

ESTTA Tracking number: **ESTTA768284**

Filing date: **09/01/2016**

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 Brands LLC
Granted to Date of previous extension	11/16/2016
Address	10400 Linn Station Road, Suite 300 Louisville, KY 40223 UNITED STATES

Attorney information	Judd D. Lauter Cooley LLP 1299 Pennsylvania Ave. NW, Suite 700 Washington, DC 20004 UNITED STATES jlauter@cooley.com, vbadolato@cooley.com, pwillsey@cooley.com, trademarks@cooley.com
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**Applicant Information**

Application No	79184925	Publication date	07/19/2016
Opposition Filing Date	09/01/2016	Opposition Period Ends	11/16/2016
International Registration No.	1293102	International Registration Date	01/19/2016
Applicant	Vlaktor Trading Limited Zinonos Kitieos, 8, Kato Lakatamia  CYPRUS		

**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: vodka; prepared alcoholic cocktails; pre-mixed alcoholic beverages, other than beer-based; alcoholic beverages, except beer; alcoholic beverages containing fruit; spirits; alcoholic bitters
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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.	667187	Application Date	06/07/1957
Registration Date	09/16/1958	Foreign Priority	NONE

		Date	
Word Mark	TAAKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1952/03/19 First Use In Commerce: 1952/03/26 VODKA		

U.S. Registration No.	1106813	Application Date	05/16/1977
Registration Date	11/21/1978	Foreign Priority Date	NONE

Word Mark	TAAKA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1952/03/19 First Use In Commerce: 1952/03/26 VODKA AND GIN		

U.S. Registration No.	2042131	Application Date	05/14/1990
Registration Date	03/04/1997	Foreign Priority Date	NONE
Word Mark	TAAKA PLATINUM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1995/08/01 First Use In Commerce: 1995/09/01 vodka		

Attachments	73126947#TMSN.png( bytes ) Sazerac - Notice of Opposition re TALKA.pdf(110679 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	/Judd D. Lauter/
Name	Judd D. Lauter
Date	09/01/2016

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

In the Matter of Application Serial No. 79/184,925  
For the Trademark TALKA & Design  
Published in the *Official Gazette* on July 19, 2016

SAZERAC BRANDS, LLC,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
VLAKTOR TRADING LIMITED,	)	
	)	
Applicant.	)	
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**NOTICE OF OPPOSITION**

Opposer Sazerac Brands, LLC (“Sazerac”), a Delaware limited liability company having its principal place of business at 10400 Linn Station Road, Suite 300, Louisville, Kentucky 40223, will be damaged by the issuance of a registration for the mark TALKA & Design (“Applicant’s Mark”), which is the subject of Application Serial No.79/184,925 filed on January 19, 2016, by Applicant Vlaktor Trading Limited (“Applicant”), a Cyprus company with an address of record at Zinonos Kitieos, 8, Kato Lakatamia 2322, Nicosia, Cyprus. Sazerac, having previously been granted an extension of time to oppose the registration of Applicant’s Mark, hereby timely opposes the same.

As grounds for its opposition, Sazerac alleges as follows.

1. Sazerac, through its parent company, Sazerac Company, Inc. (“SCI”), markets and sells a number of different types and brands of alcoholic beverages and distilled spirits, including vodkas, whiskeys, tequilas, and specialty liqueurs. SCI has marketed and sold alcoholic beverages and distilled spirits in the United States for over a century.

2. Sazerac, through SCI and/or its predecessors-in-interest, has marketed and sold vodka and gin under the distinctive TAAKA mark in the United States since at least as early as 1952. In addition, Sazerac, through SCI, has for over two decades used the related mark TAAKA PLATINUM (together with the TAAKA mark, the “Sazerac Marks”), to offer and sell vodka throughout the United States.

3. By virtue of Sazerac’s marketing efforts and the high quality of its offerings, the public has come to recognize and rely upon the Sazerac Marks as source identifiers for Sazerac’s high quality alcoholic beverage products.

4. Sazerac owns the following United States trademark registrations for the Sazerac Marks:

- TAAKA (Reg. No. 0,667,187), issued September 16, 1958, for “vodka” in Class 33;
- TAAKA (Reg. No. 1,106,813), issued November 21, 1978, for “vodka and gin” in Class 33; and
- TAAKA PLATINUM (Reg. No. 2,042,131), issued March 4, 1997, for “vodka” in Class 33.

5. The Sazerac Marks are inherently distinctive, strong, and well-known.

6. On January 19, 2016, Applicant filed Application Serial No. 79/184,925 for the mark TALKA & Design on the basis of International Registration No. 1293102 in connection with “vodka; prepared alcoholic cocktails; pre-mixed alcoholic beverages, other than beer-based; alcoholic beverages, except beer; alcoholic beverages containing fruit; spirits; alcoholic bitters” in International Class 33 (the “Application”).

7. Applicant's Mark is similar in sight, sound, meaning, and commercial impression to the Sazerac Marks.

8. Applicant's Mark is intended for use in connection with products that are identical to and overlapping with the products that Sazerac offers under the Sazerac Marks, namely, vodka and other alcoholic beverages.

9. On information and belief, Applicant and Sazerac target the same consumers for their respective offerings under the marks at issue.

10. Because the description of goods in the Application does not contain restrictions or limitations as to Applicant's channels of trade, the Board may assume that Applicant's Mark, like the Sazerac Marks, will be used in all accepted channels of trade. Therefore, in addition to overlapping consumer bases, Applicant's intended channels of trade for its alcohol-based products overlap with channels of trade used by Sazerac (through SCI) in marketing, selling, and otherwise distributing its alcohol-based products marketed under the Sazerac Marks.

11. Sazerac is not affiliated or connected with Applicant or its offerings, nor has Sazerac endorsed or sponsored Applicant or its offerings.

12. There is no issue as to priority of use. Sazerac began using the Sazerac Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the January 19, 2016 filing date associated with the Application.

13. Registration of Applicant's Mark will injure Sazerac by causing the public to be confused or mistaken into believing that Applicant's goods originate from, are associated with, affiliated with, or are endorsed or sponsored by Sazerac. Such confusion would inevitably result in damage to Sazerac.

14. Furthermore, Sazerac has no control over the nature and quality of the alcoholic beverage products offered by Applicant under Applicant's Mark. Because consumers are likely to misapprehend Applicant's Mark as a Sazerac mark and/or believe in error that goods offered under Applicant's Mark are offered by, in association with, or under license from Sazerac, any defect, objection to, or fault found with Applicant's alcoholic beverages marketed under Applicant's Mark will be attributed to Sazerac and seriously injure the reputation that Sazerac has established for its alcoholic beverage products.

15. Registration of Applicant's Mark will confer upon Applicant the *prima facie* exclusive right to use Applicant's Mark in connection with goods that overlap with Sazerac's offerings under the Sazerac Marks, all to the detriment of Sazerac. As such, for the reasons set forth herein, Applicant's Mark is unregistrable under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), and should be refused registration.

WHEREFORE, based on the foregoing, Sazerac requests that the Board sustain this Opposition and that registration of Application Serial No. 79/184,925 be refused.

COOLEY LLP

Date: September 1, 2016

By: /Judd D. Lauter/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date set forth below, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by mailing said copy via First Class Mail, postage prepaid, to Applicant's counsel of record at the following address:

David C. Purdue  
Purdue Law Offices, LLC  
2735 N Holland-Sylvania Rd  
Suite B-2  
Toledo, Ohio 43615

Date: September 1, 2016

By: /Judd D. Lauter/  
Judd D. Lauter