolers; Drinking Mugs and Steins and Tankards; Picnic Jugs and Bottles and Carriers
24	1) XX DOS EQUIS CERVEZA (RN 4351691) 2) MICHELOB (RN 1443860) 3) COORS (RN 1134162)	1) Towels 2) Towels 3) Cloth towels
25	1) XX DOS EQUIS CERVEZA (RN 4351691) 2) MICHELOB (RN 1354391) 3) COORS (RN 1117310)	1) Clothing for men, women and children, namely, T-shirts, sweatshirts, golf shirts, jackets, hats] 2) Clothing-namely, caps, hats, jerseys, shirts, sweatshirts 3) Hats and caps, shirts, jerseys, t-shirts, sweatshirts, shorts and jeans

“[U]se-based, third-party registrations, although not evidence that the marks shown therein are in use or that the public is familiar with them, nonetheless have

²² O NOR, 10 TTABVUE 29-309, Exhs. 2-8. Because we found above ale and beer to be legally-identical goods, we consider those registrations that identify “beer” as encompassing “ale.”

²³ Upon our review of the record, we find that the majority of the registrations made of record by Opposer to show the relatedness of goods were issued to different entities. Applicants, in their brief, state: “The registrations of BUD LIGHT, MICHELOB, BUSCH ..., BUDWEISER ..., NATURAL LIGHT ..., all belong to the same entity, Anheuser-Busch, LLC. The entity owning the cited DOS EQUIS mark also owns the TECATE registration ..., Cervezas Cauhtemoc Moctezuma, S.A. de CV. The registrations of COORS, BLUE MOON and MILLER ... are owned by the same entity, Molson Coors Beverage Co. USA LLC.” 24 TTABVUE 24. We thus have given reduced weight to those additional registrations issued to the same entity.

probative value to the extent that they serve to suggest that the goods listed therein are of a kind which may emanate from a single source under a single mark.” *Joel Gott Wines LLC v. Rehoboth Von Gott Inc.*, 107 USPQ2d 1424, 1432 (TTAB 2013); *see also*, *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993) (“Although third-party registrations are not evidence that the marks shown therein are in commercial use, or that the public is familiar with them, nevertheless third-party registrations which individually cover a number of different items and which are based on use in commerce may have some probative value to the extent that they serve to suggest that the listed goods and/or services are of a type which may emanate from a single source.”).

Applicants assail groupings or the entirety of these third-party registrations on the following grounds: (1) some are registered on the Supplemental Register, (2) several are owned by the same entity,²⁴ (3) a few are registered for goods in multiple classes, and (4) the third-party registrations are not probative because the marks LAGUNITAS and LAGUNATIC are (according to Applicants) distinguishable – and consumers would expect marks on beer and collateral merchandise to be identical.²⁵ These critiques miss the mark. The central purpose for Opposer’s submission of these third-party registrations is to show the relatedness of Opposer’s and Applicants’ goods. Applicants’ arguments do not address this evidentiary purpose, and as such they are not well taken.

²⁴ We have addressed this objection from Applicants in note 23 above.

²⁵ Applicants’ Brief, 24 TTABVUE 24-26.

Even, for the moment, setting aside Opposer's third-party registration evidence, proofs, such as we have here (as noted below and in Appendix 2), that "a single company sells the goods ... of both parties, if presented, is relevant to the relatedness analysis." *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002) (*quoted in In re Integrated Embedded*, 120 USPQ2d 1504, 1514-15 (TTAB 2016)). Where the record, such as in this case, includes substantial evidence of consumer exposure to the parties' relevant goods being offered under the same mark (*see* Appendix 2 below), this suffices to establish relatedness regardless of whether the record also includes use-based third-party registrations. *See, e.g., In re Detroit Athletic Co.*, 128 USPQ2d 1047, 1051-52 (Fed. Cir. 2018) (affirming relatedness of goods and services where the record included marketplace evidence of a single mark for both, but no third-party registrations listing the same goods and services under one mark).

Opposer also submitted captures of numerous third-party websites offering for sale the types of Opposer's goods on the one hand, and the types of Applicants' goods recited in their Application on the other hand, under the same mark (*See* Appendix 2 below).²⁶ For example:

²⁶ O NOR, 10 TTABVUE 310-535, Exhs. 9-23; 11 TTABVUE 1-354, Exhs. 23 (cont'd)-56; 12 TTABVUE 2-48 and 122-182, Exhs. 56 (cont'd)-61 and 66-72. We give no weight to the excerpted websites of Target, Walmart, Amazon or Bklyn Larder, because they do not provide the evidence for which these web pages were submitted. O NOR 12 TTABVUE 49-121, Exhs. 62-65.

Class	Mark & Website URL	Goods
32	1) NORTH COAST BREWING CO. (northcoastbrewing.com) 2) MONTUCKY COLD SNACKS (montuckycoldsnacks.com) 3) HARPOON (harpoonbrewery.com)	1) Stout, beer 2) Beer 3) Ale, lager, stout
21	1) NORTH COAST BREWING CO. (northcoastbrewing.com) 2) MONTUCKY COLD SNACKS (montuckycoldsnacks.com) 3) HARPOON (harpoonbrewery.com)	1) Bottle openers, beer koozies, beer glasses 2) Koozies 3) Can and bottle koozies, bottle openers, beer glasses, mugs, growlers, cups
24	1) NORTH COAST BREWING CO. (northcoastbrewing.com) 2) MONTUCKY COLD SNACKS (montuckycoldsnacks.com) 3) HARPOON (harpoonbrewery.com)	1) Towels, tea towels 2) Beach towels, pride towels 3) Bar towels
25	1) NORTH COAST BREWING CO. (northcoastbrewing.com website) 2) MONTUCKY COLD SNACKS (montuckycoldsnacks.com) 3) HARPOON (harpoonbrewery.com)	1) Sweatshirts, caps, t-shirts 2) T-shirts, sweatshirts, socks, beanies, hats 3) Shirts, sweatshirts, t-shirts, sweatpants, beanies

Applicants criticize Opposer’s third-party website evidence on the following grounds: (1) hearsay, (2) proof was not provided regarding actual sales of the merchandise shown on the sites, and (3) there is no data confirming the number of persons who have viewed these sites.²⁷ Applicants’ hearsay objection is not well taken because we are considering this website evidence for purposes of public exposure and not the truth of the assertions contained therein. *Harry Winston, Inc. v. Bruce Winston Gem Corp.*, 111 USPQ2d 1419, 1427-28 (TTAB 2014) (Third-party websites of the type submitted by Opposer “are frequently competent to show, on their face, matters relevant to trademark claims (such as public perception), regardless of

²⁷ *Id.* at 26.

whether the statements are true or false.”). Applicants’ objections that proof was not provided regarding actual sales of the merchandise shown on the sites, and that there is no data confirming the number of persons who have viewed these sites, go to the weight we afford this evidence; not its admissibility.

We find that the volume of third-party websites introduced by Opposer that show the offering for sale of the types of both parties’ goods under the same mark (*see* Appendix 2 below) demonstrate in this case and more generally what should be obvious – the marketing and sale of beer products (which by definition includes ale) and collateral merchandise (such as those listed in Classes 21, 24, 25 and 32 of the opposed Application) under the same mark is a common practice, indicating that the public expects such items to be related in that they originate from the same source. *L.C. Licensing, Inc. v. Berman*, 86 USPQ2d 1883, 1889 (TTAB 2008) (“It is common knowledge, and a fact of which we take judicial notice, that the licensing of commercial trademarks on ‘collateral products’ has become a part of everyday life.”); *see also, Turner Ent. Co. v. Nelson*, 38 USPQ2d 1942, 1945 (TTAB 1996) (“It is common knowledge ... that video games, t-shirts, beach towels, caps and other logo-imprinted products are used as promotional items for a diverse range of goods and services.”).

Under the second *DuPont* factor, we find the parties’ goods legally identical-in-part (ale and beer in Class 32) and related-in-part (ale and Applicants’ goods other than beer in Classes 21, 24, 25 and 32) (*See* Appendices 1 and 2 below).

B. Similarity or Dissimilarity of Trade Channels and Classes of Consumers

The third *DuPont* factor assesses the similarity or dissimilarity of the parties' established, likely-to-continue trade channels and classes of consumers. *DuPont*, 177 USPQ at 567.

1. The Parties' Goods in Class 32

To the extent that the parties' respective identifications of goods are legally identical in part (ale and beer), without restrictions as to nature, type, channels of trade, or classes of purchasers, the identified goods are presumed to travel in the same channels of trade to the same class of purchasers. *In re Vittera, Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); (“[A]bsent restrictions in the application and registration, goods and services are presumed to travel in the same channels of trade to the same class of purchasers.”). Thus, without regard to the parties' evidence or argument of marketplace use, we presume the trade channels and target purchasers are the same for both parties' goods in Class 32.

The class of consumers for the alcoholic beverages identified in Opposer's Registration and the opposed Application are adults of legal drinking age.

