

ESTTA Tracking number: **ESTTA861093**

Filing date: **11/28/2017**

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	Modern Times Drinks, Inc.		
Entity	Corporation	Citizenship	California
Address	3725 Greenwood Street San Diego, CA 92110 UNITED STATES		

Correspondence information	Kit M. Stetina Stetina Brunda Garred & Brucker 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES Email: opposition@stetinalaw.com, kstetina@stetinalaw.com		
----------------------------	--	--	--

### Applicant Information

Application No	79215458	Publication date	10/31/2017
Opposition Filing Date	11/28/2017	Opposition Period Ends	11/30/2017
International Registration No.	1362973	International Registration Date	06/19/2017
Applicant	RICHEMONT INTERNATIONAL SA Route des Biches 10 CH-1752 Villars-sur-Glâne SWITZERLAND		

### Goods/Services Affected by Opposition


Class 014. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Jewelry; watches, chronometers


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4452564	Application Date	02/01/2013
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	MODERN TIMES BEER		

Design Mark			
Description of Mark	The mark consists of the words "MODERN TIMES BEER" aligned vertically with the terms "MODERN" and "TIMES" in a stylized font.		
Goods/Services	Class 032. First use: First Use: 2013/06/25 First Use In Commerce: 2013/08/24 ALCOHOLIC BEVERAGES, NAMELY, BEER AND ALE		

U.S. Registration No.	4451851	Application Date	01/13/2012
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	MODERN TIMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2013/06/25 First Use In Commerce: 2013/08/24 ALCOHOLIC BEVERAGES, namely, BEER AND ALE		

U.S. Registration No.	4918843	Application Date	06/18/2014
Registration Date	03/15/2016	Foreign Priority Date	NONE
Word Mark	WHOLE BEAN SAN DIEGO, CA MODERN TIMES ONE BAG COFFEE FOR YOU REALLY REALLY TASTY MT		

Design Mark	
Description of Mark	The mark consists of the wording "WHOLEBEAN SAN DIEGO, CA MODERN TIMES ONE BAGCOFFEE FOR YOU REALLY REALLY TASTY" with a "MT" logo inside a circle.
Goods/Services	Class 030. First use: First Use: 2014/07/12 First Use In Commerce: 2014/07/12 COFFEE

Attachments	85838848#TMSN.png( bytes ) 85516298#TMSN.png( bytes ) 86313148#TMSN.png( bytes ) NoticeOfOpposition.pdf(1489363 bytes )
-------------	--

Signature	/Kit M. Stetina/
Name	Kit M. Stetina
Date	11/28/2017

Case: MODRN-028M

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Trademark Application Serial No. 79/215,458**

Modern Times Drinks, Inc.,	)	Opposition No.:
	)	
Opposer	)	
	)	
vs.	)	
	)	
Richemont International SA,	)	
	)	
Applicant	)	



---

**NOTICE OF OPPOSITION**


In the matter of the application of Richemont International SA, of Switzerland (hereinafter “Applicant”) for registration of the mark MODERN TIMES, Application Serial No. 79/215,458 published in the Official Gazette on October 31, 2017 at TM 140, Modern Times Drinks, Inc., a California corporation, with offices at 3725 Greenwood Street, San Diego, CA 92110 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 79/215,458, and hereby opposes the same.


The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of a variety of alcoholic beverage products, including but not limited to, beer, ale and bourbon beverages as well as coffee. In connection therewith, Opposer has filed a federal application for the marks MODERN


TIMES,  and  for the aforementioned goods since long prior to

Applicant's filing date of the application of Serial No. 79/215,458 for the mark MODERN TIMES.



2. Opposer has long made use of its MODERN TIMES,  and


 Marks throughout the United States in interstate commerce. Since adoption of

its MODERN TIMES,  and  Marks, Opposer has continuously used its mark throughout the United States in interstate commerce.


3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its MODERN TIMES,  and



 Marks.

4. As a result of the continuous and extensive use of the MODERN TIMES,  and  Marks by Opposer, its mark has become and continues to function as a valuable business and marketing asset of Opposer, and serves to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 4,452,564, registered December 17, 2013, for the mark  for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Opposer has obtained United States Trademark Registration No. 4,451,851, registered December 17, 2013, for the mark MODERN TIMES for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 2**.

7. Opposer has obtained United States Trademark Registration No. 4,918,843, registered March 15, 2016, for the mark  for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 3**.



