

ESTTA Tracking number: **ESTTA699267**

Filing date: **09/30/2015**

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	Union Craft Brewing Company, LLC DBA Union Craft Brewing
Granted to Date of previous extension	09/30/2015
Address	1700 Union Avenue Baltimore, MD 21211 UNITED STATES

Correspondence information	Glenn A. Rice Funkhouser Vegosen Liebman & Dunn Ltd. 55 W. Monroe St., Suite 2300 Chicago, IL 60603 UNITED STATES grice@fvldlaw.com Phone:312 701-6895
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Applicant Information

Application No	86378651	Publication date	06/02/2015
Opposition Filing Date	09/30/2015	Opposition Period Ends	09/30/2015
Applicant	BREWERS & UNION UG Ganghofer Strasse 31 Muchen, 80339 GERMANY		

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: Beers
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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.	4410239	Application Date	01/09/2013
Registration Date	10/01/2013	Foreign Priority Date	NONE
Word Mark	UNION CRAFT BREWING		

Design Mark	UNION CRAFT BREWING
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2012/06/01 First Use In Commerce: 2012/06/01 Beers

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	UNION		
Goods/Services	Beers		

Attachments	85819370#TMSN.png(bytes) &Union Notice of Opposition.pdf(21565 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	/Glenn Rice/
Name	Glenn A. Rice
Date	09/30/2015

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

**In the Matter of Application Serial No. 86378651
for the mark &UNION
Published in the *Official Gazette* on June 2, 2015**

**UNION CRAFT BREWING COMPANY, LLC
DBA UNION CRAFT BREWING,**

Opposer,

v.

Opposition No. _____

BREWERS & UNION UG,

Applicant.

NOTICE OF OPPOSITION

Opposer Union Craft Brewing Company, LLC DBA Union Craft Brewing, a Maryland limited liability company with a principal place of business in Baltimore, Maryland (“Opposer”), believes it will be damaged by registration of the mark &UNION shown in Application Serial 86378651 filed by Applicant Brewers & Union UG (“Applicant”), and hereby opposes the same.

As grounds in support of its opposition, Opposer alleges:

1. Opposer is engaged in the business of producing and selling craft beer under the marks and trade names UNION and UNION CRAFT BREWING and is the owner of the same. In addition to its common law rights, Opposer is the owner of U.S. Reg. No. 4,410,239 for the mark UNION CRAFT BREWING for “Beers”.

2. Opposer has developed substantial goodwill and value in its UNION and UNION CRAFT BREWING marks and trade names.

3. Opposer has used the UNION and UNION CRAFT BREWING marks and names since long prior to the filing date of the application opposed herein and any date of first use upon

which Applicant can rely. Opposer's rights in the UNION and UNION CRAFT BREWING marks and names were accordingly established prior to any date on which Applicant can rely. Priority is not an issue in this opposition.

4. On August 27, 2014, Applicant filed the application opposed, Application Ser. No. 86378651, on an intent-to-use basis for the proposed mark &UNION for "Beers" (and other goods which were subsequently deleted from the application).

5. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant made actual use of the proposed &UNION mark prior to the filing date of the application opposed.

6. Opposer's goods and the goods in the application opposed are identical: Beers.

7. Applicant's use and registration of the proposed &UNION mark is without Opposer's permission or authorization.

8. Applicant is in no way authorized, sponsored, or licensed by, or in any other way legitimately connected with, Opposer.

9. Consumers are likely to be confused, mistaken or deceived into believing that Applicant's goods comes from, is connected with, or is otherwise authorized, sponsored or licensed by Opposer, when in fact they do not.

10. The proposed &UNION mark, when used for the goods in the application opposed, so resembles Opposer's UNION and UNION CRAFT BREWING marks and names as to be likely to cause confusion, mistake, and/or deception within the meaning of Section 2(d) of the Trademark Act, to the consequent damage of Opposer.

11. By reason of the foregoing, Opposer would be damaged by Applicant's registration of the proposed &UNION mark as sought in Application Serial No. 86378651.

WHEREFORE, Opposer Union Craft Brewing Company, LLC DBA Union Craft Brewing respectfully requests that this opposition be sustained and the registration sought by Applicant in Serial No. 86378651 for the proposed &UNION mark be denied.

Dated: September 30, 2015

UNION CRAFT BREWING COMPANY, LLC
DBA UNION CRAFT BREWING, Opposer

/s/Glenn A. Rice

Counsel for Opposer

Glenn A. Rice, Esq.
FUNKHOUSER VEGOSEN
LIEBMAN & DUNN LTD.
55 West Monroe Street, Suite 2300
Chicago, Illinois 60603
(312) 701-6800
Counsel for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he has caused the foregoing Notice of Opposition to be served upon counsel of record for Applicant in these proceedings by depositing a true copy of the same with the United States Postal Service as first class mail in a sealed envelope, postage prepaid, addressed to:

Mark Lebow
Ladas & Parry LLP
1727 King St. Suite 105
Alexandria, Virginia 22314-2700

on this 30th day of September, 2015.

/s/Glenn A. Rice