2. Opposer's Goods in Class 32 vs. Applicants' Goods in Classes 21, 24 and 25

Because there are no limitations as to channels of trade or target purchasers in the description of goods in Classes 21, 24 and 25 of the challenged LAGUNATIC application, it is presumed that Applicants' goods in these classes would move in all channels of trade normal for those goods, and that they are available to all target purchasers for those goods. *See Citigroup Inc. v. Capital City Bank Grp. Inc.*, 637 F.3d

1344, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *CBS Inc. v. Morrow*, 708 F.2d 1579, 218 USPQ 198, 199 (Fed. Cir. 1983); *Paula Payne Prods. Co. v. Johnson Publ'g Co.*, 473 F.2d 901, 177 USPQ 76, 77 (CCPA 1973). The record shows that these trade channels include taprooms, direct-to-consumer websites, music festivals, and food festivals.²⁸

As noted from the website evidence above, there is proof in the record that the trade channels of the goods identified by the parties' in their respective application and registration would overlap. Many, but not all, of the goods identified in Class 21 of the opposed Application are promoted for sale in connection with beer and ale (for example, beer glasses and mugs). The various towels and clothing items in Classes 24 and 25 of the opposed Application are available for sale on the same websites under the same marks as are beer products. Thus, the collateral merchandise advertised for sale on the third-party websites made of record are directed to beer connoisseurs who purchase these items to show their affinity with their favorite beer brands. Again, the parties' classes of consumers overlap.

Under the third *DuPont* factor, the parties' established and/or likely-to-continue trade channels and classes of purchasers are identical-in-part and overlapping-in-part.

²⁸ Guzman Decl., 13 TTABVUE 3, ¶ 6. *See also*, O NOR, 10 TTABVUE 310-535, Exhs. 9-23; 11 TTABVUE 1-354, Exhs. 23 (cont'd)-56; 12 TTABVUE 2-48 and 122-182, Exhs. 56 (cont'd)-61 and 66-72 as summarized in Appendix 2 below.

C. The Parties' Marks

In our evaluation of the similarity or dissimilarity of the parties' marks, the first *DuPont* factor, *DuPont*, 177 USPQ at 567, we first consider the strength of Opposer's mark and then compare the respective marks in their entireties.

1. Strength of Opposer's Mark

Turning to the strength of Opposer's mark, *DuPont*, 177 USPQ at 567, which affects the scope of protection to which it is entitled, we consider Opposer's mark's conceptual strength, based on the nature of the mark itself, and its commercial strength, based on marketplace recognition of the mark. *See In re Chippendales USA, Inc.*, 622 F.3d 1346, 96 USPQ2d 1681, 1686 (Fed. Cir. 2010) ("A mark's strength is measured both by its conceptual strength (distinctiveness) and its marketplace strength (secondary meaning)."). The commercial strength of the mark also is affected by the number and nature of third-party use of similar marks for similar goods. *DuPont*, 177 USPQ at 567.

As Opposer's LAGUNITAS mark is registered on the Principal Register without a claim of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. § 1052(f), it is presumed to be inherently distinctive for "ale." *Tea Bd. of India v. Republic of Tea, Inc.*, 80 USPQ2d 1881, 1889 (TTAB 2006). Challenging the inherent distinctiveness of Opposer's mark, Applicants state that LAGUNITAS "is a significant geographical reference ... [because it] ... is the name of the town where Opposer's founder started his home brewing."²⁹ For this assertion, Applicants rely on

²⁹ Applicants' Brief, 24 TTABVUE 15.

the following passage from the book written by Opposer's founder and owner, Tony Magee:³⁰

Taking the story way back again to January 1993, the Lagunitas Brewing Company started out like most every craft brewery everywhere: on the tiny stove in the tiny kitchen in our tiny house in the tiny town of Lagunitas. It was never formally licensed there, but the first recipes and the company's conceptual existence began there.

This passage from Mr. Magee's book nowhere near supports Applicants' claim that LAGUNITAS is a "significant geographical reference." Applicants provide no other proof that LAGUNITAS is known as a geographical location by anyone outside this "tiny town" or its immediately surrounding area.³¹

Applicants also made of record seven third-party registrations, and a pending application, for marks including the letter strings "L-U-N," "L-O-O-N," "L-A-G-U-N" or "A-T-I-C"³² in order to show that Opposer's LAGUNITAS mark, or at least one or more elements thereof, is inherently weak. "[T]hird-party registration evidence that does not equate to proof of third-party use may bear on conceptual weakness if a term is commonly registered for similar goods or services." *Tao Licensing, LLC v. Bender Consulting Ltd.*, 125 USPQ2d 1043, 1057 (TTAB 2017). However, three of the

³⁰ Durand Decl., 8 TTABVUE 22, Exh 1 – excerpt from "So You Want to Start a Brewery? The Lagunitas Story."

³¹ Lagunitas is an unincorporated town in California, with a population of under 1,900 people. COLUMBIA GAZETTEER OF THE WORLD (<http://www.columbiagazetteer.org/main/ViewPlace/0/75692>, last visited December 7, 2021). We take judicial notice of the information contained in the COLUMBIA GAZETTEER, as it is a government publication maintained by the USPTO. See *M/S R.M. Dhariwal (HUF) 100% EOU v. Zarda King Ltd*, 2019 USPQ2d 149090, *1 n.7 (TTAB 2019) ("The Board may take judicial notice of official United States government publications" citing *In re Nieves & Nieves LLC*, 113 USPQ2d 1639, 1642 (TTAB 2015)).

³² A NOR, 18 TTABVUE 22-36, Exhs. 7-8.

third-party registrations that Applicants provided have been cancelled. We therefore do not consider these references. *Sunnen Prods. Co. v. Sunex Int'l Inc.*, 1 USPQ2d 1744, 1747 (TTAB 1987) (An expired or cancelled registration is evidence of nothing but the fact that it once issued.). We also do not consider the third-party application that Applicants submitted. Third-party applications are evidence only of the fact that they have been filed, *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1270 n.8 (TTAB 2009), and have no other probative value, *Interpayment Services Ltd. v. Doctors & Thiede*, 66 USPQ2d 1463, 1468 n.6 (TTAB 2003).

The third-party registrations that Applicants made of record, which remain active, are noted below:

Mark	Reg. No.	Goods/Services
BALLOONATIKS	3589015	Calendars, children's storybooks, wall posters, greeting cards, and stickers, Cl. 16; Clothing, namely, shirts, t-shirts, sweatshirts, hats, Cl. 25.
FUNATIC	4969987	Shirts; Sweatshirts; T-shirts, Cl. 25.
FUNATIC	5579859	Socks, Cl. 25.

These registered third-party marks, only three in number, fail to demonstrate any inherent weakness in a component of Opposer's LAGUNITAS mark. The marks themselves are not similar Opposer's mark in appearance, sound, cadence, meaning or commercial impression. The Class 16 goods for which the BALLOONATIKS mark is registered have no relevance to this proceeding. The only relevance the three marks have to this Opposition is that they are all registered for clothing in Class 25 (in which Opposer asserts common law rights as to its mark). Even if the third-party marks were more similar to Opposer's LAGUNITAS mark in appearance, sound, meaning

or commercial impression, the dearth of their number does not support the inherent weakness of Opposer's mark.

In short, Applicants' attempt to weaken the inherent distinctiveness of the LAGUNITAS mark as an identification of source was not successful. *See New Era Cap Co., Inc. v. Pro Era, LLC*, 2020 USPQ2d 10596, at * 11 (TTAB 2020) (“[We have ... minimal evidence of registrations of marks comprised of ERA for the same or similar goods that might demonstrate the inherent weakness of the ERA component [of Opposer's mark] as a source identifier. Thus, on this record, Opposer's NEW ERA mark for the identified goods is conceptually strong, and ... Applicant has not shown that the mark has been weakened.”).

On the marketplace or commercial strength side of the ledger, Opposer asserts that its LAGUNITAS mark is strong and famous.³³ “Fame for [likelihood of] confusion purposes arises as long as a significant portion of the relevant consuming public recognizes the mark as a source indicator,” and “likelihood of confusion fame varies along a spectrum from very strong to very weak.” *Joseph Phelps Vineyards, LLC v. Fairmont Holdings, LLC*, 857 F.3d 1323, 122 USPQ2d 1733, 1734 (Fed. Cir. 2017) (cleaned up). “Thus, a mark with extensive public recognition and renown deserves and receives more legal protection than an obscure or weak mark.” *Kenner Parker Toys Inc. v. Rose Art Indus., Inc.*, 963 F.2d 350, 22 USPQ2d 1453, 1456 (Fed. Cir. 1992).

³³ Opposer's Brief, 21 TTABVUE 21-24.

Fame may be measured indirectly by the volume of sales of and advertising expenditures for the goods and services identified by the marks at issue, the length of time those indicia of commercial awareness have been evident, widespread critical assessments and through notice by independent sources of the products identified by the marks, as well as the general reputation of the products and services. *Bose Corp. v. QSC Audio Prods. Inc.*, 293 F.3d 1367, 63 USPQ2d 1303, 1305-06 and 1309 (Fed. Cir. 2002). Raw numbers alone may be misleading, however. Thus, some context in which to place raw statistics may be necessary, for example, market share or sales or advertising figures for comparable types of goods. *Id.* at 1309. Market share information, however, is not a *sin qua non* element to establish fame. “[C]ontextual evidence of the type of advertisements and promotions ... [the plaintiff] uses to gain sales” showing how “the consuming public has been regularly exposed to ... [the plaintiff’s mark] on a ... [broad] scale” may be sufficient. *Omaha Steaks Int’l, Inc. v. Greater Omaha Packing Co.*, 908 F.3d 1315, 128 USPQ2d 1686, 1690-91 (Fed. Cir. 2018).

