

This Opinion Is Not a
Precedent of the TTAB

Mailed: August 24, 2021

UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Michael-David, LLC

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Application No. 88662293

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Alain Villeneuve of Duane Morris LLP for Michael-David, LLC.

Tyler Seling, Trademark Examining Attorney, Law Office 112,
Renee Servance, Managing Attorney.

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Before Cataldo, Bergsman and English, Administrative Trademark Judges.

Opinion by Bergsman, Administrative Trademark Judge:

Michael-David, LLC (Applicant) seeks registration on the Principal Register of the mark NORTHCOAST WINE CO., in standard character form, for the goods and services below:

Glass bottles sold empty; Wine glasses; Coasters, not of paper or textile, in International Class 21;

T-shirts; Sweatshirts; Jackets; Shorts; Pants; Scarves; Aprons; Hats, in International Class 25;

Wine, in International Class 33;

Online retail store services featuring wine; Retail store services featuring wine, in International Class 35; and

Entertainment services, namely, wine tasting; Conducting guided tours of wineries; Arranging, organizing, conducting, and hosting social entertainment events; Entertainment services in the nature of hosting social entertainment events; Special event planning for social entertainment purposes, in International Class 41.¹

Applicant disclaims the exclusive right to use “Wine Co.”

The Examining Attorney refused to register Applicant’s mark for wine, in International Class 33, under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), on the ground that Applicant’s mark so resembles the registered marks listed below, owned by the same entity, all for “beer, ale, lager, stout and porter,” in International Class 32, as to be likely to cause confusion:

- Registration No. 4488084 for the mark NORTH COAST BREWING CO. and design, reproduced below:²



The description of the mark reads as follows:

The color(s) black, white, grey, gold, and yellow is/are claimed as a feature of the mark. The mark consists of a black, white and grey sperm whale emerging through a yellow ring, with gold teeth around the outer border of the ring, and the words “NORTH COAST BREWING CO.” in black imprinted on the ring, and sea water/waves

¹ Serial No. 88662293 filed October 21, 2019, under Section 1(b) of the Trademark Act, 15 U.S.C. § 1051(b), based on Applicant’s claim of a bona fide intent to use its mark in commerce.

² Registered February 25, 2014; Sections 8 and 15 declarations accepted and acknowledged.

splashing from the whale's tail, in the ring, and on top of the ring.

Registrant claims the term "North Coast Brewing Co." has acquired distinctiveness under Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f), and Registrant disclaims the exclusive right to use the term "Brewing Co."

• Registration No. 4520591 for the mark NC NORTH COAST BREWING CO. and design, reproduced below:³



The description of the mark reads as follows:

The color(s) black, white and red is/are claimed as a feature of the mark. The mark consists of a black ring, with black teeth around the outer border of the ring, and the words "NORTH COAST BREWING CO." in white imprinted on the ring, with the capital letters "N" and "C" in black overlapping inside the ring, and a red symbol inside the ring above the letter "N" consisting of four leaves in a cross like pattern and five rectangles lined up among the leaves.

Registrant disclaims the exclusive right to use the term "North Coast Brewing Co."

• Registration No. 4925309 for the mark NORTH COAST BREWING, in standard character form, under the provisions of Section 2(f) of the Trademark Act, 15 U.S.C. § 1052(f).⁴ Registrant disclaims the exclusive right to use the word "Brewing."

³ Registered April 29, 2014; Sections 8 and 15 declarations accepted and acknowledged.

⁴ Registered March 29, 2016; Section 8 declaration accepted.

The Examining Attorney also refused to register Applicant's mark under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 2(e)(2), on the ground that the term NORTHCOAST WINE CO. is primarily geographically descriptive. The Examining Attorney contends that the North Coast is a generally known location, namely, a region in northern California known for wines and wineries.⁵

Finally, the Examining Attorney refused to register Applicant's mark under Sections 1, 2, 3, and 45 of the Trademark Act, 15 U.S.C. §§ 1051, 1052, 1053, and 1127, on the ground that Applicant's mark NORTHCOAST WINE CO. is a known grape growing region in the U.S. and, therefore, it is informational matter to indicate wine originating from the North Coast of California.⁶

I. Likelihood of Confusion

We base our determination under Section 2(d) on an analysis of all of the probative facts in evidence that are relevant to the factors bearing on the likelihood of confusion. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563, 567 (CCPA 1973) ("*DuPont*") cited in *B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 113 USPQ2d 2045, 2049 (2015); see also *In re Majestic Distilling Co.*, 315 F.3d 1311, 65 USPQ2d 1201, 1203 (Fed. Cir. 2003). We have considered each *DuPont* factor that is relevant or for which there is evidence of record. See *In re Guild Mortg. Co.*, 912 F.3d 1376, 129 USPQ2d 1160, 1162-63 (Fed. Cir. 2019); *M2 Software, Inc. v. M2 Commc'ns, Inc.*, 450 F.3d 1378, 78 USPQ2d 1944, 1947 (Fed. Cir. 2006); *ProMark*

⁵ Examining Attorney's Brief (6 TTABVUE 16).

⁶ Examining Attorney's Brief (6 TTABVUE 22-23).

Brands Inc. v. GFA Brands, Inc., 114 USPQ2d 1232, 1242 (TTAB 2015) (“While we have considered each factor for which we have evidence, we focus our analysis on those factors we find to be relevant.”). “[E]ach case must be decided on its own facts and the differences are often subtle ones.” *Indus. Nucleonics Corp. v. Hinde*, 475 F.2d 1197, 177 USPQ 386, 387 (CCPA 1973).

“Not all DuPont factors are relevant in each case, and the weight afforded to each factor depends on the circumstances. ... Any single factor may control a particular case.” *Stratus Networks, Inc. v. UBTA-UBET Commc’ns Inc.*, 955 F.3d 994, 2020 USPQ2d 10341, *3 (Fed. Cir. 2020). In any likelihood of confusion analysis, two key considerations are the similarities between the marks and the similarities between the goods or services. *See In re Chatam Int’l Inc.*, 380 F.3d 1340, 71 USPQ2d 1944, 1945-46 (Fed. Cir. 2004); *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.”); *see also In re i.am.symbolic, llc*, 866 F.3d 1315, 123 USPQ2d 1744, 1747 (Fed. Cir. 2017) (“The likelihood of confusion analysis considers all *DuPont* factors for which there is record evidence but ‘may focus ... on dispositive factors, such as similarity of the marks and relatedness of the goods’”) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 64 USPQ2d 1375, 1380 (Fed. Cir. 2002)).

