



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

William Grant & Sons, Inc.)
)
Opposer,) Opposition No. _____
)
v.)
)
Monty Velasco)
)
Applicant.)

TTAB

NOTICE OF OPPOSITION

Honorable Commissioner
Of Patents and Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Dear Sir:

In the matter of Application Serial No. 78/243,307 for registration of the trademark **CANCUN IGUANA** for beer, filed April 29, 2003 by Monty Velasco (hereinafter "Applicant") which was published in the Official Gazette of August 17, 2004 at Page TM316; William Grant & Sons, Inc., a New Jersey corporation, having a principal business address at 130 Fieldcrest Avenue, Edison, New Jersey 08837 (hereinafter "Opposer") believes it will be damaged by registration of **CANCUN IGUANA** and hereby opposes the registration of said mark. The grounds for opposition are as follows:

1. Opposer is using the trademark **CANCUN** for tequila in the United States, and is the owner of Registration No. 2048911 issued April 1, 1997.

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2. Applicant's registration for its **CANCUN** mark issued over six (6) years prior to the filing of Applicant's application for **CANCUN IGUANA**, the application herein opposed.

3. Opposer has used the mark **CANCUN** for tequila in commerce since long prior to the filing of Applicant's application herein opposed.

4. On information and belief, Applicant has made no use of its mark **CANCUN IGUANA** for beer and can rely only on the filing date of its application as a constructive first use date.

5. The goods of the parties are legally identical, both being alcoholic beverages.

6. The marks of the parties are substantially similar, both containing the word mark **CANCUN**.

7. Applicant's mark **CANCUN IGUANA** so resembles Opposer's previously used trademark **CANCUN** as to be likely, when applied to the goods of the parties, to cause confusion, to cause mistake or to deceive.

8. At the time of filing of the application herein opposed, Applicant had actual knowledge of Opposer's prior rights in the mark **CANCUN** having been involved in a previous opposition with Opposer over the trademark **CANCUN**. Applicant has unclean hands in proceeding with a mark including **CANCUN** as in the application herein opposed.

9. The registration and use of the mark sought to be registered and is alleged to be intended to be used by Applicant will injure

Opposer by causing the trade and/or purchasing public to be confused, mistaken or deceived into believing that the goods of the Applicant are those of the Opposer and/or are sponsored by the Opposer to Opposer's damage, and will place a cloud on Opposer's title to its trademark **CANCUN**.

Wherefore, Opposer prays that the Opposition be sustained and that the application for registration of the trademark of Applicant be refused. The government filing fee of \$300.00 is attached hereto.

Date: 25 Aug 04

Respectfully submitted

WILLIAM GRANT & SONS, INC.

By: 

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