If found based upon the evidence, such fame, or strength, of an opposer’s mark “plays a ‘dominant role’ in the process of balancing the *DuPont* factors” and “[f]amous marks thus enjoy a wide latitude of legal protection.” *Recot Inc. v. Becton*, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000). Indeed, “[a] strong mark ... casts a long shadow which competitors must avoid.” *Kenner Parker Toys*, 22 USPQ2d at 1457. Therefore, “[b]ecause of the extreme deference that we accord a famous mark in terms of the wide latitude of legal protection it receives, and the dominant role fame plays in the

likelihood of confusion analysis, it is the duty of the party asserting that its mark is famous to clearly prove it.” *North Face Apparel Corp. v. Sanyang Indus. Co., Ltd.*, 116 USPQ2d 1217, 1226 (TTAB 2015).

In support of Opposer’s claim that its LAGUNITAS mark is strong and famous, Opposer made of record the following pieces of evidence:

- Historical pages from Opposer’s website showing a wide range of promotional products offered for sale featuring the LAGUNITAS mark from 2011-13 and 2016-17.³⁴
- Pages from Opposer’s website, captured in June 2020, depicting Opposer’s LAGUNITAS branded ale cans and bottles.³⁵
- Unchallenged testimony that Opposer’s LAGUNITAS branded beer is sold in all 50 states through approximately 120,000 outlets including taprooms, restaurants, bars, liquor stores and supermarkets.³⁶
- Confidential LAGUNITAS beer volume and dollar sales figures, and advertising expenditures for Opposer’s LAGUNITAS branded beer products, all from 2016-20.³⁷
- Results of Nielsen market research, showing that Opposer’s LAGUNITAS IPA (India Pale Ale) beer has been the number one selling IPA beer in the United States every year from 2017-20, and that Opposer’s LAGUNITAS A LITTLE SUMPIN’ SUMPIN’ ALE has been in the top 10 selling of IPA beers in the United States for the same period.³⁸
- Industry news articles from 2015, recognizing Opposer’s LAGUNITAS IPA and LAGUNITAS A LITTLE SUMPIN’ SUMPIN’ ALE products as “hot brands.”³⁹

³⁴ Marshall Decl., 9 TTABVUE 2-3, 5-22, ¶¶ 2-3, Exh. 1.

³⁵ Guzman Decl., 13 TTABVUE 3, 7-8, 12-145, 219-26, 244-51, ¶¶ 3-5, 17, 19, Exhs. 1-3, 9, 12.

³⁶ *Id.* at 3-4, ¶ 6.

³⁷ Guzman Decl. (Confidential version), 15 TTABVUE 4, 7, ¶¶ 8, 6.

³⁸ Guzman Decl., 13 TTABVUE 5, 146-47, ¶ 10, Exh. 4.

³⁹ *Id.* at 5-6, 148-154, ¶ 12, Exh. 5. According to the industry publications, a “Hot Brand” is an established brand with double-digit growth in the two prior years and current year; or an established brand with at least 15% growth in the prior year and current year; or a special consideration-top 10 brand with at least 5% growth in the current year at least 15% growth in the prior three years; or a significant new product in the current year with minimum sales volume requirements in specified millions of gallons.

- Medals earned by LAGUNITAS ale and beer brands at international and regional beer festivals held in the United States from 2012 to 2016.⁴⁰
- Recognition of Opposer as one of the best breweries the American Homebrewer's Association a not-for-profit organization dedicated to promoting the community of homebrewers, from 2013-16, and the Brewer's Association, a not-for-profit trade association for brewers, from 2011-16.⁴¹
- Opposer's advertisement of its LAGUNITAS beers, on its www.lagunitas.com website, on the radio, in magazines, at trade shows, in retail outlets and through social media outlets like Facebook (315,000 followers, 300,000 likes) YouTube (6,300 subscribers, 5.2 million views), Twitter (32,000 followers) and Instagram (293,000 followers).⁴²
- Opposer's sponsorship of music and food festivals, radio programs, podcasts, athletic games and contests collectively attended, listened to or watched by hundreds of thousands of people since 2009.⁴³
- Unsolicited media attention paid to Opposer, its business and branded ale and beer products in well-known print publications, such as: THE NEW YORK TIMES, FORBES, MEN'S HEALTH, USA TODAY, CHICAGO TRIBUNE, WALL STREET JOURNAL, LOS ANGELES TIMES and MAXIM – representative examples of which Opposer made of record from 2014-20.⁴⁴
- Testimony that Opposer actively polices third-party use of the LAGUNITAS mark in connection with beer and ale, or similar marks, including zealous enforcement its trademark rights by successfully challenging third parties who have used, applied to register and/or registered marks similar to its LAGUNITAS mark for beer or beer-related goods.⁴⁵

Applicants dispute that Opposer's LAGUNITAS mark is strong and famous, by arguing the following:

- Opposer failed to indicate whether its sales revenue is based on sales in the United States or other countries. Similarly, Opposer failed to specifically indicate whether its advertising expenditures cover foreign and/or domestic

⁴⁰ *Id.* at 6, 155-80, ¶ 13, Exh. 6.

⁴¹ *Id.* at 6-7, 181-218, ¶¶ 14-15, Exhs. 7-8.

⁴² *Id.* at 7-8, 219-251, ¶¶ 17-19, Exhs. 9-12.

⁴³ *Id.* at 8-10, 252-90, ¶¶ 20-23, Exhs. 13-16.

⁴⁴ *Id.* at 10, 291-309, ¶ 24, Exh. 17 (continuing onto 14 TTABVue 2-61).

⁴⁵ *Id.* at 10, ¶ 25. Since Opposer provided no further details of these policing and enforcement activities, we give this testimony no further consideration.

outlays.⁴⁶ Opposer responds that its testimony regarding its revenue and marketing expenditures only refers to sales and expenditures in the United States.⁴⁷

- Opposer’s advertising expenditures are not that impressive compared to other marks that have been deemed commercially strong by the Federal Circuit, (citing *Omaha Steaks Int’l, Inc. v. Greater Omaha Packing Co.*, 908 F.3d 1315, 128 USPQ2d 1686, 1690 (Fed. Cir. 2018); *AutoZone Parts, Inc. v. Dent Zone Cos.*, 100 USPQ2d 1356, 1361(TTAB 2011); *Recot, Inc. v. M.C. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1896 (Fed. Cir. 2000); *Nina Ricci, S.A.R.L. v. E.T.F. Enters., Inc.*, 889 F.2d 1070, 12 USPQ2d 1901, 1902 (Fed. Cir. 1989); *Kimberly-Clark Corp. v. H. Douglas Enters., Ltd.*, 774 F.2d 1144, 227 USPQ 541, 542 (Fed. Cir. 1985)).⁴⁸ Opposer responds that when assessing the strength of its mark, the fact that other trademark owners may spend more money marketing goods and services unrelated to beer (e.g. steak, vehicle repairs, snack foods, clothing and diapers) is irrelevant.⁴⁹
- Opposer’s marketplace strength evidence is limited to ale, not beer; it is limited to craft beers, not the broader market of beer; it is limited in particular to IPA products.⁵⁰ In summary, says Applicants, at best Opposer is simply a big fish in a very small pond.⁵¹ Opposer responds that as long as it has shown that a

⁴⁶ Applicants’ Brief, 24 TTABVUE 15-16.

⁴⁷ Opposer’s Reply Brief, 25 TTABVUE 8 (citing to Guzman Decl. 13 TTABVUE 3, ¶¶ 3, 6; Guzman Confidential Decl., 15 TTABVUE 4, 7, ¶¶ 8, 9, 16).

⁴⁸ Applicants’ Brief, 24 TTABVUE 16-17.

⁴⁹ Opposer’s Reply Brief, 25 TTABVUE 9.

⁵⁰ “IPA” is an acronym for India Pale Ale, which is “a pale colored ale with a higher hops and alcohol content than average.” (<https://www.dictionary.com/browse/ipa> and <https://www.dictionary.com/browse/india-pale-ale>, last visited November 26, 2021). *In re Red Bull GmbH*, 78 USPQ2d 1375, 1378 (TTAB 2006) (Board may take judicial notice of widely-known reference readily available in specifically denoted editions via the Internet although not available in print).

⁵¹ Applicants’ Brief, 24 TTABVUE 17-18, citing to a 2015 interview given by Opposer’s founder, Tony Magee, in which he stated “[c]raft beer comprises less than 10% of all beer sold in the U.S.” (Guzman Decl., 13 TTABVUE 150, Exh. 5); a 2017 article which states “craft beers produced by about 5,300 breweries accounted for 12.3% of overall U.S. beer volumes last year, according to the Brewers Assn. trade group.” (Guzman Decl., 14 TTABVUE 59, Exh. 17); and a 2020 USA TODAY article which stated that, in 2018, all of the U.S. craft breweries combined did not ship as many barrels of beer for retail sale as the two largest beer companies — Anheuser-Busch InBev and MillerCoors (Guzman Decl. of Paige, 14 TTABVUE 31 Exh. 17); with Opposer’s own production volume for that period paling in comparison (Guzman Confidential Decl., 15 TTABVUE 4, ¶ 8). Opposer will not be heard to complain that this information comprises hearsay (Opposer’s Reply Brief, 25 TTABVUE 9), when it was Opposer that made these articles of record in the first place. Trademark Rule 2.122(a),

“significant portion of the relevant consuming public ... recognizes the [LAGUNITAS] mark as a source indicator” (citing *Palm Bay Imps. Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 73 USPQ2d 1689, 1694 (Fed. Cir. 2005)), which Opposer claims to have done, that is sufficient.

