

ESTTA Tracking number: **ESTTA659497**

Filing date: **03/05/2015**

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	HEINEKEN ASIA PACIFIC Pte. Ltd.		
Entity	Limited Company	Citizenship	Singapore
Address	459 Jalan Ahmad Ibrahim Jurong, 639934 SINGAPORE		

Attorney information	John J. Dabney McDermott Will & Emery LLP 500 North Capitol St NW Washington, DC 20001 UNITED STATES jdabney@mwe.com, kbukrinsky@mwe.com, mhallerman@mwe.com, dciplit@mwe.com Phone:2027568343		
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### Applicant Information

Application No	86394137	Publication date	02/03/2015
Opposition Filing Date	03/05/2015	Opposition Period Ends	03/05/2015
Applicant	Jonathan A Claypool 17062 Murphy Ave. Irvine, CA 92614 UNITED STATES		

### Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Beer

### 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.	3294199	Application Date	12/05/2005
Registration Date	09/18/2007	Foreign Priority Date	10/28/2005
Word Mark	TIGER		

Design Mark	<b>TIGER</b>
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages

U.S. Registration No.	3318461	Application Date	12/05/2005
Registration Date	10/23/2007	Foreign Priority Date	10/28/2005

Word Mark	TIGER
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Design Mark	
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Description of Mark	The mark consists of the word "TIGER" appearing on a shield design. At the top of the shield and contained within a circle is a detailed drawing of a tiger with a palm tree in the background. Beneath the word "Tiger" is the wording "Est.1932" and "World Acclaimed Lager Beer" positioned above five interconnected medallions. Across the bottom of the shield is the wording "Awarded Championship Gold Medals: London Geneva Paris".
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Goods/Services	Class 032. First use: First Use: 0 First Use In Commerce: 0 Beer, ale, lager, stout, pilsner, porter and non-alcoholic malt beverages
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Attachments	79022061#TMSN.png( bytes ) 79021877#TMSN.png( bytes ) TIGER SHARK Notice of Opp.pdf(37765 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	/s/ John J. Dabney
Name	John J. Dabney
Date	03/05/2015

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

HEINEKEN ASIA PACIFIC Pte. Ltd.,

Opposer,

v.

JONATHAN CLAYPOOL,

Applicant.

Opposition No. \_\_\_\_\_

Serial No: 86/394137

Mark: TIGER SHARK

**NOTICE OF OPPOSITION**

HEINEKEN ASIA PACIFIC Pte. Ltd. (“Opposer”), a private limited company organized and existing under the laws of Singapore, having its principal place of business at 459 Jalan Ahmad Ibrahim, Singapore 639934, will be damaged by registration of the mark “TIGER SHARK” in Application Serial No. 86/394137, filed by Jonathan Claypool, an individual located at 17062 Murphy Ave, Irvine, CA 92614 (“Applicant”), and opposes registration of same.

1. For over 75 years, Opposer has manufactured and sold beer under the mark TIGER and formatives thereof (collectively “TIGER Marks”).
2. Opposer has continuously sold beer under its TIGER Marks in the United States for many years. Opposer’s TIGER-branded beer is sold in grocery stores, convenience stores, bars, and restaurants throughout the United States.
3. On or about September 23, 2013, Opposer changed its corporate name from Asia Pacific Breweries Limited to Heineken Asia Pacific Pte. Ltd.

4. Opposer advertises its TIGER Marks through television and print ads and third-party promotions, as well as at **tigerbeerUS.com**, the Facebook page TigerbeerUS, and the Twitter handle @tigerbeerUS. Opposer's TIGER- branded beer has appeared in widely-seen films, including "Transporter" and "Tropic Thunder." Opposer also maintains a YouTube channel where its commercials for TIGER-branded beer are viewed by consumers in the United States.

5. Opposer owns registrations in the United States for TIGER (Reg. No. 3,294,199) and TIGER and Design (Reg. No. 3,318,461) for beer. Opposer's registrations are valid and subsisting.

6. Opposer's TIGER Marks are inherently distinctive because they do not describe an attribute of Opposer's goods.

7. Consumers in the United States associate Opposer's TIGER Marks as identifying beer emanating exclusively from Opposer. Opposer owns common law rights in the United States for TIGER for beer.

8. Notwithstanding Opposer's superior rights to the mark TIGER, on September 13, 2014, Applicant filed intent-to-use Application Serial No. 86/394,137 for TIGER SHARK for "beer."

9. Applicant's TIGER SHARK mark is substantially similar to Opposer's TIGER Marks in sight, sound, meaning and overall commercial impression.

10. Applicant's goods and Opposer's goods are identical and likely to be sold in the same channels of trade and to the same customers.

11. Applicant's use and registration of TIGER SHARK is likely to cause confusion, deception, and/or mistake with Opposer's TIGER Marks

12. Applicant's use and registration of TIGER SHARK will interfere with Opposer's TIGER Marks, and damage Opposer, its business and its goodwill.

WHEREFORE, Opposer prays that registration of Applicant's mark be denied.

Respectfully submitted,

HEINEKEN ASIA PACIFIC Pte. Ltd.

Dated: March 5, 2015

By: /John J. Dabney/  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

Opposer HEINEKEN ASIA PACIFIC Pte. Ltd., by and through its attorneys, hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon Applicant on this 5th day of March, 2015, by First Class Mail at the following address:

Jonathan A. Claypool  
17062 Murphy Ave.  
Irvine, CA 92614

/ Katie Bukrinsky/  
Katie Bukrinsky  
McDERMOTT WILL & EMERY LLP  
Attorney for Opposer