Because the design elements in Registration Nos. 4488084 and 4520591 arguably contain additional points of difference with Applicant’s mark, we confine our analysis

to the issue of likelihood of confusion between Applicant's mark and the mark in Reg. No. 4925309 for the mark NORTH COAST BREWING, in standard character form. That is, if confusion is likely between those marks, there is no need for us to consider the likelihood of confusion with the cited marks with design elements; the standard character mark would be a sufficient basis for us to affirm the refusal of registration. Conversely, if we find there is no likelihood of confusion between Applicant's mark and the cited mark in standard character form, then there would be no likelihood of confusion with the marks with design elements. *See, e.g., In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1245 (TTAB 2010).

A. The strength of NORTH COAST BREWING, including the number and nature of similar marks in connection with similar goods.

When making a determination of likelihood of confusion in an ex parte appeal, in order to determine the conceptual strength of a cited word mark under the sixth *DuPont* factor, we evaluate its intrinsic nature, that is, where it lies along the generic-descriptive-suggestive-arbitrary-fanciful continuum of words. Word marks that are arbitrary, fanciful, or suggestive are "held to be inherently distinctive." *Wal-Mart Stores, Inc. v. Samara Bros., Inc.*, 529 U.S. 205, 54 USPQ2d 1065, 1068 (2000). *See also In re Chippendales USA, Inc.*, 622 F.3d 1346, 96 USPQ2d 1681, 1684 (Fed. Cir. 2010) ("In general, trademarks are assessed according to a scale formulated by Judge Friendly in *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 537 F.2d 4, 189 USPQ

759 (2d Cir. 1976), which evaluates whether word marks are ‘arbitrary’ or ‘fanciful,’ ‘suggestive,’ ‘descriptive,’ or ‘generic.’”).⁷

Because the USPTO registered Registrant’s mark on the Principal Register under the provisions of Section 2(f) of the Trademark Act, Registrant conceded that NORTH COAST BREWING is not inherently distinctive when used in connection with “beer, ale, lager, stout and porter.” *See Yamaha Int’l Corp. v. Hoshino Gakki Co. Ltd.*, 840 F.2d 1572, 6 USPQ2d 1001, 1005 (Fed. Cir. 1988) (“[I]n cases where registration was initially sought on the basis of distinctiveness, subsequent reliance by the applicant on Section 2(f) assumes that the mark has been shown or conceded to be merely descriptive.”).

However, Registrant claims under Section 2(f) that through use its mark has developed trademark significance. *See G.H. Mumm & Cie v. Desnoes & Geddes Ltd.*, 917 F.2d 1292, 16 USPQ2d 1635, 1637 (Fed. Cir. 1990) (acquired distinctiveness “arises when a symbol or device, not inherently distinctive at the time of its adoption, later acquires distinctiveness such that the symbol or device serves as a mark to indicate the source of the associated goods. (Internal citation omitted). A mark that has acquired secondary meaning may serve as a trademark and be protected even if the mark was not distinctive at the time of its adoption.”); *Yamaha Int’l Corp.*, 6 USPQ2d at 1007 (“Section 2(f) permits registration of marks that, despite not qualifying for registration in light of Section 2(e), have nevertheless ‘become

⁷ We also look to evidence pertaining to the number and nature of similar marks in use in connection with similar goods. However, Applicant did not submit any evidence of similar marks in use for similar goods.

distinctive of the applicant's goods in commerce.”). The USPTO registers marks under the provisions of Section 2(f) on the Principal Register and, therefore, provides the owner with a statutory presumption of trademark rights to preclude others from such use as would result in confusion. Section 7(b) of the Trademark Act, 15 U.S.C. § 1057(b) (i.e., validity of the registered mark and of the registration of that mark, registrant's ownership of the mark, and the registrant's exclusive right to use the registered mark on or in connection with the goods or services specified in the registration).

The fact that the USPTO registered Registrant's mark on the Principal Register under Section 2(f) of the Trademark Act means that we presume it has acquired source-indicating significance and that is enough for it to preclude the registration of a similar mark for use in connection with related goods and services.

Although Applicant did not submit any evidence of similar marks actually in use for similar goods, Applicant submitted copies of the following two registrations to show that “North Coast” is a weak term:⁸

- Registration No. 5212518 for the mark NO COAST PALE ALE, in standard character form, for “ale; beer”;⁹ and

⁸ February 27, 2020 Response to Office Action pp. 19-20 (TSDR 142-43).

⁹ February 27, 2020 Response to Office Action (TSDR 72).

Citations to the prosecution history record are to the USPTO Trademark Status and Document Retrieval system (TSDR) by page number in the .pdf format.

- Registration No. 5106431 for the mark **NoCoast**, in standard character form, for “beer, ale, lager, stout and porter.”¹⁰

Applicant submitted a dictionary definition to show that “No.” may be an abbreviation for “north” or “northern.”¹¹ However, “No.” also may be the abbreviation for number¹² and the above-noted marks do not include “No.” (with a period) but “No” (without a period) as in negative.

Different registrants own the marks in these registrations.¹³ The registrants in the above-noted registrations are located in Wisconsin and Iowa respectively implying that they are not near a coast. In addition, Applicant submitted what appears to be the specimen of use for the **NoCoast** mark in Registration No. 5106431 reproduced below:¹⁴

¹⁰ February 27, 2020 Office Action (TSDR 74).

¹¹ The Free Dictionary.com based on the AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (5th ed. 2016) attached to the February 27, 2020 Office Action (TSDR 79).

¹² *Id.* See also February 27, 2020 Office Action (TSDR 98-104) (seven third-party registrations incorporating the term “No.” as an abbreviation for number (e.g., BLEND NO. 5, NO. 3, SIN NO. 8, etc.)).