- The commercial strength of Opposer’s mark should be judged at the time of trial, for a period extending back no more than five years (citing *Gen. Mills, Inc. v. Fage Dairy Processing Indus. SA*, 100 USPQ2d 1584, 1595 n.13 (TTAB 2011), *judgment set aside on other grounds*, 110 USPQ2d 1679 (TTAB 2014) and *Converse*, 128 USPQ2d at 1547)) – and by this yardstick Opposer’s marketplace ranking evidence is dated, and thus irrelevant.⁵² Opposer responds that Applicants fundamentally misunderstand the law (in particular, the import of *Gen. Mills*), and further that one of the factors considered when evaluating the strength of a mark is the length of time that the mark has been in use (citing *Weider Publ’ns, LLC v. D&D Beauty Care Co.*, 109 USPQ2d 1347, 1354 (TTAB 2014)). Given that Opposer’s LAGUNITAS mark has been in use in connection with beer for almost 27 years, evidence of its strength spans many years and all of it is relevant to prove fame for likelihood of confusion purposes.⁵³
- Other arguments Applicants raise, to which Opposer did not provide rebuttal, include: (1) it is not known whether the awards bestowed on Opposer by industry groups were ever advertised to, or known by, actual consumers; (2) Opposer’s marketing expenditures fail to separate beer from collateral Merchandise; (3) Opposer’s social media exposure on Facebook, Twitter, Instagram and YouTube pales in comparison to the type of exposure described by the Board as a “vibrant social media following” in *New Era Cap Co., Inc. v. Pro Era, LLC*, 2020 USPQ2d 10596 at *11 (TTAB 2020); (4) Opposer provides no time frame for the distribution of its point-of-sale marketing items, such that Opposer’s dissemination of such items could have been small annual numbers spread out over 27 years; and (5) The articles Opposer made of record to demonstrate unsolicited media coverage either discuss Opposer’s acquisition by Heineken or note Opposer as one of many breweries in the particular business sectors covered by the articles.⁵⁴

37 C.F.R. § 122(a) (“When evidence has been made of record by one party in accordance with these rules, it may be referred to by any party for any purpose permitted by the Federal Rules of Evidence.”).

⁵² Applicants’ Brief, 24 TTABVUE 18-19.

⁵³ Opposer’s Reply Brief, 25 TTABVUE 10.

⁵⁴ Applicant’s Brief, 24 TTABVUE 19-20.

We also have taken into account Applicants' evidence of the historical use of LAGUNATIC.COM on and in connection with a website related to information about Laguna Beach.⁵⁵ This evidence, obtained from the Internet Archive (Wayback Machine), only tells us that this website was in use in 2011. *Valve Corp. v. Ironburg Inventions Ltd.*, 8 F.4th 1364, 2021 USPQ2d 867, at *7 (Fed. Cir. 2021). Applicants provided no further evidence regarding the extent of visitors to the site or that the site is currently in operation.

We have evaluated as a whole the conceptual strength of Opposer's LAGUNITAS mark, based on the nature of the mark itself and any evidence Applicants provided to contest it, as well as Opposer's proof of the purported commercial strength and fame of the LAGUNITAS mark accompanied by Applicants' critique of this evidence. We find that Opposer's LAGUNITAS mark is inherently distinctive for its beer products, and that Applicants' evidence and argument does nothing to alter this finding.

Regarding commercial strength, "[t]he proper standard is the mark's 'renown within a specific product market,' ... and 'is determined from the viewpoint of consumers of like products,' ..., and not from the viewpoint of the general public." *Chutter, Inc. v. Great Mgt. Grp., LLC*, 2021 USPQ2d 1001, at *31 (TTAB 2021) (quoting *Joseph Phelps Vineyards*, 122 USPQ2d at 1734-35). By this measure, we find Opposer's LAGUNITAS mark in connection with "ale" and similar beer products has achieved a moderate degree of commercial recognition, but not to the level that we

⁵⁵ A NOR, 18 TTABVUE 37.

would deem it commercially strong or famous. On the “spectrum from very strong to very weak[,]” *Joseph Phelps Vineyards*, 122 USPQ2d at 1734, we afford Opposer’s mark “the normal scope of protection to which inherently distinctive marks are entitled.” *Bell’s Brewery, Inc. v. Innovation Brewing*, 125 USPQ2d 1340, 1347 (TTAB 2017).

2. The Similarity or Dissimilarity of the Marks

We now consider the similarity or dissimilarity of the parties’ marks in their entireties as to appearance, sound, connotation and commercial impression, *See Palm Bay Imps.*, at 73 USPQ2d at 1691, the first *DuPont* factor. *DuPont*, 177 USPQ at 567. “Similarity in any one of these elements may be sufficient to find the marks confusingly similar.” *In re Inn at St. John’s, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018), *aff’d mem.*, Slip Op. No. 18–2236 (Fed. Cir. Sept. 13, 2019) (quoting *In re Davia*, 110 USPQ2d 1810, 1812 (TTAB 2014)).

“The proper test is not a side-by-side comparison of the marks, but instead whether the marks are sufficiently similar in terms of their commercial impression such that persons who encounter the marks would be likely to assume a connection between the parties.” *In re i.am.symbolic, LLC*, 866 F.3d 1315, 123 USPQ2d 1744, 1748 (Fed. Cir. 2017) (quoting *Coach Servs. Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 101 USPQ2d 1713, 1721 (Fed. Cir. 2012) (internal quotation marks omitted). The focus is on the recollection of the average purchaser – here a consumer of beer/ale, non-alcoholic beer, and beer-related collateral merchandise – who normally retains a general rather than a specific impression of trademarks. *In re Assoc. of the U.S. Army*,

85 USPQ2d 1264, 1268 (TTAB 2007); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106, 108 (TTAB 1975).

So long as we “analyze[] the marks as a whole[, i]t is not improper for the Board to determine that, ‘for rational reasons,’ ... [we] give ‘more or less weight ... to a particular feature of the mark[s]’ provided that ... [our] ultimate conclusion regarding ... likelihood of confusion ‘rests on [a] consideration of the marks in their entireties.’” *Quiktrip W., Inc. v. Weigel Stores, Inc.*, 2021 USPQ2d 35, *2-3 (Fed. Cir. 2021) (quoting *Packard Press, Inc. v. Hewlett-Packard Co.*, 227 F.3d 1352, 1357 (Fed. Cir. 2000) and *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985)).

In comparing the marks, we also bear in mind that the goods with which they are associated are legally identical-in-part (beer and ale) and related-in-part (ale and Applicants’ non-beer items recited in Classes 21, 24, 25 and 32 of their Application), such that their similarity need not be as close for a finding of likely confusion as would marks that are associated with more disparate goods. *Coach Servs. Inc.*, 101 USPQ2d at 1722 (“When trademarks would appear on substantially identical goods [or services], ‘the degree of similarity necessary to support a conclusion of likely confusion declines.’”) (internal citations omitted). *See also, Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992).

Appearance and Sound:⁵⁶ The LAGUNITAS and LAGUNATIC marks share the prefix “LAGUN ...” as the first, and therefore dominant, part of the marks. *Presto*

⁵⁶ We do not find probative that “a Google search for the terms ‘lagunatic beer’ returns results that all refer to Opposer and its LAGUNITAS branded products along with a question from Google stating ‘Did you mean Lagunitas beer?’.” Opposer’s Brief, 21 TTABVUE 25 (citing Durand2 Decl., 20 TTABVUE 3, 9-12, ¶ 4, Exh. 3) “We are not privy to Google’s ...

Prods., Inc. v. Nice-Pak Prods., Inc., 9 USPQ2d 1895, 1897 (TTAB 1988) (“[I]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered”). Applicants concede this point of similarity.⁵⁷ The marks also have in common that they both comprise four vowels in total, and have the letter “T” as identical consonant before the final vowel.

The marks are different in that Opposer’s mark ends with the suffix “... ITAS,” whereas Applicants’ mark ends with the suffix “... ATIC.” Opposer argues that these differences in the suffixes of the parties’ marks are insufficient for the consuming public to distinguish them.⁵⁸ Applicants argue that, when compared as a whole, the marks appear and sound different, and that even a simple change in the final letters can create a major difference in the marks.⁵⁹

Meaning and Commercial Impression: Two meanings of LAGUNITAS were made of record: (1) the name of the town where Opposer’s founder started his home brewing,⁶⁰ and (2) translated from Spanish to English, “Little Lagoon.”⁶¹ As we stated above, there is no proof made of record that LAGUNITAS is known as a geographical location by anyone outside this tiny town or its immediately surrounding area.

[search] algorithm, and we cannot simply assume that the ... appearance ... [of certain] search results is an indicator of the trademark significance of ... [m]arks.” *In re Consumer Protection Firm PLLC*, 2021 USPQ2d 238, at *19 (TTAB 2021).

⁵⁷ Applicants’ Brief, 24 TTABVUE 13.

⁵⁸ Opposer’s Brief, 21 TTABVUE 24-26.

