

ESTTA Tracking number: **ESTTA526249**

Filing date: **03/12/2013**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Age International Inc.
Granted to Date of previous extension	03/13/2013
Address	228 West Main Street Frankfort, KY 40602 UNITED STATES

Attorney information	Paul Fields Leason Ellis LLP One Barker AvenueFifth Floor White Plains, NY 10601 UNITED STATES tmdocket@leasonellis.com, fields@leasonellis.com,segall@leasonellis.com
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Applicant Information

Application No	85643325	Publication date	11/13/2012
Opposition Filing Date	03/12/2013	Opposition Period Ends	03/13/2013
Applicant	Phillips Products Company, LLC 1607 South 12th Street Princeton, MN 55371 UNITED STATES		

Goods/Services Affected by Opposition


Class 033. All goods and services in the class are opposed, namely: Bourbon
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	547383	Application Date	12/22/1947
Registration Date	09/04/1951	Foreign Priority Date	NONE
Word Mark	ANCIENT AGE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U049 (International Class 033). First use: First Use: 1936/03/27 First Use In Commerce: 1936/03/27 WHISKEY

U.S. Registration No.	1100938	Application Date	04/01/1977
Registration Date	08/29/1978	Foreign Priority Date	NONE
Word Mark	ANCIENT ANCIENT AGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1962/10/05 First Use In Commerce: 1962/10/05 KENTUCKY STRAIGHT BOURBON WHISKEY		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	AGE INTERNATIONAL		
Goods/Services	bourbon		

Attachments	71545172#TMSN.gif (1 page)(bytes) kentuckyage-noticeopp.pdf (15 pages)(289997 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/karinsegall/
Name	Karin Segall
Date	03/12/2013

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

AGE INTERNATIONAL, INC.)	
)	
Opposer,)	
)	Opposition No. _____
v.)	Application Ser. No. 85643325
)	Published in the Official Gazette on
PHILLIPS PRODUCTS COMPANY, LLC)	November 13, 2012
)	Filing Date: June 5, 2012
Applicant.)	

NOTICE OF OPPOSITION

Age International, Inc. (“Opposer”), a corporation formed under the laws of Kentucky, located at 228 West Main Street, Frankfort, Kentucky 40602, believes it will be damaged by the registration of the designation KENTUCKY AGE BOURBON, as shown in Application Serial No. 85643325 (the “’325 App.”) for use in connection with “bourbon,” filed by Phillips Products Company, LLC (“Applicant”) and hereby opposes the same. An extension of time to oppose the ‘325 App. has been granted until March 13, 2013 on behalf of Opposer.

The grounds for opposition are:

1. Opposer is the owner of the mark ANCIENT AGE for bourbon, including Reg. No. 547383 covering the ANCIENT AGE mark for use with whiskey.
2. Opposer’s rights in the ANCIENT AGE mark date from at least as early as March 27, 1936.
3. Opposer is also the owner of Reg. No. 1100938, covering the mark ANCIENT ANCIENT AGE for use with Kentucky Straight Bourbon.
4. Opposer’s rights in ANCIENT ANCIENT AGE date to at least as early as October 6, 1962.

5. Since changing its name in May 27, 1987, Opposer has operated under the trade name Age International Inc. in connection with offering a line of bourbons under such brands as BLANTON'S, HANCOCK'S RESERVE and ANCIENT AGE.

6. Opposer uses its AGE INTERNATIONAL trade name on the website for its BLANTON'S bourbon, as shown in the attached Exhibit A.

7. Upon information and belief, the AGE INTERNATIONAL trade name is well known and immediately recognized in the field of bourbon as shown by the pages from the Bourbon Enthusiast Blog attached as Exhibit B.

8. The AGE element is featured prominently on Opposer's products, as shown by the specimen labels showing use of the ANCIENT AGE and ANCIENT ANCIENT AGE marks attached as Exhibit C.

9. Upon information and belief the term AGE as a trademark for bourbon and whiskey has come to be associated with Opposer through Opposer's long and substantially exclusive use of AGE as a source indicator, including within its ANCIENT AGE and ANCIENT ANCIENT AGE marks and its AGE INTERNATIONAL trade name (collectively "Opposer's Marks").