¹³ The record before us does not indicate whether any agreement exists between these registrants regarding the coexistence of their “No Coast” marks for use in connection with beer and ale.

¹⁴ February 27, 2020 Office Action (TSDR 74).



The top line reads “No Sharks,” “No Tsunamis,” and “No Pirates,” engendering the commercial impression of the **NoCoast** mark as “no coast.” This commercial impression is further reinforced by the text on the left-hand side of the label: “NoCoast says no to know-it-alls and up yours to one-uppers.”

Applicant also submitted an excerpt from the **NoCoast** registrant’s Facebook page.¹⁵ The Facebook page has a design featuring the legend “Middle of the Map on Tap” and text stating that the **NoCoast** is “freedom from pretensions.” Again, engendering the commercial impression that **NoCoast** is far from a coast.

Even assuming the “No” in the above-noted registrations is the abbreviation of “north” or “northern,” two third-party registrations for marks incorporating the abbreviation “No” for “North” is a far cry from the large quantum of evidence of third-party use and third-party registrations that was held to be significant in both *Jack*

¹⁵ February 27, 2020 Office Action (TSDR 79).

Wolfskin Ausrüstung Fur Draussen GmbH & Co. KGAA v. New Millennium Sports, S.L.U., 797 F.3d 1363, 116 USPQ2d 1129, 1136 (Fed. Cir. 2015), and *Juice Generation v. GS Enters., LLC*, 794 F.3d 1334, 115 USPQ2d 1671, 1674 (Fed. Cir. 2015). *See also In re Inn at St. John's, LLC*, 126 USPQ2d 1742, 1746 (TTAB 2018).

Finally, Applicant submitted numerous third-party registrations for other “Coast” marks, such as COASTVIEW, WEST COAST HAZE, and EAST COAST LAGER.¹⁶ Applicant contends, “the arrival of NORTHCOAST WINE CO. will slide in this set rather normally and without creating confusion.”¹⁷ However, the Examining Attorney cited NORTH COAST BREWING, not COASTVIEW, WEST COAST HAZE, or EAST COAST LAGER, etc. as a bar to the registration of Applicant’s mark. None of the other “Coast” marks is nearly as close to Registrant’s NORTH COAST BREWING as Applicant’s NORTHCOAST WINE CO.

In sum, Registrant’s mark NORTH COAST BREWING is strong enough to preclude the registration of a similar mark for use in connection with related goods and services.

B. The similarity or dissimilarity of the marks.

Applicant is seeking to register NORTHCOAST WINE CO. and the cited mark is NORTH COAST BREWING. The marks are similar because they share the same structure: Applicant and Registrant place the term “Northcoast” or “North Coast” at the beginning of the mark followed by a descriptive or generic term (“Wine Co.” or

¹⁶ February 27, 2020 Office Action (TSDR 68-70 and 85-96).

¹⁷ Applicant’s Brief, p. 13 (4 TTABVUE 15).

“Brewing”). They differ because Applicant’s mark includes the term “Wine Co.” and Registrant’s mark includes the word “Brewing.”

Although the Applicant presents its mark without a space between the words “North” and “Coast,” consumers are likely to view and verbalize it as “North Coast,” based on normal English pronunciation. Thus, the presence or absence of a space between the two words is an inconsequential difference that even if consumers noticed or remembered would not serve to distinguish these marks. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010) (finding ACTIVECARE and ACTIVE CARE are similar); *Giersch v. Scripps Networks Inc.*, 90 USPQ2d 1020, 1025 (TTAB 2009) (finding that petitioner’s mark DESIGNED2SELL is phonetically identical to respondent’s mark DESIGNED TO SELL because the “marks are also highly similar visually, with the sole differences being the substitution in respondent's mark of the short preposition ‘to’ for the number ‘2’ between the two dominant words, and the use of spaces between them” and because “the spaces that respondent places between the words do not create a distinct commercial impression from petitioner's presentation of his mark as one word.”); *Seaguard Corp. v. Seaward Int’l, Inc.*, 223 USPQ2d 48, 51 (TTAB 1984) (SEA GUARD and SEAGUARD are “essentially identical”); *In re Best Western Family Steak House, Inc.*, 222 USPQ 827, 827 (TTAB 1984) (“there can be little doubt that the marks [BEEFMASTER for restaurant services and BEEF MASTER for frankfurters and bologna] are practically identical and indeed applicant has not argued otherwise.”); *Stock Pot, Inc. v. Stockpot Rest., Inc.*, 220 USPQ 52, 54 (TTAB 1983), *aff’d* 737 F.2d 1576, 222 USPQ 665 (Fed. Cir. 1984) (“There is no

question that the marks of the parties [STOCKPOT AND STOCK POT] are confusingly similar. The word marks are phonetically identical and visually almost identical.”).

“Northcoast” is the dominant part of Applicant’s mark NORTHCOAST WINE CO. and “North Coast” is the dominant part of Registrant’s mark NORTH COAST BREWING because “Wine Co.” in Applicant’s mark is descriptive, if not generic, and “Brewing” in Registrant’s mark is generic. Thus, Applicant disclaimed the exclusive right to use “Wine Co.” and Registrant disclaimed the exclusive right to use “Brewing.” It is well-settled that disclaimed, descriptive matter may have less significance in likelihood of confusion determinations. *See In re Detroit Ath. Co.*, 903 F.3d 1297, 1305, 128 USPQ2d 1047, 1050 (Fed. Cir. 2018) (citing *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997)); *Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 55 USPQ2d 1842, 1846 (Fed. Cir. 2000) (“Regarding descriptive terms, this court has noted that the ‘descriptive component of a mark may be given little weight in reaching a conclusion on the likelihood of confusion.’”) (quoting *In re Nat’l Data Corp.*, 753 F.2d 1056, 224 USPQ 749, 752 (Fed. Cir. 1985)); *In re Code Consultants, Inc.*, 60 USPQ2d 1699, 1702 (TTAB 2001) (disclaimed matter is often “less significant in creating the mark’s commercial impression”).