⁵⁹ Applicants’ Brief, 24 TTABVUE 11-14.

⁶⁰ Durand Decl., 8 TTABVUE 22, Exh 1 – excerpt from “So You Want to Start a Brewery? The Lagunitas Story.”

⁶¹ O NOR, 10 TTABVUE 23-28 (Opposer’s LAGUNITAS registration). *See also*, Opposer’s Reply Brief, 25 TTABVUE 8.

As for the meaning of LAGUNITAS as “Little Lagoon” when translated from Spanish to English, this too is not relevant to our analysis:

Under the doctrine of foreign equivalents, foreign words from common languages are translated into English to determine ... similarity of connotation in order to ascertain confusing similarity with English word marks. ... When it is unlikely that an American buyer will translate the foreign mark and will take it as it is, then the doctrine of foreign equivalents will not be applied.

Palm Bay Imps., 73 USPQ2d at 1696 (Citations omitted). Even if U.S. consumers familiar with Spanish would stop and translate LAGUNITAS from Spanish to English as meaning “Little Lagoon,” we find the parties’ marks here are so similar in sound and appearance as to overcome any perceived differences in meaning.

Applicant went to considerable lengths to argue and show that LAGUNATIC is used among residents of Laguna Beach, California, to refer to one another for their love of the city and to those who are “crazy” about Laguna Beach and its lifestyle.⁶² However, there is no proof made of record that LAGUNATIC is known as a reference to the residents or lifestyle of Laguna Beach outside of residents of Laguna Beach, California, or people living in the immediate vicinity.

Comparing the parties’ marks in their entireties, we find that they are more similar than different in appearance and sound. We also find that the meanings and commercial impressions of LAGUNITAS and LAGUNATIC made of record would be

⁶² Applicants’ Brief, 24 TTABVUE 10; Fulton Decl., 16 TTABVUE 2, ¶¶ 2 and 4; Chopra Decl., 16 TTABVUE 3, ¶¶ 2-3; Tawtel Decl., 16 TTABVUE 5, ¶¶ 1-3; Templeton Decl., 16 TTABVUE 6-7, ¶¶ 1-6; A NOR, 17 TTABVUE 23-27, Exh. 2 (URBAN DICTIONARY), 18 TTABVUE 47, Exh. 9 (Chronology of Laguna Beach) 18 TTABVUE 3, Exh. 10 (City of Laguna Beach Council Meeting Recap), 18 TTABVUE 10-15, Exh. 11 (Laguna Beach Magazine), 18 TTABVUE 18, Exh. 12 (Lagunaplayhouse.com/.../laguna-legends), 18 TTABVUE 19-23, Exh. 13 (@Lagunatic/Twitter), and 18 TTABVUE 24-29, Exh. 14 (Facebook.com/.../lagunatic).

known only to a very small percentage of the American public and virtually no one who would be a typical purchaser of either party's goods. In sum, we find the first *DuPont* factor supports and overall finding that confusion is likely.

D. The Variety of Goods on which Opposer's Mark has been used

The ninth *DuPont* factor looks at "[t]he variety of goods on which a mark is or is not used (house mark, 'family' mark, product mark)." *DuPont* 177 USPQ at 567. "If a party in the position of plaintiff uses its mark on a wide variety of goods, then purchasers are more likely to view a defendant's related good[s] under a similar mark as an extension of the plaintiff's [product] line." *DeVivo v. Ortiz*, 2020 USPQ2d 10153, at * 15 (citing *In re Hitachi High-Technologies Corp.*, 109 USPQ2d 1769, 1774 (TTAB 2014). On the other hand, where the plaintiff provides only minimal information about sales of such goods sold under its mark, such uses are insufficient to persuade us that the plaintiff has used its mark on a variety of goods and that this *DuPont* factor favors a finding of likelihood of confusion. *Id.*

Opposer asserts it has used the LAGUNITAS mark on a wide variety of goods and services including beer, non-alcoholic beer, a nonalcoholic sparkling beverage, numerous collateral promotional goods and musical and entertainment events.⁶³ Applicants level numerous criticisms upon Opposer's evidence,⁶⁴ the most significant of which is that "Opposer does not break down its sales of LAGUNITAS branded

⁶³ Opposer's Brief, 21 TTABVUE 22, citing Marshall Decl., 9 TTABVUE 2-3, 5-22, ¶¶ 2-3, Exh. 1; 13 TTABVUE 2, Guzman Decl. 13 TTABVUE 2-3, 8, 12-145, ¶¶ 2-5, 20, 260-75 Exhs. 1-3, 14.

⁶⁴ Applicants' Brief, 24 TTABVUE 21-22.

collateral merchandise by ... specific product type in its sales records.”⁶⁵ We find Opposer’s failure to delineate its branded collateral merchandise sales by product type fatal to its claim that Opposer uses the LAGUNITAS mark on a wide variety of goods and services. *DeVivo v. Ortiz*, 2020 USPQ2d 10153, at * 15 (Where “Opposer ... provided only minimal information about sales of ... [collateral] goods sold under the ENGIRLNEER mark[,] ... [w]e ... find the ninth *DuPont* factor to be neutral with respect to a finding of likelihood of confusion.”). We therefore find the ninth *DuPont* likelihood of confusion factor in this proceeding to be neutral.

E. Other Established Arguably Probative Facts

The thirteenth *DuPont* factor considers “[a]ny other established fact probative of the effect of use.” *DuPont* 177 USPQ at 567. Opposer requests that we make a finding of likelihood of confusion in its favor based in part on Applicants’ admission that they “were aware of Opposer prior to filing U.S. Trademark Application Serial No. 88/515,116 for the LAGUNATIC trademark.”⁶⁶

A trademark applicant’s awareness of a previous similar mark for related goods prior to adopting its mark is a fact that could contribute to a finding of likelihood of confusion. *Carlisle Chem. Works, Inc. v. Hardman & Holden Ltd.*, 434 F.2d 1403, 168 USPQ 110, 113 (CCPA 1970). “However, an inference of ‘bad faith’ [or any other inference for that matter] requires something more than mere knowledge of a prior

⁶⁵ *Id.* at 22, citing Guzman Decl., 14 TTABVUE 5, ¶ 9.

⁶⁶ Opposer’s Brief, 21 TTABVUE 18, citing Durand Decl., 8 TTABVUE 3, 30-31, ¶ 3, Exh. 2 (Applicants’ Admissions Responses).

similar mark.” *Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 USPQ2d 1793, 1798 (Fed. Cir. 1987). That is all that the record here shows.

Applicants testified that their intent in adopting the LAGUNATIC mark was to associate their products with the local affinity to and vibe of Laguna Beach.⁶⁷ In our view, Applicants’ purportedly innocent explanation for their adoption of their mark suffices to render their prior knowledge of Opposer, without more facts to suggest otherwise, a neutral factor in our likelihood of confusion analysis. *Bd. of Regents, Univ. of Tex. Sys. v. S. Ill. Miners, LLC*, 110 USPQ2d 1182, 1196 (TTAB 2014) (association with an applicant’s place of origin sufficient innocent reason for adoption of its mark). This factor is therefore neutral.

VII. Likelihood of Confusion: Conclusion

The parties’ goods, trade channels and target purchasers are either identical-in-part or related-in-part. Opposer’s LAGUNITAS mark is inherently distinctive and of moderate commercial strength. Given that the parties’ goods are legally identical-in-part (beer vs. ale) for the goods in International Class 32, we need not find that for the International Class 32 goods that the parties’ marks as similar as in the case of disparate goods. We also find, from the evidence Opposer provided, that Opposer’s “ale” is related to Applicants’ non-beer goods in Classes 21, 24, 25 and the beer making kits as well as non-alcoholic beer in Class 32 of their Application – and these goods travel in overlapping trade channels to the same class of consumers. We further find that the parties’ LAGUNITAS and LAGUNATIC marks are more similar than

⁶⁷ Fulton Decl., 16 TTABVUE 2, ¶¶ 2 and 4; Chopra Decl., 16 TTABVUE 3-5, ¶¶ 2-4.

they are different – at the very least in appearance, sound and overall commercial impression. We find the variety of goods on which Opposer has used its mark, and Applicants' prior knowledge of Opposer, are neutral factors in our analysis. Balancing the *DuPont* factors for which there is evidence and argument, we find there is a likelihood of confusion between Opposer's LAGUNITAS mark and goods on the one hand, and Applicants' LAGUNATIC mark and goods on the other.

Decision:

The Opposition to registration of Applicants' LAGUNATIC mark on the ground of likely of confusion pursuant to Trademark Act Section 2(d) is sustained as to all International Classes identified in the opposed Application.

