

ESTTA Tracking number: **ESTTA556841**

Filing date: **08/29/2013**

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	Frank-Lin Distillers Products, Ltd.
Granted to Date of previous extension	08/31/2013
Address	PO Box 610877 San Jose, CA 95161 UNITED STATES

Correspondence information	Frank-Lin Distillers Products, Ltd. C/O Ann A. Nguyen Robinson & Wood, Inc. 257 North First Street San Jose, CA 95113 UNITED STATES aan@robinsonwood.com, rmf@robinsonwood.com Phone:408/298-7120
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Applicant Information

Application No	85927684	Publication date	07/02/2013
Opposition Filing Date	08/29/2013	Opposition Period Ends	08/31/2013
Applicant	Tanteo Spirits, LLC 166 Mercer Street, Suite 3F New York, NY 10012 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2012/06/01 First Use In Commerce: 2012/06/01 All goods and services in the class are opposed, namely: Alcoholic beverages, namely, tequila infused with flavors
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	BEYOND VODKA		
Goods/Services	Distilled spirits, namely, vodka for human consumption.		

U.S. Registration No.	3955023	Application Date	09/23/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	BEYOND VODKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2002/04/15 First Use In Commerce: 2002/05/07 Distilled Spirits, namely, vodka for human consumption		

U.S. Registration No.	3955023	Application Date	09/23/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	BEYOND VODKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2002/04/15 First Use In Commerce: 2002/05/07 Distilled Spirits, namely, vodka for human consumption		

Attachments	Opposition with POS.pdf(31463 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	/Rachelle M. France/
Name	Frank-Lin Distillers Products, Ltd.
Date	08/29/2013

Ann A. Nguyen (Cal. State Bar No. 178712)
ROBINSON & WOOD, INC.
227 North First Street
San Jose, CA 95113
Phone: (408) 298-7120
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Attorneys for Opposer
FRANK-LIN DISTILLERS PRODUCTS, LTD.

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

In the matter of trademark application Serial No. 85927684
For the mark: **BEYOND ORDINARY**
Published in the Official Gazette on July 2, 2013

FRANK LIN DISTILLER PRODUCTS, LTD
Opposer,

vs.

TANTEO SPIRITS, LLC
Applicant.

NOTICE OF OPPOSITION (15 U.S.C. § 1063)

Frank Lin Distillers, Ltd.,
a California corporation
Post Office Box 610877
San Jose, California 95161

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Frank-Lin Distillers Products, Ltd (hereinafter "Frank-Lin") possesses valid federal trademark rights to the BEYOND VODKA mark (USPTO Registration No. 3955023; Serial Number 85136676).
2. BEYOND VODKA is indicative of distilled spirits, namely, vodka for human consumption. (Int'l Classification 33)

3. Frank-Lin's date of first use of BEYOND VODKA was April 15, 2002.
4. Frank-Lin's date of first use in commerce of BEYOND VODKA was May 7, 2002.
5. Frank-Lin filed for federal trademark protection of BEYOND VODKA on or about September 23, 2010.
6. BEYOND VODKA was registered on the USPTO's Principal Register on May 3, 2011.
7. Tanteo Spirits, LLC ("Applicant") filed for federal trademark protection of BEYOND ORDINARY pursuant to 15 U.S.C. § 1051(a) on or about May 9, 2013. (USPTO Serial Number 85927684).
8. BEYOND ORDINARY is indicative of alcoholic beverages, namely, tequila infused with flavors. (Int'l Classification 33)
9. BEYOND ORDINARY was published for opposition on July 2, 2013.
10. Frank-Lin opposes the registration of Applicant's mark pursuant to 15 U.S.C. § 1052(d).
11. BEYOND ORDINARY consists of or comprises a mark which so resembles Frank-Lin's mark registered in the Patent and Trademark Office (i.e. BEYOND VODKA).
12. Applicant's use of BEYOND ORDINARY, when used on or in connection with Applicant's goods, will be likely to cause confusion, or to cause mistake, or to deceive, namely, with regard to BEYOND VODKA.
13. Applicant is not entitled to concurrent registration pursuant to 15 U.S.C. § 1052(d).
14. Frank-Lin does not consent to concurrent registration of Applicant's mark pursuant to 15 U.S.C. § 1052(d).
15. Frank-Lin further opposes the registration of Applicant's mark pursuant to 15 U.S.C. § 1125(c).
16. Applicant's use of BEYOND ORDINARY will commence, if at all, after BEYOND VODKA has become distinctive and famous and will cause dilution of the distinctive quality of Frank-Lin's BEYOND VODKA mark.

Date: August 29, 2013

ROBINSON & WOOD, INC.

By: /s/
ANN A. NGUYEN
Counsel for Opposer, FRANK-LIN

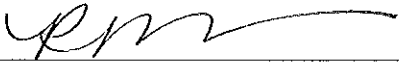
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient posting as first class mail in an envelope addressed to:

Attorney for Tanteo Spirits, LLC

Lane Belisomo
Butler Snow
P.O. Box 171443
Memphis TN 38187-1443

Dated: August 29, 2013



RACHELLE M. FRANCE