There is nothing improper in stating that, for rational reasons, we have given more or less weight to a particular feature of a mark, such as a common dominant element, provided the ultimate conclusion rests on a consideration of the marks in

their entireties. *See In re Viterra Inc.*, 671 F.3d 1358, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat'l Data Corp.*, 224 USPQ at 751.

Further reinforcing the importance of NORTHCOAST/NORTH COAST in their respective marks is their location as the first part of the marks. *See Detroit Ath. Co.*, 128 USPQ2d at 1049 (finding “the identity of the marks’ two initial words is particularly significant because consumers typically notice those words first”); *Palm Bay Imps. Inc. v. Veuve Clicquot Ponsardin Fondée En 1772*, 396 F.3d 1369, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (“Veuve” is the most prominent part of the mark VEUVE CLICQUOT because “veuve” is the first word in the mark and the first word to appear on the label); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (upon encountering the marks, consumers will first notice the identical lead word); *Presto 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.”).

Because Applicant’s mark is similar in structure to Registrant’s mark (i.e., the word “Northcoast” followed by a highly descriptive, if not generic term), consumers familiar with Registrant’s mark NORTH COAST BREWING for “beer, ale, lager, stout and porter” may mistakenly believe that Applicant’s mark NORTHCOAST WINE CO. is a new NORTH COAST product line.

We find that Applicant’s mark NORTHCOAST WINE CO. is similar to Registrant’s mark NORTH COAST BREWING in terms of appearance, sound, connotation and commercial impression.

C. The similarity or dissimilarity and nature of the goods.

To prove that wine is related to beer, ale, lager, porter and stout, the Examining Attorney submitted 19 third-party, used-based registrations for those products and a number of third-party websites advertising those products under the same mark. Third-party registrations for goods listed in both the application and registration at issue based on use in commerce may have probative value to the extent that they serve to suggest that the listed goods are of a type that may emanate from the same source. *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-1786 (TTAB 1993); *In re Mucky Duck Mustard Co. Inc.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988), *aff'd mem.* 864 F.2d 149 (Fed. Cir. 1988). We list below the registrations, with relevant portions of the identifications:¹⁸

MARK	REG. NO.	GOODS
SALTY DOG	4136155	Beer, ale, lager, porter and stout; wine
BREWVO	4979543	Beer, ale, lager, porter and stout; wine
ROADIES	4838384	Beer, ale, lager, porter and stout; wine
TULASI	5116260	Beer, ale, lager, porter and stout; wine
A CRAFTED EXPERIENCE	5159453	Beer, porter; wine
TERP	5166429	Beer, ale, lager, porter and stout; wine
BEAT CULTURE	5662013	Beer, ale, lager, porter and stout; wine
LAKE LIFE	5603137	Beer; wine
BOX OFFICE BREWERY	6008580	Beer, ale, lager, porter and stout; wine
A & Design	5733907	Beer; wine
SPRINGGATE	5973378	Beer; wine
WASH IT DOWN	6032892	Beer; wine

¹⁸ May 18, 2020 Office Action (TSDR 71-107). *See also* November 5, 2020 Denial of Request for Reconsideration (TSDR 5-22) (seven copies of marks registered for, inter alia, beer and wine).

We do not include Registration No. 5604011 for the mark TROPHY ROOM because it does not include wine. May 20, 2020 Office Action (TSDR 80).

The Examining Attorney submitted excerpts from the third-party websites we list below to show that wine and beer, ale, lager, porter and stout are related.¹⁹ *See Detroit Ath. Co.*, 128 USPQ2d at 1051 (relatedness supported by evidence that third parties sell both types of goods under the same mark, showing that “consumers are accustomed to seeing a single mark associated with a source that sells both”); *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009) (third-party internet evidence may be probative to prove goods are related); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 1668 (TTAB 2007) (evidence obtained from the Internet may be used to support a determination under Section 2(d) that the services are related).

- Fenton Winery & Brewery website (fentonbrewery.com)²⁰ displaying FENTON on beer²¹ and wine.²²

¹⁹ Bias Winery website (biaswinery.com) advertising itself as “A Winery and a Microbrewery” is not as probative as the other listed third-party excerpts because the website does not show the same or similar mark used on beer and wine. February 4, 2020 Office Action (TSDR 36-41). It is probative to show that a winery and microbrewery may emanate from the same source.

McMenamins Edgefield Winery website (edgefieldwinery.com) displaying EDGEFIELD on wine (May 18, 2020 Office Action (TSDR 31-32)) and the McMenamins website (mcmenamins.com) displaying McMENAMINS on beer (May 18, 2020 Office Action (TSDR 33-38)) are not probative to show wine and beer are related products because, although the products emanate from one source, that source uses different marks to identify its beer and wine.

Likewise, the Round Barn website (roundbarn.com) (November 5, 2020 Denial of Request for Reconsideration (TSDR 52-73)) uses the mark ROUND BARN BREWERY to identify its beer (*id.* at TSDR 62-63) and FARM MARKET and a barn logo to identify its wine (*id.* at TSDR 65-69).

²⁰ February 4, 2020 Office Action (TSDR 42-59).

²¹ *Id.* at TSDR 45.

²² *Id.* at TSDR 52-59.

- Schilling Bridge Winery website (shillingbridgewinery.com)²³ displaying SCHILLNGBRIDGE on beer²⁴ and wine.²⁵
- Barrel Oak Winery website (barreloak.com)²⁶ displaying BARREL OAK on wine²⁷ and beer.²⁸
- Motor City Brewing Works website (motorcitybeer.com)²⁹ displaying MOTOR CITY on beer³⁰ and wine.³¹
- Schram Vineyards website (schramvineyards.com)³² displaying SCHRAM VINEYARD on wine³³ and SHRAM HAUS BREWERY on beer.³⁴

²³ February 4, 2020 Office Action (TSDR 60-65). The Examining Attorney submitted a copy of Registration No. 5480757 for the mark SCHILLINGBRIDGE for beer and wine. November 5, 2020 Denial of Request for Reconsideration (TSDR 10).

²⁴ *Id.* at TSDR 62-63.

²⁵ *Id.* at TSDR 64-65.

²⁶ May 18, 2020 Office Action (TSDR 20-30).

²⁷ *Id.* at TSDR 20 and 23-24.