Appendix 1

Applicants' Goods	Third-Party Marks Registered for these Goods or Related Goods	Appearance in the Record
Cl. 032: Beer; Beer making kit; Non-alcoholic beer	XX DOS EQUIS (RN 0904930) [Beer]; BUD LIGHT (RN 1261873)[Beer]; MICHELOB (RN 1257788) [Beer]; BUSCH (RN 0621424) [Beer]; BUDWEISER (RN 4656389) [Beer; Lager]; COORS (RN 1071095) [Malt cereal beverages-namely, beer]; WORLD MARKET (RN 2556914) [Beer, lager, ale, malt liquor, non-alcoholic beer and wine]; PABST BLUE RIBBON (RN 1877863) [Beer]; BLUE MOON (RN 3439303) [Beer]; NATURAL LIGHT (RN 3942852) [Beer]; YUENGLING (RN 1878615) [Beer]; MILLER (RN 2229151) [Beer]; 3 STARS BREWING COMPANY (RN 4580389) [beer; ale; lager; concentrates, syrups and powders for making sports drinks, beer, ale and lager]; LARCENY (RN 6025602) [Non-alcoholic cocktail mixers; Beer]; NORTHERN ROW (RN 6136544) [Beer; Malt liquor]; SAMUEL FRAUNCES (RN 4511004) [Beer, ale, lager, stout, porter, shandy; Beer-based coolers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; De-alcoholized wines]; GUINNESS (RN 321014) [Beer]; ARMANI (RN 5013130) [Beer]; TECATE (RN 1313746) [Beer]; RUSSIAN RIVER BREWING COMPANY (RN 3380766) [Beer]	10 TTABVUE 36-42, 62-64, 82-90, 114-19, 137-43, 145-55, 176-89, 190-93, 199-204, 205- 09, 216-22, 223- 26, 227-29; 230- 32, 233-35, 242- 48, 250-54, 262- 71, 275-78,
Cl. 032: Beer; Ale (Opposer's goods); Beer making kit	BREWVO (RN 4978543) [Alcohol-free beers; Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beer-based coolers; Beers; Black beer; Coffee-flavored beer; De-alcoholised beer; Flavored beers; Malt beer; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Non-alcoholic cocktail bases; Non-alcoholic malt beverage; Non-alcoholic malt coolers; Pale beer; Porter]; CERVEZA BROS (RN 4296696) [Alcohol-free beers; Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based coolers; Beers; Black beer; Brewed malt-based alcoholic beverage in the nature of a beer; Coffee-flavored beer; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Pale beer; Porter]; CITIZEN KELLY (RN 5342530) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Alcohol-free beers; Black beer; Brewed	10 TTABVUE 280-82, 283-84, 285-86, 287-88, 289-90, 291-92, 294-95, 296-97, 298-99, 300-01, 302-03, 304-05, 306-07, 308-09

Applicants' Goods	Third-Party Marks Registered for these Goods or Related Goods	Appearance in the Record
	<p>malt-based beers; Coffee-flavored beer; Craft beers; De-alcoholised beer; Extracts of hops for making beer; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Pale beer; Porter; Processed hops for use in making beer]; CRYONIC (RN 5967592) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beer-based coolers; Beers; Alcohol-free beers; Black beer; Brewed malt-based beers; Coffee-flavored beer; Craft beers; De-alcoholised beer; Extracts of hops for making beer; Flavored beer; Flavored beers; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Pale beer; Porter; Processed hops for use in making beer; Processed pelletized hops for use in making beer]; DANCING MONK (RN 5309422) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beer-based coolers; Beers; Alcohol-free beers; Black beer; Brewed malt based beers; Coffee-flavored beer; Craft beers; De-alcoholised beer; Extracts of hops for making beer; Flavored beers; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Nonalcoholic beer flavored beverages; Pale beer; Porter; Processed hops for use in making beer]; ESSENCE ALE (RN 5683520) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beer-based coolers; Beers; Alcohol-free beers; Black beer; Brewed malt-based beers; Coffee-flavored beer; Craft beers; De-alcoholised beer; Extracts of hops for making beer; Flavored beer; Flavored beers; Hop extracts for manufacturing beer; Imitation beer; Malt beer; Malt extracts for making beer; Malt liquor; Non-alcoholic beer; Non-alcoholic beer flavored beverages; Pale beer; Porter; Processed hops for use in making beer]; ASSUMPTION SAISON (RN 5110895) [Beer; beer making kit; beer, ale and lager; beer, ale and porter; beer, ale, lager, stout and porter; beer, ale, lager, stout, porter, shandy; beer-based cocktails; beers; brewed malt-based beers; coffee-flavored beer; extracts of hops for making beer; flavored beers; malt liquor; pale beer;</p>	

Applicants' Goods	Third-Party Marks Registered for these Goods or Related Goods	Appearance in the Record
Cl. 21: Beer glasses; Beer jugs; Beer mugs; Beer pitchers; Candy boxes; Coffee cups, tea cups and mugs; Dinnerware; Drinking glasses; Drinkware; Glass beverage ware; Glass bowls; Glass dishes; Glass jars; Insulating sleeve holder for beverage cups; Insulating sleeve holder for bottles; Insulating sleeve holders for	<p>porter; processed hops for use in making beer]; BACK ALLEY PORTER (RN 5110894) [Beer; beer making kit; beer, ale and porter; beer, ale, lager, stout and porter; beer, ale, lager, stout, porter, shandy; beer based coolers; beers; black beer; brewed malt-based beers; coffee-flavored beer; flavored beers; malt beer; malt extracts for making beer; porter; processed hops for use in making beer]; BEYOND BLONDE (RN 4666651) [Beer; Beer making kit; Beer, ale and lager]; BLACK GULL (RN 4605122) [Ale; Ale and porter; Ales; Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beer-based coolers; Beers; Black beer; Flavored beers; Lager; Lagers; Malt beer; Malt extracts for making beer; Malt liquor; Pale beer; Porter]; BRUXELLES BLONDE (RN 4626580) [Beer; Beer making kit; Beer, ale and lager; Beers; Brewed malt-based alcoholic beverage in the nature of a beer; Flavored beers; Malt extracts for making beer; Pale beer]; CROOKED NECK (RN 4605119) [Ale; Ale and porter; Ales; Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy; Beer-based cocktails; Beers; Lager; Lagers; Pale beer]; FOX FARM BREWERY (RN 4966082) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter; Beer, ale, lager, stout, porter, shandy]; GATEWAY BREWING (RN 5430716) [Beer; Beer making kit; Beer, ale and lager; Beer, ale and porter; Beer, ale, lager, stout and porter]</p> <p>XX DOS EQUIS CERVEZA (RN 4351691) [Glassware and kitchenware, namely, beverage glassware, dishes and stemware]; BUD LIGHT (RN 1733107) [serving trays, portable coolers, drinking vessels and thermal insulated containers for beverages]; MICHELOB (RN 1443860) [drinking vessels and beer carriers]; BUSCH (RN 1443857) [Drinking vessels, heat insulated containers for beverages, and beer carriers]; BUDWEISER (RN 1443856) [Drinking vessels, beer pails, heat insulated containers for beverages, and beer carriers]; COORS (RN 1146169) [Drinking Glasses and Cups; Glass Serving Pitchers; Serving Trays; Insulated Containers and Coolers; Drinking Mugs and Steins and Tankards; Picnic Jugs and Bottles and Carriers]; WORLD MARKET (RN 2556914) [beer jugs and mugs; portable beverage glassware;</p>	<p>10 TTABVUE 30-35, 43-51, 65-68, 75-78, 91-99, 120-26, 145-55, 157-68, 190-93, 199- 204, 205-09, 210-15, 223-26, 227-29, 230-32, 233-35, 236-41, 250-54</p>

Applicants' Goods

beverage cans; Knife boards; Lunch boxes; Plates; Shot glasses; Soap holders; Stemware; Trays for household purposes; Wine buckets; Wineglasses; Wine jugs; Wine openers; Cheese board and knife set; Paper and plastic cups

Third-Party Marks Registered for these Goods or Related Goods

beverage ware; bread, carving, knife and pastry boards; bottle cradles for wine, bottle openers, empty bottles; lunch boxes, wine and champagne buckets, ice buckets, plastic buckets, chopping boards for kitchen use, coffee cups, thermal insulated food or beverage containers and flasks; containers for household or kitchen use which are not made of precious metal, cups, coffee cups, cutting boards, decanters, decorative plates, dishes in general, glasses and vessels, goblets, lunch boxes and pails, mugs, wine cooling pails, paper cups, paper plates, serving trays]; PABST BLUE RIBBON (RN 0545269) [Metal serving trays]; BLUE MOON (RN 3439303) [Beverage glassware, pitchers, plastic buckets, plastic cups, serving trays not of precious metal, mugs, cups]; NATURAL LIGHT (RN 3942852) [Insulating sleeve holders for beverage cans]; YUENGLING (RN 1878615) [steins, mugs, cups, insulated coolers, plastic cups, plastic pitchers, plastic drink bottles, and beverage glassware]; MILLER (RN 3822254) [drinking vessels, serving trays, bottle openers, ice buckets]; 3 STARS BREWING COMPANY (RN 4580389) [beer mugs, coffee cups, mugs, steins, cups, cups and mugs, dinnerware, namely, cups and glasses, drinking cups, drinking glasses, ice buckets, glass dishes, glass mugs, goblets, mugs, pilsner drinking glasses, buckets for holding containers of beverages, thermal insulating sleeve holders for containers of beverages or beverage cans or cups, portable ice chests for food and beverage, bottle openers]; LARCENY (RN 6025602) [cheese board and knife set; flasks; insulated sleeve beverage holder; drinking glasses; beverage ware]; NORTHERN ROW (RN 6136544) [Beer glasses; Beverage glassware; Wine glasses; Cocktail glasses; Drinking glasses; Growlers; Shot glasses; Whisky glasses; Wine glasses]; SAMUEL FRAUNCES (RN 4511004) [Beer jugs; Beer mugs; Wine buckets; Wine cooling pails; Wine glasses; Wine jugs; Wine openers]; GUINNESS (RN 3835418) [drinking glasses, beverage glassware, mugs, beer mugs, bottle openers]; ARMANI (RN 5013130) [serving trays made of precious metals; household or kitchen utensils and containers not of precious metal or coated therewith, namely, soap boxes, serving spoons, slotted spoons, cutting boards, bowls, pitchers, plates, serving platters, serving trays not of precious metals; beverage ware, namely, bottle openers, ice buckets, cups, jugs, mugs, drinking glasses, drinking vessels, tea and coffee services,

