

ESTTA Tracking number: **ESTTA660603**

Filing date: **03/11/2015**

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	Sazerac Company, Inc.
Granted to Date of previous extension	03/11/2015
Address	3850 N. Causeway Boulevard Suite 1695 Metairie, LA 70002 UNITED STATES
Attorney information	Thomas M. Hadid Cooley LLP 1299 Pennsylvania Ave., NW Suite 700 Washington, DC 20004 UNITED STATES tbontemps@cooley.com, trademarks@cooley.com, thadid@cooley.com, gthunell@cooley.com Phone:6508497007

Applicant Information

Application No	86388198	Publication date	11/11/2014
Opposition Filing Date	03/11/2015	Opposition Period Ends	03/11/2015
Applicant	Wine Hooligans LLC 980 Airway Court, Suite F Santa Rosa, CA 95403 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Alcoholic beverages except beers; Wines
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Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23

Attachments	Sazerac NOO re FARM TO TABLE.pdf(480696 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	/Thomas M. Hadid/
Name	Thomas M. Hadid
Date	03/11/2015

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

In the matter of application Serial No. 86/388,198
For the Trademark FARM TO TABLE
Published in the Official Gazette on November 11, 2014

SAZERAC COMPANY, INC.)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
WINE HOOLIGANS LLC)	
)	
Applicant.)	
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NOTICE OF OPPOSITION

Opposer Sazerac Company, Inc. (“Sazerac”), a Louisiana corporation having its principal place of business at 3850 N. Causeway Blvd., Suite 1695, Metairie, Louisiana 70002, will be damaged by the issuance of a registration for the mark FARM TO TABLE, as applied for in Application Serial No. 86/388,198 filed on September 8, 2014 by Applicant Wine Hooligans LLC (“Applicant”). Sazerac, having previously been granted an extension of time to oppose the FARM TO TABLE mark, hereby timely opposes same.

As grounds for opposition, Sazerac alleges:

1. Sazerac is a company that markets and sells a number of different types and brands of alcoholic beverages and distilled spirits, including whiskey, vodka, rum, and bourbon.
2. On September 8, 2014, Applicant filed an Application to register FARM TO TABLE on an intent-to-use basis pursuant to 15 U.S.C. § 1051(b). Applicant seeks registration in connection with “[a]lcoholic beverages except beers; [w]ines” in International Class 33.

3. Upon information and belief, the phrase “farm to table” is often used in the food and beverage industry to refer to a movement concerned with producing consumables locally and delivering those consumables to local customers. *See* Exhibit A.

4. When used on or in connection with alcoholic beverages (including but not limited to wine), the phrase “farm to table” is, and will reasonably be understood by consumers to be, merely descriptive of or the generic term for a quality, feature, or characteristic of the product rather than as a trademark or source identifier.

5. Issuance of a registration to Applicant for FARM TO TABLE will unfairly interfere with Sazerac’s ability, as well as others active in or affiliated with the alcoholic beverage industry, to accurately identify a quality or characteristic of their alcoholic beverage products as “farm to table.”

6. On information and belief, Applicant’s mark is not inherently distinctive, and has not become distinctive of Applicant’s goods or services in commerce. Applicant has not acquired secondary meaning in the phrase FARM TO TABLE for its applicable goods.

7. Issuance of a registration for FARM TO TABLE to Applicant would be *prima facie* evidence of Applicant’s exclusive right to use the phrase “farm to table,” to the detriment of Sazerac and others in the alcoholic beverage industry.

8. Furthermore, permitting Applicant to register FARM TO TABLE for its alcoholic beverages (including but not limited to wine) would permit Applicant to prevent Sazerac and others in the alcoholic beverage industry from using the phrase “farm to table” to accurately describe its alcoholic beverage products produced with items sourced, produced, and sold locally.

9. Issuance of a registration for FARM TO TABLE would therefore violate 15 U.S.C. § 1052(e)(1) or TMEP § 1209.01(c) as the mark is merely descriptive of Applicant's goods.

10. Wherefore, for all the foregoing reasons Sazerac prays that this Opposition be sustained and that Application Serial No. 86/388,198 be denied and refused registration.

COOLEY LLP

Date: March 11, 2015

By: /s/ Thomas M. Hadid
Todd S. Bontemps, Esq.
Thomas M. Hadid, Esq.
Attorneys for Opposer
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2015, I mailed the foregoing NOTICE OF OPPOSITION to Applicant's Attorney of Record and Correspondent by depositing a true and correct copy of the same with the United States Postal Service, first-class mail, postage prepaid, in an envelope addressed to:

Mr. John B. Dawson
Carle, Mackie, Power & Ross LLP
100 B Street, Suite 400
Santa Rosa, California 95401-6376

Date: March 11, 2015

/s/ Thomas M. Hadid
Thomas M. Hadid

EXHIBIT A