²⁸ *Id.* at TSDR 26.

²⁹ May 18, 2020 Office Action (TSDR 39-42).

³⁰ *Id.* at TSDR 39-42.

³¹ *Id.* at TSDR 42. *See also* November 5, 2020 Denial of Request for Reconsideration (TSDR 25-26).

³² May 18, 2020 Office Action (TSDR 43-47).

³³ *Id.* at TSDR 44. *See also* November 5, 2020 Denial of Request for Reconsideration (TSDR 27).

³⁴ *Id.* at TSDR 45. *See also* November 5, 2020 Denial of Request for Reconsideration (TSDR 32).

- Valley Vineyards website (valleyvineyards.com)³⁵ displaying VALLEY VINEYARDS on wine³⁶ and beer.³⁷
- The Vineyard at Hershey website and The Brewery at Hershey website (vineyardathershey.com)³⁸ displaying THE VINEYARD AT HERSHEY on wine³⁹ and THE BREWERY AT HERSHEY on beer.⁴⁰
- Von Jakob Winery & Brewery website (vonjakobvineyard.com)⁴¹ displaying VON JACOB BREWERY on beer⁴² and VON JACOB on wine.⁴³
- Wagner Vineyards website (wagnervineyards.com)⁴⁴ displaying WAGNER on wine⁴⁵ and Wagner Valley Brewing Co. website (wagnerbrewing.com) displaying WAGNER VALLEY on beer.⁴⁶

³⁵ May 18, 2020 Office Action (TSDR 48-51).

³⁶ *Id.* at TSDR 48-49.

³⁷ *Id.* at TSDR 50-51.

³⁸ May 18, 2020 Office Action (TSDR 51-57).

³⁹ *Id.* at TSDR 53.

⁴⁰ *Id.* at TSDR 55-57.

⁴¹ May 18, 2020 Office Action (TSDR 58-63).

⁴² *Id.* at TSDR 59-60.

⁴³ *Id.* at TSDR 60.

⁴⁴ May 18, 2020 Office Action (TSDR 64-67).

⁴⁵ *Id.* at TSDR 64-65 and 67.

⁴⁶ November 5, 2020 Denial of Request for Reconsideration (TSDR 34).

- Mackinaw Trail Winery & Brewery website (mackinawtrailwinery.com)⁴⁷ displaying MACKINAW TRAIL on wine⁴⁸ and beer.⁴⁹

Applicant contends that because there are 8,000 wineries compared to only 3,700 breweries,⁵⁰ the Examining Attorney's evidence shows only a few are joint wineries and breweries and most of these are not truly known.⁵¹ First, Internet documents generally have limited probative value because they are admissible to show only what has been printed, not the truth of what has been printed. *See Safer, Inc. v. OMS Investments, Inc.*, 94 USPQ2d 1031, 1040 (TTAB 2010). Because website contents and search engine results are accessible by the consuming public (although search engine results may be retrieved only if members of the public enter the identical search strategy), they constitute evidence of potential public exposure. *See In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1087 n.4 (TTAB 2016) (stories are probative of the perceptions of the authors and of the content received by the readers); *In re Viventia Biotech Inc.*, 80 USPQ2d 1376, 1379 (TTAB 2006) (use of term in articles shows authors' belief that term is appropriate way to describe goods and that readers will understand the meaning of the term).

Second, the Examining Attorney submitted a sufficient quantity of third-party websites and registrations to make a prima facie case that wine and beer, ale, lager,

⁴⁷ November 5, 2020 Denial of Request for Reconsideration (TSDR 36-51).

⁴⁸ *Id.* at TSDR 39

⁴⁹ *Id.* at TSDR 43.

⁵⁰ *See* "Beer Talk," Beer Advocate (beeradvocate.com) (January 6, 2015) attached to the February 27, 2020 Response to Office Action (TSDR 44).

⁵¹ Applicant's Brief, p. 15 (4 TABVUE 16).

stout and porter are related products. Applicants and examining attorneys should not submit unnecessarily cumulative evidence. *In re Homes & Land Publ'g Corp.*, 24 USPQ2d 1717, 1718 (TTAB 1992) (it is not necessary that an examining attorney submit all stories found, especially where there are a large number of them). *Cf. In re Max Capital Grp.*, 93 USPQ2d at 1245-46 (Board criticized applicant for submitting over 300 pages of Internet material, much of which was duplicative or irrelevant).

Third, the article on which Applicant relies states “Over 8,000 wineries compared to only 3,700 breweries.”⁵² However, it is not clear from that statement alone whether any of the 8,000 wineries is associated with a brewery or vice versa. In other words, the fact that there are 8,000 wineries does not mean that some percentage of those wineries are not associated with a brewery or that some percentage of the breweries are not associated with a winery.

Finally, there is no requirement that for wine and beer, ale, lager, porter and stout to be related that all, a majority, or even a significant segment of wineries must also be the source of beer, ale, lager, porter and stout. Therefore, evidence that there are more wineries than breweries does not aid Applicant in its attempt to rebut the Examining Attorney’s evidence.

We find Applicant’s wine related to Registrant’s beer, ale, lager, porter and stout.

⁵² “Beer Talk,” Beer Advocate (beeradvocate.com) (January 6, 2015) attached to the February 27, 2020 Response to Office Action (TSDR 44).

D. Established, likely-to-continue channels of trade, and classes of consumers.

The excerpts from the third-party websites show that some wineries/breweries sell both beer and wine and that some of the same consumers will encounter the beer and wine in the same marketing milieu. Applicant concedes that wine is sold in the same channels of trade as beer.

Beer and wine are sold (a) online, (b) in retail, (c) in restaurants, and (d) in locations of production / concert venues.⁵³

We find that wine and beer, ale, lager, porter and stout are sold in some of the same channels of trade to some of the same consumers.

E. Conditions under which and customers to whom sales are made, i.e., careful, sophisticated purchases vs. “impulse” purchases.