Appearance in the Record

Applicants' Goods	Third-Party Marks Registered for these Goods or Related Goods	Appearance in the Record
Cl. 24: Towels; Beach towels; Hand towels; Kitchen towels	bowls, mugs, cups, dishes, pitchers, platters, serving trays] XX DOS EQUIS CERVEZA (RN 4351691) [towels]; BUD LIGHT (RN 1684487)[towels]; MICHELOB (RN 1443860) [towels]; COORS (RN 1134162) [Cloth towels]; WORLD MARKET (RN 2556914) [dish cloths, wash cloths, table cloths not made of paper, tea towels and towels]	10 TTABVUE 30-35; 52-58, 65-68; 127-31, 145-55
Cl 25: Flip-flops for use as footwear; Hats; Socks; Bottoms as clothing for women; Bottoms as clothing for men; Bottoms as clothing for children; Sweatshirts for women; Sweatshirts for men; Sweatshirts for children; T-shirts for women; T-shirts for men; T-shirts for children; Tops as clothing for women; Tops as clothing for men; Tops as clothing for children	XX DOS EQUIS CERVEZA (RN 4351691) [Clothing for men, women and children, namely, T-shirts, sweatshirts, golf shirts, jackets, hats]; BUD LIGHT (RN 1485363) [Clothing, namely, caps, hats, t-shirts, shirts, shorts, socks, sweatshirts, sweaters]; MICHELOB (RN 1354391) [clothing-namely, caps, hats, jerseys, shirts, sweatshirts]; BUSCH (RN 1360747) [Hats, caps, jerseys, shirts, shorts, sweatshirts]; BUDWEISER (RN 1360746) [Caps, hats, vests, jerseys, shirts, shorts, socks, sweatshirts]; COORS (RN 1117310) [Hats and caps; shirts; jerseys; t-shirts; sweatshirts; shorts and jeans]; PABST BLUE RIBBON (RN 3886268) [Clothing, namely, shirts, t-shirts, hats, shorts, sweatshirts, sweatpants and footwear]; BLUE MOON (RN 3439303) [Clothing, namely, shirts, t-shirts, golf shirts, sweatshirts, denim shirts, tops, shorts, sweatpants, tank tops, hats and caps]; NATURAL LIGHT (RN 1493208)[Clothing-namely, caps, hats, t-shirts, shirts]; YUENGLING (RN 1878615) [clothing, namely hats, caps, T-shirts, sweatshirts, sweatpants, shorts, golf shirts, shirts]; MILLER (RN 3822254) [clothing, namely, hats, shirts]; 3 STARS BREWING COMPANY (RN 4580389) [clothing, namely, t-shirts, golf shirts, sweat shirts, hooded sweat shirts, knit shirts, short-sleeved shirts, long-sleeved shirts, polo shirts, rugby shirts, shirts, sport shirts, sweat pants, sweat shorts, sweat suits, beach shoes, anklets and socks, jerseys, short sets, tops, headgear, namely, hats and caps, knitted caps]; LARCENY (RN 6025602) [shirts; hats]; NORTHERN ROW (RN 6136544) [Hats; Shirts; Skirts; Bottoms; Jerseys; Tops]; SAMUEL FRAUNCES (RN 4511004) [Baseball caps and hats; Hats; Knitted caps; Polo shirts; Shirts; Shirts and short-sleeved shirts; Short-sleeved or long sleeved I-shirts; Sports caps and hats; T-shirts]; GUINNESS (RN 3835418) [Articles of clothing, namely, socks, headwear and footwear]; TECATE (RN 1696173) [clothing for men, women and children; namely, T-shirts, sweatshirts, golf shirts, pants, hats, socks]; RUSSIAN RIVER	10 TTABVUE 59-61, 69-71, 79-81, 100-13, 132-36, 169-75, 190-93, 194-98, 205-09, 210-15, 223-26, 227-29, 230-32, 233-35, 236-41, 256-61, 272-74

Applicants' Goods	Third-Party Marks Registered for these Goods or Related Goods	Appearance in the Record
	BREWING COMPANY (RN 4561305) [Clothing, namely, t-shirts]	

Appendix 2

Applicants' Goods	Third-Party Mark Used for these Goods or Related Goods	Appearance in the Record
Cl. 032: Beer; Beer making kit; Non-alcoholic beer	GREAT LAKES (greatlakesbrewing.com) [ale, lager]; NITRO/LEFT HAND BREWING CO. (lefthandbrewing.com) [Beer]; LOST COAST BREWERY (lostcoast.com) [Beer, ale, stout]; NORTH COAST BREWING CO. (northcoastbrewing.com) [stout; beer]; MODERN TIMES (moderntimesbeer.com) [beer, beer making kits]; KARL STRAUSS BREWING CO. (karlstrauss.com) [Porter; beer]; MOONRAKER BREWING (moonrakerbrewing.com) [beer]; THE BRUERY (thebruery.com) [Stout]; MONTUCKY COLD SNACKS (montuckycoldsnacks.com) [beer]; BEAR REPUBLIC (bearrepublic.com) [beer]; BEAR REPUBLIC (bearrepublic.com) [ale]; RUSSIAN RIVER BREWING COMPANY (russianriverbrewing.com) [ale, lager, beer, porter]; YUENGLING (yuengling.com) [Beer]; NEW BELGIUM (newbelgium.com) [Beer]; STONE BUENA (stonebrewing.com) [Beer, ale]; DESCHUTES (deschutesbrewery.com) [Beer, ale, porter, lager, pilsner]; DOG FISH HEAD (dogfish.com) [Ale]; HARPOON (harpoonbrewery.com) [Ale, lager, stout]; ALASKAN (alaskanbeer.com) [Beer, ale]; ALLAGASH (allagash.com) [Stout, beer, ale]; SURLY (surlybrewing.com) [Ale]; FLYING DOG (flyingdog.com) [Stout, ale]; MICHELOB ULTRA (michelobultra.com) [Beer]; NATURAL LIGHT (naturalight.com) [Beer]; BUSCH (busch.com) [Beer]; STELLA ARTOIS (stellaartois.com) [Lager]; BUDWEISER (budweiser.com) [Beer]; REVOLUTION BREWING (revbrew.com) [Beer, ale]; PABST BLUE RIBBON (pabstblueribbon.com) [Beer, lager]; COORS (coors.com) [Beer]; GUINNESS (guinness.com) [Beer, stout]; BREW DOG (brewdog.com) (brooklynbrewshop.com) [Near beer, ale, beer making kits]; MIKKELLER (mikkellersd.com) (brooklynbrewshop.com) [Ale, pilsner, beer, non-alcoholic beer, beer making kits]; BROOKLYN BREW SHOP (brooklynbrewshop.com) [non-alcoholic ale, lager, ale, stout]; BUDWEISER (Budweiser.com) [Beer, non-alcoholic beer]; HEINEKEN (Heineken.com) [Non-alcoholic beer, beer, lager]; BARREL	10 TTABVUE 309-30; 332-37, 339-48, 350-74, 376-88, 390-97, 399-409, 411-18, 420-30, 432-40, 442-52, 454-57, 459-91, 493-515, 517-35; 11 TTABVUE 18-24, 25-45, 46-61, 62-73, 74-83; 84-96, 97-106, 107-16, 117-27, 128-38, 139-57, 158-71, 172-200, 201-10, 211-45, 246-53, 254-56, 257-64, 265-69, 270-71, 272-78, 279-85, 286-93, 294-301, 302-09, 310-13, 314-23, 324-34, 335-37, 338-41, 342-47, 348-51, 352-54, 12 TTABVUE 2-4, 5-15, 16-19, 20-31, 32-44, 45-48, 122-28, 129-35, 136-45, 146-52, 153-60, 161-69, 170-82

