

ESTTA Tracking number: **ESTTA715547**

Filing date: **12/18/2015**

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	MillerCoors LLC
Granted to Date of previous extension	12/23/2015
Address	250 South Wacker Drive Suite 800 Chicago, IL 60606-5888 UNITED STATES
Attorney information	Marta S. Levine Quarles & Brady LLP 411 East Wisconsin Avenue Attention: IP Docket Milwaukee, WI 53202 UNITED STATES marta.levine@quarles.com Phone:414 277 5675

Applicant Information

Application No	86539010	Publication date	08/25/2015
Opposition Filing Date	12/18/2015	Opposition Period Ends	12/23/2015
Applicant	Eyes Wide Entertainment - a Division of Y2G The Experience, Inc 507 7th Street Huntington Beach, CA 92648 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services in the nature of a television comedy series

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.	2446641	Application Date	11/25/1996
Registration Date	04/24/2001	Foreign Priority Date	NONE
Word Mark	MILLER TIME		
Design Mark			


Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1997/11/00 First Use In Commerce: 1997/11/00 beer

U.S. Registration No.	2544559	Application Date	12/21/2000
Registration Date	03/05/2002	Foreign Priority Date	NONE

Word Mark	IT'S MILLER TIME
Design Mark	IT'S MILLER TIME

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2000/12/01 First Use In Commerce: 2000/12/01 Beer

U.S. Registration No.	2568425	Application Date	12/08/2000
Registration Date	05/07/2002	Foreign Priority Date	NONE

Word Mark	MILLER TIME PUB
Design Mark	

Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2000/04/02 First Use In Commerce: 2000/04/02 Restaurant and bar services

Attachments	76184784#TMSN.png(bytes) 76178052#TMSN.png(bytes) Notice of Opposition MillerCoors IT'S MILLER TIME WITH GARRETT MILLER_12.18.2015.pdf(135344 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	/MartaLevine/
Name	Marta S. Levine
Date	12/18/2015

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

In the Matter of Application Serial No. 86/539010
Mark: IT'S MILLER TIME WITH GARRETT MILLER
Published in the *Official Gazette* on August 25, 2015

MILLERCOORS LLC,

Opposer,

v.

Opposition No. _____

EYES WIDE ENTERTAINMENT - a
Division of Y2G THE EXPERIENCE, INC.,

Applicant.

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer MillerCoors LLC ("MillerCoors") believes that it would be damaged by registration of the mark IT'S MILLER TIME WITH GARRETT MILLER in Application Serial No. 86/539010 by Eyes Wide Entertainment - a Division of Y2G The Experience, Inc. (the "Applicant"), and hereby opposes same. MillerCoors has been granted an extension of time to oppose, to December 23, 2015.

As grounds of opposition, MillerCoors alleges that:

1. Opposer MillerCoors LLC is a Delaware limited liability company with its principal place of business at 250 South Wacker Drive, Suite 800, Chicago, Illinois

Opposer: MillerCoors LLC
Applicant: Eyes Wide Entertainment - a Division of
Y2G The Experience, Inc.
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60606-5888. MillerCoors is the owner of trademarks used in connection with the distribution and sale of beer and ancillary goods and services.

2. Application Serial No. 86/539010 is an intent to use trademark application filed by the Applicant on February 18, 2015 under Section 1(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1051(b)), for registration of the mark IT'S MILLER TIME WITH GARRETT MILLER for "entertainment services in the nature of a television comedy series" in International Class 41.

3. Since long prior to the date that the Applicant filed its application and, upon information and belief, since long prior to any use by the Applicant of its mark, Miller Coors has used and continues to use the mark MILLER TIME and its variations (the "MILLER TIME-mark") in commerce in connection with beer, restaurant and bar services, and the promotion of live events and concerts.

4. MillerCoors owns the following MILLER TIME-mark registrations with the U.S. Patent and Trademark Office:

- U.S. Trademark Registration No. 2,446,641 for MILLER TIME, which issued on April 24, 2001, for beer;
- U.S. Trademark Registration No. 2,544,559 for IT'S MILLER TIME, which issued on March 5, 2002, for beer; and
- U.S. Trademark Registration No. 2,568,425 for MILLER TIME PUB and Design, which issued on May 7, 2002, for restaurant and bar services.

All of these registrations are valid, subsisting, and incontestable.

5. MillerCoors MILLER TIME-mark has been used extensively and advertised in commerce to identify MillerCoors and its goods and services, including

Opposer: MillerCoors LLC
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through promotional activities related to live events and concerts. MillerCoors also advertises extensively on television, including before, during and after various television programs. As a result of these efforts, MillerCoors has developed and owns valuable property rights and goodwill in the MILLER TIME-mark and the mark has acquired a high degree of recognition and fame.

6. The Applicant's proposed mark IT'S MILLER TIME WITH GARRETT MILLER so resembles MillerCoors MILLER TIME-mark as to be likely, when used in connection with the Applicant's services, to cause confusion and to cause mistake and to deceive. Specifically, and without limitation, members of the public seeing the Applicant's mark are likely to be confused and/or deceived as to the source and origin of the Applicant's entertainment services and/or as to the existence of an association, connection, sponsorship, or relationship between MillerCoors and the Applicant.

7. Because of MillerCoors extensive use and marketing of its MILLER TIME-mark, it is widely known and recognized by the general public. This extensive and high level of recognition and fame were achieved long before the Applicant filed its application for its proposed mark.

8. The Applicant's proposed mark is therefore likely, when used in connection with the Applicant's services, to cause dilution of MillerCoors famous MILLER TIME-mark, in violation of 15 U.S.C. § 1125(c), in that the Applicant's mark is likely to diminish the goodwill associated with MillerCoors mark.

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9. By reason of the foregoing, registration of the Applicant's mark will result in irreparable injury to MillerCoors and to its rights in its MILLER TIME-mark.

WHEREFORE, MillerCoors prays that this opposition be sustained and that registration of the Applicant's mark be refused.

Dated: December 18, 2015

Respectfully submitted,

MILLERCOORS LLC

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Opposer: MillerCoors LLC
Applicant: Eyes Wide Entertainment - a Division of
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Certificate of Service and Transmittal

I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below, with a copy sent by first class mail, postage prepaid, to: Eyes Wide Entertainment - a Division of Y2G The Experience, Inc., 507 7th Street, Huntington Beach, California 92648.

Date: December 18, 2015



Marta S. Levine