

ESTTA Tracking number: **ESTTA867201**

Filing date: **12/23/2017**

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	Naked Wines, LLC
Granted to Date of previous extension	01/17/2018
Address	1767 12th Street Hood River, OR 97031 UNITED STATES

Attorney information	Hillary A Brooks Brooks Quinn, LLC 6513 132nd Ave NE #378 Kirkland, WA 98033 UNITED STATES Email: docketing@brooksquinn.com, hillary@brooksquinn.com Phone: 503-629-1559
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Applicant Information

Application No	87430770	Publication date	09/19/2017
Opposition Filing Date	12/23/2017	Opposition Period Ends	01/17/2018
Applicant	True Colors Wines Imports Inc. 153-41A Rockaway Blvd. Jamaica, NY 11434 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: Wine; Wine-based beverage, namely, piquette; Wines; Red wine

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	likelihood of confusion with Opposer's Family of Marks.

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3597649	Application Date	05/02/2008
Registration Date	03/31/2009	Foreign Priority Date	NONE

Word Mark	NAKED WINERY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2005/11/18 First Use In Commerce: 2005/11/30 wine; natural wines; table wines; whitewine; and red wine

U.S. Registration No.	3502269	Application Date	12/18/2006
Registration Date	09/16/2008	Foreign Priority Date	NONE

Word Mark	NAKED WINERY
Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2007/07/05 First Use In Commerce: 2007/07/05 wine; natural wines; table wines; whitewine; and red wine

U.S. Registration No.	4969357	Application Date	07/09/2014
Registration Date	05/31/2016	Foreign Priority Date	NONE

Word Mark	NKD
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Design Mark	<h1>NKD</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2016/03/16 First Use In Commerce: 2016/03/16 Wine		


U.S. Registration No.	5196699	Application Date	01/29/2016
Registration Date	05/02/2017	Foreign Priority Date	NONE
Word Mark	GET NAKED		
Design Mark	<h1>GET NAKED</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2016/06/17 First Use In Commerce: 2016/06/17 Wine		

U.S. Registration No.	3558709	Application Date	11/28/2007
Registration Date	01/06/2009	Foreign Priority Date	NONE
Word Mark	SIP INTO SOMETHING A LITTLE MORE NAKED		
Design Mark	<h1>SIP INTO SOMETHING A LITTLE MORE NAKED</h1>		

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2007/07/05 First Use In Commerce: 2007/07/05 wine; natural wines; table wines; whitewine; and red wine

U.S. Registration No.	4414935	Application Date	04/17/2013
Registration Date	10/08/2013	Foreign Priority Date	NONE

Word Mark	THE NAKED TRUTH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2010/02/25 First Use In Commerce: 2010/02/25 providing online newsletters in the field of wine; on-line journals, namely, blogs featuring discussions of wine, enology, bottling, storage and enjoyment of wine
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Attachments	77464978#TMSN.png(bytes) 77066527#TMSN.png(bytes) 86332434#TMSN.png(bytes) 86891913#TMSN.png(bytes) 77339489#TMSN.png(bytes) 85906778#TMSN.png(bytes) 6512.0137 Notice Of Opposition.pdf(135306 bytes)
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Signature	/Hillary A. Brooks/
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Name	Hillary A Brooks
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Date	12/23/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No.: 87/430,770

Filed: April 28, 2017

Published: September 19, 2017

For the mark: NAKED COLORS CABERNET SAUVIGNON

Class: 33

NAKED WINES, LLC)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
TRUE COLORS WINES IMPORTS INC.)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

1. Naked Wines, LLC an Oregon limited liability company having its principal place of business at 1767 12th Street, Hood River, Oregon 97031 (“Opposer”), believes that it is damaged by registration of the mark NAKED COLORS CABERNET SAUVIGNON that is the subject of U.S. Trademark Application Serial No. 87/430,770 (“770 application”) for “Wine; Wine-based beverage, namely, piquette; Wines; Red wine” by True Colors Wines Imports Inc. a New York corporation having an address at 153-41A Rockaway Blvd. Jamaica, New York 11434 (“Applicant”). The 770 application was filed April 28, 2017. Opposer opposes registration of the 770 application.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns U.S. Trademark Registration No. 3,597,649 for the mark NAKED WINERY for wine; natural wines; table wines; white wine; and red wine. Opposer owns U.S. Trademark Registration No. 3,502,269 for the design mark NAKED WINERY for wine; natural wines; table wines; white wine; and red wine. Opposer owns U.S. Trademark Registration No. 4,969,357 for the mark NKD for wine. Opposer owns U.S. Trademark Registration No.

5,196,699 for the mark GET NAKED for wine. Opposer owns U.S. Trademark Registration No. 3,558,709 for the mark SIP INTO SOMETHING A LITTLE MORE NAKED for wine; natural wines; table wines; white wine; and red wine. Opposer owns U.S. Trademark Registration No. 4,414,935 for the mark THE NAKED TRUTH for providing online newsletters in the field of wine; on-line journals, namely, blogs featuring discussions of wine, enology, bottling, storage and enjoyment of wine. (Collectively, “NAKED WINERY Marks”).

3. Applicant’s mark NAKED COLORS CABERNET SAUVIGNON so resembles Opposer’s previously registered NAKED WINERY Marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and not abandoned the NAKED WINERY Marks as a trademark for wine.

5. Applicant’s mark NAKED COLORS CABERNET SAUVIGNON so resembles Opposer’s NAKED WINERY Marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

6. Opposer is the owner of a family of NAKED marks including NAKED WINERY, NKD, GET NAKED, SIP INTO SOMETHING A LITTLE MORE NAKED, and THE NAKED TRUTH for wine and related goods and services.

7. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and promoted its marks NAKED WINERY, NKD, GET NAKED, SIP INTO SOMETHING A LITTLE MORE NAKED, and THE NAKED TRUTH as a family of marks.

8. Applicant’s mark NAKED COLORS CABERNET SAUVIGNON is so similar to Opposer’s family of marks that, when used on or in connection with the goods or services of the

Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake or deception.

Opposer prays that this opposition is sustained and that registration to the Applicant is refused.

Respectfully submitted,

BROOKS QUINN, LLC

/Hillary A. Brooks/
Hillary A. Brooks
Registration No. 45,815
Attorney for Opposer

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