Applicant contends that the conditions under which beer and wine are sold minimizes the likelihood of confusion because (i) customers must be at least 21 years old,⁵⁴ (ii) retailers have developed guides at the point of sale,⁵⁵ (iii) beer and wine are sold in separate sections of stores and may be sorted by type,⁵⁶ and (iv) the selection of wine is not done quickly or randomly.⁵⁷

Because the respective identifications include “wine” and “beer, ale, lager, porter and stout” without any particular price point or other limitations or restrictions, we

⁵³ Applicant’s Brief, p. 18 (4 TTABVUE 19).

⁵⁴ Applicant’s Brief, p. 17 (4 TTABVUE 18).

⁵⁵ Applicant’s Brief, p.18 (4 TTABVUE 19).

⁵⁶ Applicant’s Brief, p. 20 (4 TTABVUE 21).

⁵⁷ Applicant’s Brief, p. 20 (4 TTABVUE 21).

must treat the goods as including inexpensive as well as more costly wine and beer and, therefore, presume that purchasers for those beverages include ordinary consumers who may buy inexpensive beer and wine on impulse. *See Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014) (recognizing Board precedent requiring consideration of the “least sophisticated consumer in the class”). *See also In re Sailerbrau Franz Sailer*, 23 USPQ2d 1719, 1720 (TTAB 1992) (finding that all purchasers of wine may not be discriminating because while some may have preferred brands, “there are just as likely to be purchasers who delight in trying new taste treats.”).

We find the conditions under which sales are made is a neutral *DuPont* factor.

F. Conclusion.

Because the marks are similar, the goods are related and the goods are offered in some of the same channels of trade to some of the same classes of consumers, we find that Applicant’s mark NORTHCOAST WINE CO. for wine is likely to cause confusion with the registered mark NORTH COAST BREWERY for “beer, ale, lager, porter and stout.”

II. Whether NORTHCOAST WINE CO. is primarily geographically descriptive.

We list below the elements for proving that a mark is primarily geographically descriptive under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 1052(e)(2):

- (1) The mark is the name of a place known generally to the public;
- (2) The goods for which applicant seeks registration originate in the geographic place identified in the mark; and

(3) Purchasers would be likely to believe that the goods originate in the geographic place identified in the mark.

See In re Newbridge Cutlery Co., 776 F.3d 854, 113 USPQ2d 1445, 1448-49 (Fed. Cir. 2015); *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 824 F.2d 957, 3 USPQ2d 1450, 1452 (Fed. Cir. 1987); *In re Broken Arrow Beef & Provision, LLC*, 129 USPQ2d 1431, 1432 (TTAB 2019); *In re Hollywood Lawyers Online*, 110 USPQ2d 1852, 1853 (TTAB 2014).

“[T]he presence of generic or highly descriptive terms in a mark which also contains a primarily geographically descriptive term does not serve to detract from the primary geographical significance of the mark as a whole.” *Hollywood Lawyers Online*, 110 USPQ2d at 1853-54 (quoting *In re JT Tobacconists*, 59 USPQ2d 1080, 1082 (TTAB 2001) (MINNESOTA CIGAR COMPANY primarily geographically descriptive of cigars from Minnesota)).⁵⁸

Finally, we note that Applicant’s mark NORTHCOAST WINE CO. combines the words “North” and “Coast” into “Northcoast.” The compound word “Northcoast” does not have a different meaning from its constituent words “North Coast.” That is, the words “North Coast” are not lent any additional meaning simply by virtue of their having been combined into the compound term NORTHCOAST. Applicant has suggested no such other or additional meaning that results from the compression of

⁵⁸ Accordingly, we reject Applicant’s argument that the addition of the term “Wine Co.” to the mark NORTHCOAST WINE CO. “transforms a descriptive mark into a fully functional non-descriptive mark.” Applicant’s Brief, pp. 10-11 (4 TTABVUE 11-12). In this regard, we note that Applicant concedes that the term “North Coast” is geographically descriptive. Applicant’s Brief, p. 10 (TSDR 11) (“Applicant understands NORTH COAST to be geographically descriptive.”).

the two words into one, and we are aware of none. Therefore, if the evidence of record establishes that “North Coast” as applied to Applicant’s goods and services is primarily geographically descriptive, then the evidence also suffices to establish that NORTHCOAST is primarily geographically descriptive. *Cf. In re Gould Paper Corp.*, 834 F.2d 1017, 5 USPQ2d 1110 (Fed. Cir. 1987) (SCREENWIPE, a compound term composed of generic words SCREEN and WIPE, itself is generic for “pre-moistened, anti-static cloth for cleaning computer and television screens”); *In re Cox Enters. Inc.*, 82 USPQ2d 1040, 1043 (TTAB 2007) (“THEATL is simply a compressed version of the descriptive term THE ATL without a space between the two words. Without the space, THEATL is equivalent in sound, meaning and impression to THE ATL and is equally descriptive of applicant's goods”); *In re Planalytics Inc.*, 70 USPQ2d 1453 (TTAB 2004) (GASBUYER merely descriptive of providing on-line risk management services in the field of pricing and purchasing decisions for natural gas; the absence of the space does not create a different meaning or perception of the term); *In re A La Vieille Russie, Inc.*, 60 USPQ2d 1895, 1899 (TTAB 2001) (RUSSIANART is generic for “dealership services in the field of fine art, antiques, furniture and jewelry”).

Because the goods at issue are, inter alia, wine and wine glasses and the services are retail stores services featuring wine, conducting wine tastings and tours of wineries, the average purchaser is an American wine drinker.

A. Whether “Northcoast” is a generally known geographic place.

Based on the evidence we list below, the Examining Attorney contends that “Northcoast” is a generally known location, namely, the region in northern California referred to as the North Coast or the North Coast Viticultural Area.

- Coastal Conservancy website (scc.ca.gov)⁵⁹

North Coast

The California North Coast region extends from windswept beaches in Del Norte County at the Oregon border, southward some 370 miles through Humboldt, Mendocino and Sonoma Counties, to the spectacular Marin headlands overlooking San Francisco Bay and the Golden Gate Bridge.⁶⁰

- Visit California website (visitcalifornia.com)⁶¹

DISCOVER THE NORTH COAST

Romance finds a home in this idyllic coastal land, where ocean fog rolls in from the ocean to blanket hushed redwood forests. Along more than 100 miles of coast, artists set up their easels to paint scenes of pounding surf, picturesque headlands, and whitewashing cottages wrapped in rose-filled gardens.⁶²

- Wikipedia.org⁶³

North Coast (California)

⁵⁹ February 4, 2020 Office Action (TSDR 66-67). The Examining Attorney submitted this website a second time in the May 18, 2020 Office Action (TSDR 108). Evidence does not become more probative the more times the Examining Attorney submits it.