10. Applicant filed the '325 App. to register KENTUCKY AGE BOURBON in respect of "bourbon" ("Applicant's Goods") on June 5, 2012 based on intent to use under Section 1(b) of the Lanham Act.

11. AGE is the only word not disclaimed apart from the entirety of Applicant's KENTUCKY AGE BOURBON mark.

12. The parties' respective goods are identical.

13. Upon information and belief, Applicant's KENTUCKY AGE BOURBON mark so resembles Opposer's Marks such that consumers are likely to conjure an association between Applicant's mark and Opposer's Marks and are likely to be confused, mistaken and deceived into believing that Applicant's

Goods are provided, sponsored, licensed or approved by Opposer, that Applicant's and Opposer's goods emanate from the same source and/or that Applicant is in some other fashion connected or associated with Opposer, all to Opposer's injury.

14. Registration of the '325 App. by Applicant is barred by the provisions of 15 U.S.C. §1052(d), for the reason that it consists of or comprises a mark which so resembles Opposer's Marks as to be likely, when applied to the goods of Applicant, to cause confusion, mistake or to deceive.

WHEREFORE, Opposer respectfully requests that the '325 App. be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Pursuant to 37 C.F.R. §2.101 Opposer has served a copy of the Notice of Opposition on the Applicant identified on the USPTO's database by first class mail on March 12, 2013. A copy of the Certificate of Service is attached.

The required fee of \$300.00 is enclosed.

Respectfully submitted,

LEASON ELLIS LLP

Dated: White Plains, New York
March 12, 2013

By: /Karin Segall/

Paul Fields
Karin Segall
One Barker Avenue – Fifth Floor
White Plains, New York 10601
914.821.9077
Fields@leasonellis.com

Attorneys for Opposer
Age International, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing NOTICE OF OPPOSITION was served by first-class mail, postage pre-paid, upon Applicant at the following address:

Paulette R. Carey, Esq.
Buchman Law Firm, LLP
510 Thornall St, Ste 200
Edison, New Jersey 08837-2204

Dated: March 12, 2013

 /aleshahanson/

EXHIBIT A



Awards

2012 Double Gold Medal San Francisco World Spirits Competition
2012 Chairman's Trophy, Ultimate Spirits Challenge
2011 Double Gold Medal, San Francisco World Spirits Competition
2011 Gold Medal "Best of the Best" Los Angeles International Wine and Spirits Competition
2011 Best Packaging Double Gold Medal San Francisco World Spirits Competition
2011 Whiskey of the Year ISW Internationaler Spirituosen Wettbewerb (Germany)
2010 Gold Medal, San Francisco World Spirits Competition
2010 Very Good / Recommended, Ultimate Spirits Challenge
2010 Silver Medal, Los Angeles International Wine and Spirits Competition
2009 Double Gold Medal, San Francisco World Spirits Competition

Reclams

Blanton's has made TV appearances in:
Outlaw
Entourage
True Blood
Bored to Death
Desperate Housewives
Justified
Big Bang Theory
Southland
NCIS
CSI

2010 - World's Coolest Liquor Bottles - Fox News acclaims Blanton's as one of the World's Top 10 Coolest Liquor Bottles
Jim Murray's Whisky Bible voted Blanton's The Original Single Barrel Bourbon as "Liquid Gold."

EXHIBIT B



BourbonEnthusiast.com

Whiskey info, news, reviews, forums, history & more!

