

ESTTA Tracking number: **ESTTA560329**

Filing date: **09/19/2013**

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	Patron Spirits International AG		
Entity	aktiengesellschaft	Citizenship	Switzerland
Address	Quaistrasse 11 Schaffhausen, 8200 SWITZERLAND		
Attorney information	Bernard R. Gans Jeffer Mangels Butler & Mitchell LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080		

Applicant Information

Application No	85719717	Publication date	08/20/2013
Opposition Filing Date	09/19/2013	Opposition Period Ends	09/19/2013
Applicant	Patron Saints Brewing Company 541 Golf Glenn Drive San Marcos, CA 92069 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 2010/07/20 First Use In Commerce: 2010/07/20
All goods and services in the class are opposed, namely: Beer

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. Registration No.	1809473	Application Date	07/28/1992
Registration Date	12/07/1993	Foreign Priority Date	NONE
Word Mark	PATRON		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 1990/08/00 First Use In Commerce: 1990/08/00 tequila		
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U.S. Registration No.	2969941	Application Date	08/25/2003
Registration Date	07/19/2005	Foreign Priority Date	NONE
Word Mark	PATRON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2003/02/28 First Use In Commerce: 2003/02/28 Tequila; distilled spirits		

U.S. Registration No.	2942978	Application Date	04/03/2003
Registration Date	04/19/2005	Foreign Priority Date	NONE
Word Mark	GRAN PATRON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2004/06/24 First Use In Commerce: 2004/06/24 Alcoholic beverages, namely, distilled spirits and liquors		

U.S. Registration No.	3332736	Application Date	06/30/2006
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	GRAN PATRON BURDEOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2007/03/01 First Use In Commerce: 2007/03/13 ALCOHOLIC BEVERAGES, NAMELY, DISTILLED SPIRITS, TEQUILA, AND LIQUORS		

U.S. Registration No.	1950491	Application Date	08/10/1994
Registration Date	01/23/1996	Foreign Priority Date	NONE
Word Mark	PATRON XO CAFE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1994/05/01 First Use In Commerce: 1994/05/01 coffee liqueur with tequila		

U.S. Registration No.	3129020	Application Date	03/17/2005
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Registration Date	08/15/2006	Foreign Priority Date	NONE
Word Mark	PATRON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 METAL KEY CHAINS Class 018. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 TRAVEL BAGS; TOTE BAGS Class 021. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 COCKTAIL SHAKERS; GLASS BEVERAGEWARE, INCLUDING DRINKING GLASSES AND SHOT GLASSES Class 025. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 HEADGEAR, NAMELY CAPS AND HATS; CLOTHING, NAMELY JACKETS, POLO SHIRTS, GOLF SHIRTS AND SWEATSHIRTS Class 028. First use: First Use: 2005/01/01 First Use In Commerce: 2005/01/01 GOLF BALLS; GOLF BAGS		

Attachments	0037 Notice of Opposition - App. No. 85719717 - PATRON SAINTS BREWING COMPANY.pdf(61314 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	/bernr d. r. gans/
Name	Bernard R. Gans
Date	09/19/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

<p>PATRÓN SPIRITS INTERNATIONAL AG, a Switzerland aktiengesellschaft, Opposer, v. PATRON SAINTS BREWING COMPANY, a California limited liability company, Applicant.</p>	<p>Opposition No.: _____ Application Serial No.: 85/719,717 Mark: PATRON SAINTS BREWING COMPANY Published for Opposition: August 20, 2013 Atty. Ref. No.: 57062-0337</p>
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Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

Opposer Patrón Spirits International AG ("Opposer"), a Switzerland company, having an address of Quaistrasse 11, 8200 Schaffhausen, Switzerland believes that it will be damaged by the registration on the Principal Register of PATRON SAINTS BREWING COMPANY in connection with "beer" in International Class 32. The mark PATRON SAINTS BREWING COMPANY is the subject of Application Serial No. 85/719,717, filed by Patron Saints Brewing Company ("Applicant"), and Opposer hereby opposes registration thereof.

As grounds for this Opposition, it is alleged that:

1. Opposer, through its related and affiliated companies, produces and markets a range of alcoholic beverages, including tequila, coffee liqueur, orange liqueur, rum, and vodka.
2. Opposer is the source of the well-known PATRON[®] brand of premium tequila and other alcoholic beverages. Opposer has enjoyed tremendous success in selling its PATRON[®] tequila and related products throughout the United States. Opposer, and its

predecessors-in-interest, have continuously sold its successful PATRON[®] tequila and related products in the United States since at least as early as August 31, 1990. As a result, Opposer has common law rights in the PATRON[®] trademark which predate Applicant's rights. Opposer and its predecessors-in-interest have developed, through the investment of millions of dollars in advertising and promoting of products, a preeminent brand reputation in the name PATRON[®] in connection with premium quality tequila, and other alcoholic beverages.