⁶⁰ *Id.* at TSDR 66.

⁶¹ February 4, 2020 Office Action (TSDR 68-69).

⁶² *Id.* at TSDR 68.

⁶³ *Id.* at TSDR 71-75. The Examining Attorney submitted this website a second time in the May 18, 2020 Office Action (TSDR 109-112).

The North Coast of California (also called the Redwood Empire or the Redwood Coast) is the region in Northern California that lies on the Pacific coast between the San Francisco Bay and the Oregon border. It commonly includes Mendocino, Humboldt, and Del Norte counties and sometimes includes two counties from the San Francisco Bay area, Marin and Sonoma.⁶⁴

Geography

The Pacific Ocean coast stretches from San Francisco Bay to Humboldt Bay and on to the border of Oregon.⁶⁵

- [Wikipedia.org](#)⁶⁶

North Coast AVA

The North Coast AVA is an American Viticultural Area in the state of California that encompasses grape-growing regions in six counties located north of San Francisco: Lake, Marin, Mendocino, Napa, Sonoma, and Solano. This large appellation covers over 3,000,000 acres (12,000 km) and includes a number of smaller sub-appellations that all share the common ecology trait of weather affected by the cool fog and breezes of the Pacific Ocean.⁶⁷

- [Wikipedia.org](#)⁶⁸

List of American Viticultural Areas

Contents

California

⁶⁴ *Id.* at TSDR 71.

⁶⁵ *Id.* at TSDR 72.

⁶⁶ *Id.* at TSDR 76-78.

⁶⁷ *Id.* at TSDR 76.

⁶⁸ February 27, 2020 Response to Office Action (TSDR 12-18).

North Coast

All of these AVAs are included within the geographical boundaries of the six-county North Coast AVA.⁶⁹

- Wine-Searcher website (wine-searcher.com)⁷⁰

North Coast Wine

California's North Coast AVA is vast, covering more than 3 million acres (1.2 million ha) of land to the north of San Francisco. ... [T]he area is home to some of the wine world's most valuable and distinctive real estate. The Napa Valley, Sonoma Valley, Russian River, Stags Leap and Carneros districts – the aristocracy of American wine – are all located here in the North Coast.⁷¹

- Food Reference website (foodreference.com)⁷²

California's North Coast Wine Region

The North Coast region is a wine and food lover's paradise – a tranquil scene of picturesque landscapes with rolling hills, sprawling vineyards and enchanting towns. The region is known for its distinctive vineyards and wineries, where visitors may enjoy an afternoon of wine tasting, stroll through local art galleries, take in the redwood forests and explore the rugged Pacifica Coastline. ...

Regional Description: A Wine Mecca

The North Coast grape growing region is comprised of the counties north of San Francisco including Lake, Marin, Mendocino, Napa, Sonoma and Solano, and is also home to more than 40 American Viticultural Areas (AVAs). The region – which consists of coastal mountain ranges, rolling hills, deep valleys and vast plains – produces some of the

⁶⁹ *Id.* at TSDR 14.

⁷⁰ February 4, 2020 Office Action (TSDR 79-84).

⁷¹ *Id.* at TSDR 79.

⁷² *Id.* at TSDR 100-102.

best grapes in the country. The North Coast forms a slightly crooked rectangle approximately 100 miles long and more than 50 miles wide from the Pacific Coast Ranges in the northwest to the Blue Ridge Mountain Range in the east to the San Pablo Bay in the South, encompassing more than three million acres of land.⁷³

- The Olive Experience website (oliveexperience.com)⁷⁴

North Coast

The North Coast is home to the grape region that put California on the map and encompasses Napa, Sonoma, Mendocino, Lake, Solano, and Marin Counties. It's a large wine growing region that is home to more than half of the state's wineries and is also a designated AVA. Within this AVA, many smaller, highly regarded growing regions and AVAs exist.⁷⁵

- Mendocino Wine Growers website (mendowine.com)⁷⁶

North Coast

The North Coast AVA is an American Viticultural Area in the state of California that encompasses grape-growing regions in six counties located north of San Francisco. The boundary of this AVA encompasses many smaller wine appellations, which generally have higher consumer appeal and therefore higher commercial value. ... The North Coast AVA designation is primarily used on bottles of wine created by blending wines from several counties or American Viticultural Areas.⁷⁷

⁷³ *Id.* at TSDR 100-101.

⁷⁴ *Id.* at TSDR 103-104.

⁷⁵ *Id.* at TSDR 103.

⁷⁶ May 18, 2020 Office Action (TSDR 113).

⁷⁷ *Id.*

- Gold Medal Wine Club website (goldmedalwineclub.com)⁷⁸

North Coast AVA

California

The North California wine region often referred to as the North Coast, includes Napa, Sonoma, Mendocino, Lake, Solano and Marin Counties. This large area, 3,000,000 acres in size, is home to half of the state's wineries. ...

... In most cases[,] bottles produced in the North Coast AVA will be labeled that way only if grapes from more than one of the sub AVAs are blended, otherwise the labels will most likely carry the appellation name instead.⁷⁹

- Taste California Travel website (tastecaliforniatravel.com)⁸⁰

Appellations of California Wine – North Coast

The North Coast American Viticultural Area (AVA) in California, covering more than three million acres, includes Napa, Sonoma, Mendocino and Lake counties, and portions of Marin and Solano counties. The area forms a slightly crooked triangle, approximately 100 miles long and more than 50 miles wide. A winemaking mecca since the mid 19th century, today the area features about 800 wineries, nearly half of the total wineries in the state.⁸¹

Applicant argues:

There are hundreds of “north coasts” in the United States, one on each lake for example. There is no demonstration shown and no evidence offered that any of the goods and services are connected with a specific piece of land located in California.⁸²

⁷⁸ *Id.* at TSDR 114.

