

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

In the matter of trademark application serial number 76499149
International class 43
For the mark Speak Easy
Published in the official gazette on 2004 Feb 17

(Mercil LLC.)

v.

(Moonshine Inc.)



04-16-2004

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #22

NOTICE OF OPPOSITION

Speak Easy Italian Restaurant
Susan Mercil; Minnesota
1100 N. Shore Drive Detroit Lakes, M.N.

The above-identified opposer believes that it/he/she will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same mark on international class 43.

Grounds for opposition are as follows:

- (1) Speak Easy Restaurant and Lounge of Moorhead, has been used in Commerce since July 1st 1977 and can be proved by tax documents upon request.
- (2) The Restaurant has a 1920's 1930's theme after the original Speak Easies and has built a great customer base under that profile.
- (3) We believe that common law rights have been established as stated in paragraph (1) and find that giving Moonshine Inc. Sole rights to the name (Speak Easy) would be seriously damaging to a name that our family has spent over twenty five years establishing.
- (4) The Speak Easy Restaurant (Susan Mercil) would like to acquire the Mark as stated (Speak Easy) under international class 43.
- (5) Included on the next page is a "Specimen" of the Speak Easy Restaurant and Lounge. This is the mark that is in commerce both in Moorhead, Minnesota and Detroit Lakes, Minnesota.

Enclosed is the fee of \$300.00 for international class 43

Signed

Susan Mercil Date 4/15/04

04/20/2004 EPINA1 00000056 76499149

01 FC:6402

300.00 OP



OR VISIT WWW.SPEAKEASYRESTAURANT.COM

Please Send Correspondence to.

Speak Easy Restaurant

1100 N. Shore Drive

Detroit Lakes, MN 56501

ED 01662291 US



Customer Copy
Label 11-B September 2002

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 58102

Date in Mo. 4 Day 16 Year 04

Time in AM PM

Weight lbs. 1.9

Day of Delivery Next Second

Flat Rate Envelope

Postage \$ 13.65

Return Receipt Fee

COD Fee

Insurance Fee

Acceptance Clerk Initials *md*

Int'l Alpha Country Code

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DELIVERY (POSTAL USE ONLY)

Delivery Attempt Mo. Day Time AM PM Employee Signature

Delivery Date Mo. Day Time AM PM Employee Signature

Customer Signature

NO DELIVERY Weekend Holiday

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PAYMENT BY ACCOUNT Express Mail Corporate Act. No.

WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested.

Additional merchandise insurance is void if delivery is requested without obtaining signature of recipient. Signature of recipient is required. Signature of employee is required. Signature of employee is required. Signature of employee is required. Signature of employee is required.

FROM: (PLEASE PRINT)

Speak Easy Restaurant
1100 N. Shore Drive,
Detroit Lakes, MN 56501

TO: (PLEASE PRINT)

ATTN: TRADE MARK TRIAL & MERCH
BOARD
United States Patent and Trademark Office
2900 Crystal Drive
Spring Tower VA Building 202-3514

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