Applicants' Goods	Third-Party Mark Used for these Goods or Related Goods	Appearance in the Record
Cl. 21: Beer glasses; Beer jugs; Beer mugs; Beer pitchers; Candy boxes; Coffee cups, tea cups and mugs; Dinnerware; Drinking glasses; Drinkware; Glass beverage ware; Glass bowls; Glass dishes; Glass jars; Insulating sleeve holder for beverage cups; Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans; Knife boards; Lunch boxes; Plates; Shot glasses;	BROTHERS (barrelbrothersbrewing.com) [Beer, non-alcoholic beer]; BOULEVARD BREWING CO. (boulevard.com) [Beer, ale, porter, stout, non-alcoholic ale] ; COORS (coors.com) [Beer, non-alcoholic beer]; BAUHAUS BREW LABS (bauhausbrewlabs.com) [Beer, Pilsner, ale, non-alcoholic beer]; FUNKY BUDDA BREWERY (funkybuddhabrewery.com) [Ale]; FUNKY BUDDA BREWERY CHANT IPA (craftabrew.com) [home brewing kit, ale]; 7VENTH SON BREWERY (7venthsun.com) [Beer, ale]; 7VENTH SON BREWERY (beveragefactory.com) [ale home brewing kit]; EVIL TWIN BREWING (eviltwin.nyc) [Ale, stout, lager]; BROOKLYN BREW SHOP (brooklynbrewshop.com) [Beer making kit]; SIXPOINT BREWERY (sixpoint.com) [Beer]; SIXPOINT BREWERY (craftabrew.com) [home beer brewing kit]; STONE (stonebrewing.com) [Beer, ale]; STONE (craftabrew.com) [home ale brewing kit]; WEATHERED SOULS (weatheredsouls.beer) [Beer]; WEATHERED SOULS (brooklynbrewshop.com) [Home beer brewing kit]; BECK'S (drizly.com) [Beer, non-alcoholic beer]; BROOKLYN (drizly.com) [Beer, non-alcoholic beer]; COORS (drizly.com) [Beer, non-alcoholic beer]; GOLDEN ROAD (drizly.com) [Non-alcoholic beer, ale]; HEINEKEN (drizly.com) [Lager, non-alcoholic beer]; LAGUNITAS (holidaywinecellar.com) [Ale, non-alcoholic ale]; LAGUNITAS (totalwine.com) [Ale, non-alcoholic ale]	
	GREAT LAKES (greatlakesbrewing.com) [insulated beer containers, bottle openers, beer glasses, growlers]; NITRO/LEFT HAND BREWING CO. (lefthandbrewing.com) [drinkware]; LOST COAST BREWERY (lostcoast.com) [slap kozys, bottle openers, beer glasses, mugs, growlers, glass jars]; NORTH COAST BREWING CO. (northcoastbrewing.com) [bottle openers, beer koozies, cheese boards; beer glasses]; MODERN TIMES (moderntimesbeer.com) [mugs, glasses]; MOONRAKER BREWING (moonrakerbrewing.com) [glassware, beer/coffee cups]; THE BRUERY (thebruery.com) [beer glasses, bottle openers]; MONTUCKY COLD SNACKS (montuckycoldsnacks.com) [koozies]; BEAR REPUBLIC (bearrepublic.com) [drinkwear, insulated glasses, growlers, mugs, bottle openers]; RUSSIAN RIVER BREWING COMPANY (russianriverbrewing.com) [glasswear]; YUENGLING (yuengling.com) [drinkware, bottle	10 TTABVUE 309-30; 332-37, 339-48, 350-74, 376-88, 399-409, 411-18, 420-30, 432-40, 442-52, 454-57, 459-91, 517-35; 11 TTABVUE 1-17, 18-24, 25-45, 46-61, 74-83, 97-106, 107-16, 117-27, 128-38, 139-57, 158-71, 172-200, 211-45, 246-53, 257-64, 286-93, 314-23

Applicants' Goods	Third-Party Mark Used for these Goods or Related Goods	Appearance in the Record
Soap holders; Stemware; Trays for household purposes; Wine buckets; Wineglasses; Wine jugs; Wine openers; Cheese board and knife set; Paper and plastic cups	openers]; NEW BELGIUM (newbelgium.com) [Beer glasses, coffee mugs, growlers]; DESCHUTES (deschutesbrewery.com) [beer can coolers, coozies, mugs, insulated flasks, bottle openers, growlers]; DOG FISH HEAD (dogfish.com) [bottle openers, glasses, mugs]; HARPOON (harpoonbrewery.com) [can and bottle koozies, bottle openers, beer glasses, mugs, growlers, cups]; ALASKAN (alaskanbeer.com) [can slap koozies, growlers, can koozies]; ALLAGASH (allagash.com) [cups, chalices, mugs]; SURLY (surlybrewing.com) [Beer glasses, mugs, beer can koozies, bottle openers]; MICHELOB ULTRA (michelobultra.com) [Beer can koozies, beer glasses, coolies, bottle openers, coolies]; NATURAL LIGHT (naturalight.com) [Beer can coolies]; BUSCH (busch.com) [Beer can coolies, glasses]; STELLA ARTOIS (stellaartois.com) [Bottle openers, chalices, chillers]; BUDWEISER (budweiser.com) [Beer steins, glasses, coolies, beer buckets, mugs]; REVOLUTION BREWING (revbrew.com) [beer glasses] PABST BLUE RIBBON (pabstblueribbon.com) [Beer buckets, koozies, mugs, bowls, glasses]; GUINNESS (guinness.com) [Glassware]; BREW DOG (brewdog.com) [Glasses]; MIKKELLER (mikkellersd.com) [bottle openers, glasses]; BARREL BROTHERS (barrelbrothersbrewing.com) [growlers]; FUNKY BUDDA BREWERY (funkybuddhabrewery.com) [slap on koozies]	
Cl. 24: Towels; Beach towels; Hand towels; Kitchen towels	NORTH COAST BREWING CO. (northcoastbrewing.com) [towels, tea towels]; MONTUCKY COLD SNACKS (montuckycoldsnacks.com) [beach towels, pride towels]; HARPOON (harpoonbrewery.com) [Bar towels]; MICHELOB ULTRA (michelobultra.com) [beach towels]	10 TTABVUE 350-74, 420-30; 11 TTABVUE 25-45, 97-106
Cl 25: Flip-flops for use as footwear; Hats; Socks; Bottoms as clothing for women; Bottoms as clothing for men; Bottoms as clothing for children; Sweatshirts for women; Sweatshirts for men; Sweatshirts for children; T-shirts for women; T-shirts for men; T-shirts for	GREAT LAKES (greatlakesbrewing.com) [apparel]; NITRO/LEFT HAND BREWING CO. (lefthandbrewing.com) [shirts]; LOST COAST BREWERY (lostcoast.com) [t-shirts, tank-tops]; NORTH COAST BREWING CO. (northcoastbrewing.com) [sweatshirts, caps, t-shirts]; MODERN TIMES (moderntimesbeer.com) [t-shirts, sweatshirts]; KARL STRAUSS BREWING CO. (karlstrauss.com) [caps, t-shirts, sweatshirts]; MOONRAKER BREWING (moonrakerbrewing.com) [t-shirts, hats, beanies]; THE BRUERY (thebruery.com) [t-shirts, shirts, sweatshirts]; MONTUCKY COLD SNACKS (montuckycoldsnacks.com) [t-shirts, sweatshirts,	10 TTABVUE 309-30; 332-37, 339-48, 350-74, 376-88, 390-97, 399-09, 411-18, 420-30, 432-40, 442-52, 454-57, 459-91, 493-515, 517-35; 11 TTABVUE 1-17, 25-45, 46-61, 62-73, 74-83, 97-106, 107-16, 117-27, 128-

Applicants' Goods	Third-Party Mark Used for these Goods or Related Goods	Appearance in the Record
children; Tops as clothing for women; Tops as clothing for men; Tops as clothing for children	socks, beanies, hats]; BEAR REPUBLIC (bearrepublic.com) [hats, beanies, socks, shirts, sweatshirts, jerseys, socks]; RUSSIAN RIVER BREWING COMPANY (russianriverbrewing.com) [sweatshirts, tops, t-shirts, headwear, socks]; YUENGLING (yuengling.com) [t-shirts, hats]; NEW BELGIUM (newbelgium.com) [shirts, t-shirts, hats, caps, sweatshirts, beanies, socks]; STONE BUENA (stonebrewing.com) [t-shirts, tank tops, shirts, sweatshirts]; DESCHUTES (deschutesbrewery.com) [t-shirts, beanies, shirts, caps, jerseys, sweatshirts, tank tops, socks]; DOG FISH HEAD (dogfish.com) [t-shirts, shirts, sweatshirts, beanies]; HARPOON (harpoonbrewery.com) [Shirts, sweatshirts, t-shirts, sweatpants, beanies]; ALASKAN (alaskanbeer.com) [shirts, t-shirts, sweatshirts, hats]; ALLAGASH (allagash.com) [sweatshirts, t-shirts, shirts, socks]; SURLY (surlybrewing.com) [t-shirts]; FLYING DOG (flyingdog.com) [sweatshirts, caps]; MICHELOB ULTRA (michelobultra.com) [hats, tops, shirts, t-shirts]; NATURAL LIGHT (naturalight.com) [t-shirts]; NATURAL LIGHT (naturalight.com) [hats, tank tops, t-shirts, socks, pants, sweatshirts]; BUSCH (busch.com) [t-shirts, sweatshirts, hats] ; STELLA ARTOIS (stellaartois.com) [tops, hats, t-shirts, jerseys, sweatshirts]; BUDWEISER (budweiser.com) [t-shirts, hats, tank tops, socks]; REVOLUTION BREWING (revbrew.com) [t-shirts, tank tops]; PABST BLUE RIBBON (pabstblueribbon.com) [Beanies, slippers, sweatshirts, pants, t-shirts, shirts, tank tops]; COORS (coors.com) [tee shirts, sweatshirts, hats] GUINNESS (guinness.com) [t-shirts, polo shirts, sweatshirts, headwear]; BARREL BROTHERS (barrelbrothersbrewing.com) [shirts]; FUNKY BUDDA BREWERY (funkybuddhabrewery.com) [tank tops, t-shirts]	38, 139-57, 158-71, 172-200, 201-10, 211-45, 286-93, 314-23