⁷⁹ *Id.*

⁸⁰ *Id.* at TSDR 115-116.

⁸¹ *Id.* at TSDR 115.

⁸² Applicant's Brief, p. 12 (4 TTABVUE 13).

First, Applicant's argument directly contradicts the testimony in the Stroud declaration where Applicant's Vice President of Marketing attested to the fact that the goods and services at issue originate in the North Coast of California.

Second, Applicant's argument directly contradicts the above-noted evidence that the North Coast is a noted wine growing region noted for its wineries.

Finally, Applicant did not introduce any evidence that there are multiple "north coasts." *Cai v. Diamond Hong, Inc.*, 901 F.3d 1367, 127 USPQ2d 1797, 1799 (Fed. Cir. 2018) ("Attorney argument is no substitute for evidence."). Assuming arguendo there are multiple "north coasts," the fact that the mark identifies more than one geographic location does not necessarily detract from the term's primary geographic significance. *See, e.g., In re Loew's Theatres, Inc.*, 769 F.2d 764, 226 USPQ 865 (Fed. Cir. 1985) (DURANGO held primarily geographically deceptively misdescriptive of chewing tobacco not grown in Durango, Mexico, where the evidence of record showed that tobacco is a crop produced and marketed in that area, even though there is more than one place named Durango); *In re Cambridge Digital Sys.*, 1 USPQ2d 1659, 1662 (TTAB 1986) (CAMBRIDGE DIGITAL and design held primarily geographically descriptive of computer systems and parts thereof, where applicant's place of business is Cambridge, Massachusetts, even though there is more than one Cambridge).

We find that the primary significance of "North Coast" is a generally known geographical location.

B. Whether the goods and services originate from the “Northcoast.”

Melissa Phillips Stroud, Applicant’s Vice President of Sales and Marketing, attested that the goods listed in the application at issue “will be manufactured, packaged, shipped from, sold in or have an other [sic] connection with the North Coast of California and originate in this AVA.”⁸³ She also attested that the services listed in the application “will be rendered in, or have an other [sic] connection with the North coast [sic] of California.”⁸⁴

We find that Applicant’s goods and services originate from the “North Coast.”

C. Whether purchasers would be likely to believe that the goods and services originate in the “Northcoast.”

Finally, we address whether purchasers would likely believe that the goods and services originate in the geographic location identified by “Northcoast” or “North Coast” (i.e., “a goods/place association” or “services/place association”). The USPTO needs to show “a reasonable predicate” for its conclusion that the public would be likely to make the particular goods or services/place association. *Newbridge Cutlery*, 113 USPQ2d at 1449 (quoting *In re Miracle Tuesday, LLC*, 695 F.3d 1339, 104 USPQ2d 1330, 1333 (Fed. Cir. 2012) (quoting *In re Pacer Tech.*, 338 F.3d 1348, 67 USPQ2d 1629, 1631 (Fed. Cir. 2003))); *Loew’s Theatres*, 226 USPQ at 868 (“The PTO’s burden is simply to establish that there is a reasonable predicate for its conclusion that the public would be likely to make the particular goods/place association on which it relies.”).

⁸³ Stroud Decl. ¶2 attached to the February 27, 2020 Response to Office Action (TSDR 9).

⁸⁴ *Id.*

Where, as here, the geographic significance of a term is its primary significance and the geographic place is neither obscure nor remote, for purposes of §2(e)(2), the goods/place or services/place association may be presumed from the fact that the applicant's goods or services originate in or near the place named in the mark. *In re Spirits of New Merced, LLC*, 85 USPQ2d 1614, 1621 (TTAB 2007) (YOSEMITE BEER held geographically descriptive of beer produced and sold in a brewpub in Merced, California, the Board stating that “[s]ince the goods originate at or near [Yosemite National Park], we can presume an association of applicant’s beer with the park.”); *In re Joint-Stock Co. “Baik,”* 80 USPQ2d 1305 (TTAB 2006) (BAIKALSKAYA – the Russian equivalent of from Baikal or Baikal’s – held primarily geographically descriptive of vodka made from water piped from Lake Baikal, the Board presuming a goods/place association “because applicant is located near Lake Baikal, in the city of Irkutsk.”); *In re Cal. Pizza Kitchen Inc.*, 10 USPQ2d 1704 (TTAB 1988) (CALIFORNIA PIZZA KITCHEN held primarily geographically descriptive of restaurant services that originate in California); *In re Handler Fenton Westerns, Inc.*, 214 USPQ 848 (TTAB 1982) (DENVER WESTERNS held primarily geographically descriptive of western-style shirts originating in Denver).

Accordingly, because, as noted above, we find that Applicant’s goods and services originate in the North Coast of California, we presume that there is a goods/place and services/place association among the consuming public.

C. Conclusion

Because the primary significance of “North Coast” is a known geographical

location, the goods and services at issue originate from the “North Coast,” and, therefore, we presume there is a goods/place and services/place association, we find that Applicant’s mark NORTHCOAST WINE CO. is primarily geographically descriptive of the recited goods and services.

Because we have affirmed the refusal to register Applicant’s mark under Section 2(e)(2) of the Trademark Act, 15 U.S.C. § 1052(e)(2), we need not reach the merits of the refusal under Sections 1, 2, 3, and 45 of the Trademark Act, 15 U.S.C. §§ 1051, 1052, 1053, and 1127, on the ground that Applicant’s mark NORTHCOAST WINE CO. is a known grape growing region in the U.S. and, therefore, it is informational matter to indicate wine originating from the North Coast of California. *See Multisorb Techs., Inc. v. Pactiv Corp.*, 109 USPQ2d 1170 (TTAB 2013).

Decision: We affirm the refusal to register Applicant’s mark NORTHCOAST WINE CO. in connection with the goods in International Class 33 on the basis of likelihood of confusion with the mark in Reg. No. 4925309 under Section 2(d) of the Trademark Act.

We affirm the refusal to register Applicant’s mark NORTHCOAST WINE CO. in connection with all the goods and services recited in the application under Section 2(e)(2) of the Trademark Act.