8. Notwithstanding Opposer's rights in and to said MODERN TIMES,  and  Marks, on June 19, 2017 Applicant, on information and belief, filed an application for registration of the mark MODERN TIMES in International Class 014, for jewelry, watches and chronometers. Said application was published for opposition in the Official Gazette on October 31, 2017 at TM 140.

9. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition to February 28, 2018. A copy of said Board Order Granting Request to Extend Time is attached hereto as **Exhibit 4**.

10. Applicant's MODERN TIMES mark is confusingly similar to Opposer's  and  Marks and its registration and use by

Applicant on the goods claimed in the subject application is likely to cause confusion, deception and mistake.

11. Applicant's use of its MODERN TIMES mark interferes with Opposer's

use of its MODERN TIMES,  and  Marks and dilutes the strength of Opposer's trademarks and use of, or registration of Applicant's mark by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of Application Serial No. 79/215,458 to Applicant be denied.

Opposer authorizes the filing fee for this Opposition in the amount of \$400 (one international class) to be charged to Opposer's Deposit Account.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: November 28, 2017

By: Kit M. Stetina/

Kit M. Stetina, Reg. No. 29,445

75 Enterprise, Suite 250

Aliso Viejo, CA 92656

(949) 855-1246

Counsel for Opposer

Modern Times Drinks, Inc.

# Exhibit 1



United States of America  
United States Patent and Trademark Office

*Modern  
Times*  
BEER

**Reg. No. 4,452,564**

MODERN TIMES, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
3957 30TH STREET, UNIT 512

**Registered Dec. 17, 2013**

SAN DIEGO, CA 92104

**Int. Cl.: 32**

FOR: ALCOHOLIC BEVERAGES, NAMELY, BEER AND ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

**TRADEMARK**

FIRST USE 6-25-2013; IN COMMERCE 8-24-2013.

**PRINCIPAL REGISTER**

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BEER", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "MODERN TIMES BEER" ALIGNED VERTICALLY WITH THE TERMS "MODERN" AND "TIMES" IN A STYLIZED FONT.

SN 85-838,848, FILED 2-1-2013.

JASON TURNER, EXAMINING ATTORNEY



*Deborah S. Cohn*

Commissioner for Trademarks of the  
United States Patent and Trademark Office

# Exhibit 2

# United States of America

United States Patent and Trademark Office

## MODERN TIMES

**Reg. No. 4,451,851**

MODERN TIMES, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
3957 30TH STREET, UNIT 512

**Registered Dec. 17, 2013**

SAN DIEGO, CA 92104

**Int. Cl.: 32**

FOR: ALCOHOLIC BEVERAGES, NAMELY, BEER AND ALE, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

**TRADEMARK**

FIRST USE 6-25-2013; IN COMMERCE 8-24-2013.

**PRINCIPAL REGISTER**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-516,298, FILED 1-13-2012.

JAMES A. RAUEN, EXAMINING ATTORNEY



*Deborah S. Cohn*

Commissioner for Trademarks of the  
United States Patent and Trademark Office

# Exhibit 3

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,918,843**

MODERN TIMES, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)  
3957 30TH STREET, UNIT 512

**Registered Mar. 15, 2016**

SAN DIEGO, CA 92104

**Int. Cl.: 30**

FOR: COFFEE, IN CLASS 30 (U.S. CL. 46).

**TRADEMARK**

FIRST USE 7-12-2014; IN COMMERCE 7-12-2014.

**PRINCIPAL REGISTER**

OWNER OF U.S. REG. NOS. 4,451,851 AND 4,452,564.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "WHOLE BEAN", "SAN DIEGO, CA", "COFFEE", "ONE BAG", "FOR YOU" AND "REALLY REALLY TASTY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "WHOLE BEAN SAN DIEGO, CA MODERN TIMES ONE BAG COFFEE FOR YOU REALLY REALLY TASTY" WITH A "MT" LOGO INSIDE A CIRCLE.

SN 86-313,148, FILED 6-18-2014.

RON FAIRBANKS, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# Exhibit 4

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500

RICHEMONT INTERNATIONAL SA  
DÉPARTEMENT PROPRIÉTÉ INTELLECTUELLE  
50 CHEMIN DE LA CHÉNAIE, CP 30  
CH-1293 BELLEVUE  
SWITZERLAND

**Mailed: November 18, 2017**

**Serial No.: 79215458**

**Tyrone Craven, Lead Paralegal Specialist:**

The request to extend time to oppose is granted until **2/28/2018** on behalf of potential opposer **Modern Times Drinks, Inc.**

Please do not hesitate to contact the Trademark Trial and Appeal Board for any questions relating to this extension.