3. Opposer is the owner of record of U.S. Trademark Reg. No. 1,809,473, issued on December 7, 1993, for the mark PATRON for "tequila," as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on July 28, 1992. Opposer's registration has not been revoked or cancelled.

4. Opposer is the owner of record of U.S. Trademark Reg. No. 2,969,941, issued on July 19, 2005, for the mark PATRON for "tequila; distilled spirits," as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on August 25, 2003. Opposer's registration has not been revoked or cancelled.

5. Opposer is the owner of record of U.S. Trademark Reg. No. 2,942,978, issued on April 19, 2005, for the mark GRAN PATRON for "alcoholic beverages, namely, distilled spirits and liquors," as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on April 3, 2003. Opposer's registration has not been revoked or cancelled.

6. Opposer is the owner of record of U.S. Trademark Reg. No. 3,332,736, issued on November 6, 2007, for the mark GRAN PATRON BURDEOS for "alcoholic beverages,

namely, distilled spirits, tequila, and liquors," as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on June 30, 2006. Opposer's registration has not been revoked or cancelled.

7. Opposer is the owner of record of U.S. Trademark Reg. No. 1,950,491, issued on January 23, 1996, for the mark PATRON XO CAFÉ for "coffee liqueur with tequila" as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on August 10, 1994. Opposer's registration has not been revoked or cancelled.

8. Opposer is the owner of record of U.S. Trademark Reg. No. 3,129,020, issued on August 15, 2006, for the mark PATRON for *inter alia* "metal key chains; travel bags; tote bags; cocktail shakers; glass beverage ware; and clothing" as well as the owner of all common law rights in the mark including all of the business and goodwill connected therewith. This registration issued from an application filed on March 17, 2005. Opposer's registration has not been revoked or cancelled.

9. Opposer's PATRON marks described in Paragraphs 2-8 above, and as reflected in Opposer's U.S. Reg. Nos. 1,809,473, 2,969,941, 2,942,978, 3,332,736, 1,950,491 and 3,129,020 are collectively referred to herein as "Opposer's Marks."

10. On information and belief, Applicant is the owner of record of trademark application Serial No. 85/719,717 filed on September 4, 2012 for registration of the mark PATRON SAINTS BREWING COMPANY ("Applicant's Mark") for use in connection with "Beer" in Int. Class 32 ("Applicant's Goods").

11. Opposer's registrations for Opposer's Marks predate Applicant's application and claimed date of first use. Additionally, Opposer has widely advertised and promoted Opposer's

Marks in connection with its goods since long prior to July 20, 2010, the date of first use claimed in Applicant's application, with the result that Opposer's Mark has become well known and associated with Opposer in the United States. Because of these efforts, and by virtue of the excellence and success of the goods offered and provided by Opposer under Opposer's Marks, Opposer has built up a valuable reputation and tremendous goodwill in its Marks belonging exclusively to Opposer.

12. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with the Applicant's Goods, as to cause confusion, mistake, or deception. Applicant's Mark, therefore, creates a confusingly similar commercial impression. Thus, consumers will likely believe that Applicant's use of the mark PATRON SAINTS BREWING COMPANY in connection with Applicant's Goods is in some way associated or connected with, sponsored, authorized, approved or licensed by Opposer.

13. Applicant's Mark so resembles and completely incorporates Opposer's Marks as to be likely to create a false designation of origin and false or misleading representation of fact that is likely to cause confusion, or to cause mistake, or to deceive as to an affiliation, connection, or association between Opposer and Applicant. Any objection or fault with the goods offered in connection with Applicant's Mark may reflect upon and seriously injure Opposer's reputation in connection with the goods offered in connection with Opposer's Marks.

14. Opposer's Marks are famous marks as defined by U.S.C.A. §1125(c)(1) and such fame was acquired before Applicant began commercial use of Applicant's Mark, i.e., prior to July 20, 2010.

15. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with Applicant's Goods, to cause dilution of Opposer's Marks.

16. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of the mark PATRON SAINTS

BREWING COMPANY in connection with Applicant's Goods as identified in application Serial No. 85/719,717. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that application Serial No. 85/719,717 be refused.

Respectfully submitted,



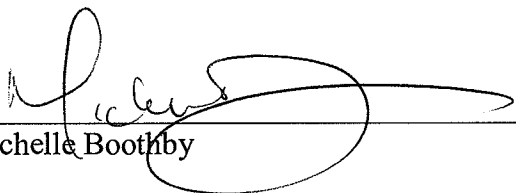
Dated: September 19, 2013

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CERTIFICATE OF SERVICE

It is hereby certified that on **September 19, 2013**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid, to Opposer at the correspondence address of record in the Patent and Trademark Office:

Patron Saints Brewing Company
541 Golf Glenn Drive
San Marcos, California 92069



Michelle Boothby