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age international

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[Re: what I brought home this week and why? vol. III](#)

took an international flight this weekend so checked duty free and while WT 8 year has gone up \$7 a liter, they had WT 12 year at \$40 which I hadn't seen in Boston Logan last year when I went through there a few times.

by [gauze](#)

Mon Oct 15, 2012 7:00 am

Forum: [Bourbon, Straight](#)

Topic: [what I brought home this week and why? vol. III](#)

Replies: **277**

Views: **26711**

- [Jump to post](#)

[Re: Why not much on the Ancient Age family of bourbons?](#)

... old in KY. I consider AA to be an ok inexpensive bourbon. The other Age International brands generate a lot more excitement.

by [PaulO](#)

Mon Sep 03, 2012 4:13 pm

Forum: [Bourbon, Straight](#)

Topic: [Why not much on the Ancient Age family of bourbons?](#)

Replies: **9**

Views: **951**

- [Jump to post](#)

[Re: Ask How Much Your Bottle is Worth Here](#)

... the subject. Let me know if you need anything else. Thanks, John Shutt -International Sales and Marketing Age International Inc. 229 West Main St. Frankfort, KY 40602 (p)502-223-9874 x4 (m) 502-229-1633 ...

by [waikikigoldandsilver](#)

Thu Aug 16, 2012 3:37 pm

Forum: [Collector's Corner](#)

Topic: [Ask How Much Your Bottle is Worth Here](#)

Replies: **139**

Views: **24260**

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[Re: Rye Shortage](#)

That's very interesting John, but at the same time, there has been a slowly growing wave of international interest in American rye whiskey which IMO began with the lyrical, evocative and beautifully illustrated rye whiskey chapters of Michael Jackson's World Guide To ...

by [gillmang](#)

Wed Jun 20, 2012 3:51 pm

Forum: [Non-Bourbon Whiskey](#)
Topic: [Rye Shortage](#)
Replies: **8**
Views: **1948**

- [Jump to post](#)

[Re: Suggestions for a bourbon newbie who wants tasty and smooth?](#)

... Roses in Lawrenceburg Kentucky. But before that it was sourced from Age International, what is now the Buffalo Trace distillery. BT hasn't changed either their mashbill ...

by [EllenJ](#)

Mon Jun 11, 2012 2:01 pm

Forum: [Bourbon, Straight](#)
Topic: [Suggestions for a bourbon newbie who wants tasty and smooth?](#)
Replies: **21**
Views: **2271**

- [Jump to post](#)

[Re: Two <\\$50 bourbons and a vatting of about the same value](#)

... a world of difference. The higher rye mashbill is the one used for Age International brands like Ancient Age, Rock Hill Farms, Blanton's, Elmer T. Lee, and possibly ...

by [shoshani](#)

Fri May 11, 2012 9:36 am

Forum: [Bourbon, Straight](#)
Topic: [Two <\\$50 bourbons and a vatting of about the same value](#)
Replies: **2**
Views: **496**

- [Jump to post](#)

[Re: Ask How Much Your Bottle is Worth Here](#)

I have a unopened bottle of Suntroy Yamazaki Whiskey from the 1978 opening of the Tokyo International Airport. Any ideas of the value of this?

by [maddogoday](#)

Sat Apr 28, 2012 10:39 am

Forum: [Collector's Corner](#)
Topic: [Ask How Much Your Bottle is Worth Here](#)
Replies: **139**
Views: **24260**

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[1978 Suntory Yamazaki Whisky - Worth?](#)

I have a unopened bottle of Suntory Yamazaki Whiskey from the 1978 opening of the Tokyo International Airport. Does anyone know how much it is worth?

by [maddogoday](#)

Fri Apr 27, 2012 9:13 pm

Forum: [Collector's Corner](#)

Topic: [1978 Suntory Yamazaki Whisky - Worth?](#)

Replies: **0**

Views: **575**

- [Jump to post](#)

[Re: 15 Rare Old by Consolidated Kentucky Distilleries](#)

... think of the period in the early '80s when the Japanese demand for overaged whiskey really began to shape the marketing strategy of the distilleries and international wholesalers. Prior to that, a fifteen-year-old BOURBON (unlike Scotch) was not ...

by [EllenJ](#)

Fri Feb 24, 2012 3:35 pm

Forum: [Bourbon Lore](#)

Topic: [15 Rare Old by Consolidated Kentucky Distilleries](#)

Replies: **2**

Views: **1332**

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[Re: Low price High quality...](#)

... can go to \$5? I'll mention a few. Lots of good Cubans in this range. If you're in America they're illegal :wink: If you watch Joe cigar at Cigars international, you can get any Don Pepin Garcia for less than \$5, Cains for under \$5. 601 Blue online is less than \$5 without looking hard. Joy de Nicaragua ...

