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

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|------------------------|--|
| Proceeding | 91219403 |
| Party | Defendant Rachel A Bevis DBA Rachel A Bevis |
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| Submission | Other Motions/Papers |
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| Signature | /Rachel A Bevis/ |
| Date | 11/10/2016 |
| Attachments | Brief.pdf(35016 bytes) CERTIFICATE OF ELECTRONIC FILING.pdf(22536 bytes) Declaration.pdf(19355 bytes) |

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

Rachel A. Bevis

Applicant.

Opposition No. 91219403 (parent)
91221395

v.

Margaritaville Enterprises, LLC,
Opposer

RACHEL A. BEVIS'S MARIJUANAVILLE ACR SUPPLEMENT BRIEF

Rachel A. Bevis respectfully request that the board grant the mark 'Marijuanaville' entirely. Opposition Nos. 91219403 and 91221395.

INTRODUCTION

I first researched the trademark database (TESS) found no match to the mark ownership of 'Marijuanaville'. On May 28, 2014, I Rachel A. Bevis then applied for the mark of Marijuanaville (86293056) it was then published on October 21, 2014. On July 24, 2014, I Rachel A. Bevis then applied for a second mark 'Marijuanaville' (86346860) it was then published on March 10, 2015. Due to the mark being Brick and Mortar I Rachel A. Bevis, complied with the 'Controlled Substance Act'.

MARIJUANAVILLE

Since Mr. Joel R Feldman approached Rachel A. Bevis with an opposition (91219403, (Parent) 91221395) I have had to put my business on hold. Mr. Joel R. Feldman on more than one occasion has mentioned that his client has no intent of using my mark of Marijuanaville. Mr. Joel R Feldman has filed multiple extensions, this halted my business plans since 2014 and prevented me from earning a living.

Addressing Mark Eddie declaration of the song titled "Marijuanaville" I Rachel A. Bevis had no intent on trademarking lyrics.

MARIJUANA AND MARGARITA ARE ENTIRELY DIFFERENT

"Marijuana" and "Margarita" are completely different, one being a mixed drink and the other being a plant. Simply because 'Ville' is added to the different words there is no likely hood of confusion. Furthermore, the suffix villa is derived from a French origin meaning small town or city and cannot coin the suffix of ville.

The meaning of Ville according Online Etymology Dictionary

-ville

suffix sporadically in vogue since c. 1840 in U.S. colloquial word formation (such as *dullsville*, *palookaville*), abstracted from the *-ville* in place names (*Louisville*, *Greenville*, etc.), from Old French *ville* "town," from Latin *villa* (see [villa](#)).

Due to the facts stated above, there can be no likelihood to cause confusion as one is a mixed drink and the other a plant, they are sharing the suffix (Ville).

After reading Mr. Feldman's briefing I remain confident that the marks are entirely different and there is no likelihood of confusion. While the strength of the client's Mark is present, there is no commonality between the two Marks. While Mr. Feldman has put together an impressive package, He has not provided undeniable proof that actual confusion would exist. The only similarity in the marks is "ville". Our clientele, services and merchandise are catered to the cannabis industry and there is no correlation to beaches, tropics, leisure activities, islands, escapism, alcohol and eclectic birds. The goods and services will be sold in locations that support the marijuana industry, such as paraphernalia, head shops, and federally legal tobacco shops (cigarette/ cigar stores) that also comply to the 'Controlled Substance Act'. Our advertising will be geared to the cannabis industry and there is no link to the music industry. My intent is to create a business that is related to the cannabis industry and grow the that business to its fullest potential.

CONCLUSION

I appreciate your time with this lengthy process and reviewing RACHEL A. BEVIS' ACR SUPPLEMENTARY BRIEF and that the Board finds in favor of Marijuanaville that the Mark remains intact and we are allowed to move forward with our plans.

Date: November 10, 2016

Respectfully,

Rachel A. Bevis
18110 East Bethany PI
Aurora, Colorado 80013
(303) 617-0694

CERTIFICATE OF ELECTRONIC FILING

Date: November 10, 2016

I certify that Rachel A. Bevis' ACR Supplementary Brief is being submitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office, on the date indicated above through the ESTTA electronic filing system at the website <http://estta.uspto.gov>.

Rachel A. Bevis

CERTIFICATE OF SERVICE

I certify that on November 10, 2016, I served Rachel A. Bevis's ACR Supplementary Brief by certified mail to:

Greenberg Traurig LLP
Attn.: Joel R. Feldman

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DECLARATION OF RACHEL A. BEVIS

I, Rachel A. Bevis, declare:

1. I submit this declaration to support my mark of Marijuanaville.
2. I am over the age of 18.
3. All this information in this declaration is true and provided by Rachel A. Bevis.
4. On May 28, 2014 I applied for the mark Marijuanaville class 25. The mark was then published on October 24, 2014.
5. On July 24, 2014 I applied for the mark Marijuanaville class 35, Published on March 10, 2015.
6. No one thing or impression had an influence on my decision to choose the mark Marijuanaville
7. The state of Colorado fully supports the use recreational and medical marijuana, this supports the choice of my mark.
8. My idea of Marijuanaville will also be a helpful tool in supporting chronic illnesses through partial donation from the sales of apparel.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made information and belief are believed to be true.

Executed November 10, 2016

Rachel A. Bevis