by [Zanaspus](#)

Mon Feb 13, 2012 1:02 pm

Forum: [The Humidor](#)

Topic: [Low price High quality...](#)

Replies: **9**

Views: **2281**

- [Jump to post](#)

[Re: Favorite Craft Whiskey](#)

... Of course there have always been national brands; many of the brands we enjoy and discuss here are owned by outside businesses and even international concerns. I'm not saying there's anything inherently wrong with that, but it does make it more likely that homogenization of product and ...

by [gman58](#)

Tue Jan 24, 2012 10:36 pm

Forum: [Bourbon, Straight](#)

Topic: [Favorite Craft Whiskey](#)

Replies: 7

Views: **825**

- [Jump to post](#)

[Re: Wixing Miskies and spirits](#)

... it is interesting that there seems to be two products that outsale both JW and JD that call themselves whiskey, but are not accepted as whiskey by international trade agreements. They are both made in India and their sales all come from the Indian market. They are "whiskeys" that use ...

by [bourbonv](#)

Fri Oct 28, 2011 3:39 pm

Forum: [Bourbon, Straight](#)

Topic: [Wixing Miskies and spirits](#)

Replies: **15**

Views: **2057**

- [Jump to post](#)

[Re: Duty Free Bourbons](#)

The only thing I want out of duty free or international is Blanton's Straight from the Barrel.

http://www.blantonsbourbon.com/straight_from_the_barrel

That sounds right up my alley, and with as rich and full-flavored as Blanton's is, I imagine that this is heavenly.

by [howardf](#)

Sun May 29, 2011 3:12 pm

Forum: [Bourbon, Straight](#)

Topic: [Duty Free Bourbons](#)

Replies: **19**

Views: **1974**

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[Re: Duty Free Bourbons](#)

... know our cigs are juiced, but still, a Marlboro Red should be the same but they aren't. Anyone who notices a difference is told it's made for an 'international palate'. Benson n Hedges Special filter is a damn good cig if your inclined that way. Just buy on the local economy. Good European handrolling ...

by [Satty Beach](#)

Sun May 29, 2011 2:42 pm

Forum: [Bourbon, Straight](#)

Topic: [Duty Free Bourbons](#)

Replies: **19**

Views: **1974**

- [Jump to post](#)

[Re: Old Humidor](#)

... ring at the bottom of the band, that's a great cigar; have a couple in humidor. As for online sites, there are two that I use JR Cigars Cigars International I have not tried Famous Smoke, Thompson Cigars, etc. Key is to look at all of them for a specific cigar and see who's deal is the best.

by [ggilbertva](#)

Thu Sep 16, 2010 12:52 pm

Forum: [The Humidor](#)

Topic: [Old Humidor](#)

Replies: **13**

Views: **2508**

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EXHIBIT C



The Buffalo Trace Distillery

The site of the Ancient Age Distillery has a rich history dating back to 1773 when buffalo roamed their well worn trails along the Kentucky River. Early pioneers followed the Buffalo Trace when they first settled this area of Kentucky which was later to become the Leestown and Frankfort communities. One of those very first pioneers was Daniel Boone.

Located on the old Buffalo Trace the Leestown settlement was an early center for transportation. Clear limestone water and accessible trade routes in the area made it perfect for distilling whiskey.

(Continuation)

(Continuation)

By 1869 an existing distillery which would eventually be known as the Ancient Age Distilling Company was officially licensed on the site. From the very first barrel it was known for its fine, smooth whiskey, beginning a tradition of excellence which continues to this day.

Steeped in history and tradition the Ancient Age Distilling Company, the largest bourbon distillery in the world, still occupies its original site on the old Buffalo Trace.

Distilling Since 1869

Ancient Age

8 YEARS OLD

Kentucky Straight Bourbon Whiskey

Carefully distilled along the banks of the Kentucky River according to the finest old traditions.

Genuine Sour Mash

ウイスキー ALC.43% BY VOL.(86 PROOF)

04-0021

