

ESTTA Tracking number: **ESTTA891757**

Filing date: **04/23/2018**

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	Diageo Brands B.V.
Granted to Date of previous extension	04/22/2018
Address	Molenwerf 12 Amsterdam, 1014BG NETHERLANDS

Attorney information	Kristin H. Altoff Morgan, Lewis & Bockius LLP 1111 Pennsylvania Ave. NW; Attn: TMSU Washington, DC 20004 UNITED STATES Email: trademarks@morganlewis.com, lawrence.stanley@morganlewis.com, kristin.altoff@morganlewis.com, jennifer.evans@morganlewis.com Phone: 2027395093
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Applicant Information

Application No	87522555	Publication date	10/24/2017
Opposition Filing Date	04/23/2018	Opposition Period Ends	04/22/2018
Applicant	CONSTELLATION BRANDS U.S. OPERATIONS, INC. 235 N. BLOOMFIELD ROAD CANANDAIGUA, NY 14424 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: Spirits

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3370366	Application Date	08/29/2005
Registration Date	01/15/2008	Foreign Priority Date	NONE
Word Mark	OLD PARR		

Design Mark	<h1>OLD PARR</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1910/00/00 First Use In Commerce: 1998/07/31 Alcoholic beverages, namely, whisky		

U.S. Registration No.	3413340	Application Date	06/06/2006
Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	GRAND OLD PARR		
Design Mark	<h1>GRAND OLD PARR</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1910/00/00 First Use In Commerce: 1998/07/31 Alcoholic beverages, namely, whisky		

U.S. Registration No.	4842156	Application Date	04/25/2014
Registration Date	10/27/2015	Foreign Priority Date	NONE
Word Mark	OLD PARR TRIBUTE		
Design Mark	<h1>OLD PARR TRIBUTE</h1>		

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2014/05/29 First Use In Commerce: 2014/05/29 Alcoholic beverages except beers

Attachments	78702203#TMSN.png(bytes) 78901368#TMSN.png(bytes) 86263589#TMSN.png(bytes) Notice of Opposition -- OLD PAL.pdf(321823 bytes)
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Signature	/Kristin H. Altoff/
Name	Kristin H. Altoff
Date	04/23/2018

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

DIAGEO BRANDS B.V.,

Opposer,

v.

CONSTELLATION BRANDS U.S.
OPERATIONS, INC.,

Applicant.

In re Application Serial No. 87/522,555

Mark: OLD PAL

Opposition No. _____

NOTICE OF OPPOSITION

Opposer Diageo Brands B.V. (“Opposer”), by and through its counsel, hereby files this Notice of Opposition against Applicant Constellation Brands U.S. Operations, Inc. (“Applicant”). Opposer believes that it will be damaged by registration of the OLD PAL designation (“Applicant’s Designation”), applied for in connection with “spirits” in International Class 33, as shown in Application Serial No. 87/522,555 (the “Application”), and hereby opposes the registration of Applicant’s Designation pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposer alleges that:

1. Opposer is a private limited company organized under the laws of the Netherlands with its principal place of business located at Molenwerf 12, Amsterdam, 1014BG, The Netherlands.

2. Opposer and its predecessors-in-interest have owned and used its famous OLD PARR mark and marks consisting of OLD PARR (“Opposer’s OLD PARR Marks”) in commerce in the United States in connection with beverage alcohol products since long before

the filing date of the Application, or any other date upon which Applicant can rely in this proceeding.

3. In addition to Opposer's extensive common law rights in Opposer's OLD PARR Marks, Opposer owns the following active U.S. federal trademark registrations for Opposer's OLD PARR Marks:

Mark	Registration No.	Goods	Registration Date	First Use
OLD PARR	3,370,366	Alcoholic beverages, namely, whisky	January 15, 2008	First Use: 1910 First Use in Commerce: July 31, 1998
GRAND OLD PARR	3,413,340	Alcoholic beverages, namely, whisky	April 15, 2008	First Use: 1910 First Use in Commerce: July 31, 1998
OLD PARR TRIBUTE	4,842,156	Alcoholic beverages except beers	October 27, 2015	First Use: May 29, 2014 First Use in Commerce: May 29, 2014

Copies of the registration certificates and electronic status records for these registrations, all of which are valid, subsisting, and in full force and effect, are attached hereto as Exhibit A.

4. Registration Nos. 3,370,366 and 3,413,340 are incontestable pursuant to the provisions of Section 15 of the Lanham Act, 15 U.S.C. § 1065, and constitute conclusive evidence of Opposer's exclusive right to use the marks in commerce in connection with the goods specified in the registrations.

5. During its longstanding, widespread and continuous use of Opposer's OLD PARR Marks, Opposer and its authorized wholesalers, distributors, and retail accounts have expended considerable time, effort and money in advertising and promoting the sale of beverage alcohol products bearing Opposer's OLD PARR Marks in the United States.

6. During its longstanding, widespread and continuous use of Opposer's OLD PARR Marks, Opposer has directly and indirectly sold, and offered for sale, beverage alcohol products bearing Opposer's OLD PARR Marks to wholesalers, distributors, and individuals over the legal purchase age for alcohol throughout the United States.

7. In addition, from a date long prior to any date upon which Applicant can rely in this proceeding, consumers and the public have recognized and commonly used Opposer's OLD PARR Marks to refer to Opposer's beverage alcohol products and have come to identify Opposer's OLD PARR Marks with Opposer and its alcoholic beverages.

8. Opposer's OLD PARR Marks are symbolic of the extensive goodwill and consumer recognition that Opposer has established through substantial expenditures of time, effort and other resources in the advertising and promotion of the goods Opposer sells and offers for sale under Opposer's OLD PARR Marks.

9. As a result of Opposer's regular, extensive and well-publicized use, Opposer's OLD PARR Marks are famous in the United States and are associated exclusively with Opposer and its high quality goods.

10. Upon information and belief, Applicant is a New York corporation with an address of 235 N. Bloomfield Road, Canandaigua, New York 14424.

11. Applicant seeks to register the OLD PAL Designation in connection with "spirits" in International Class 33.

12. Applicant filed the Application on July 10, 2017, long after Opposer commenced use of and registered Opposer's OLD PARR Marks in the United States, and long after Opposer's OLD PARR Marks became famous in the United States.

13. Applicant's Designation was published for opposition in the *Official Gazette* on October 24, 2017.

14. In response to Opposer's timely request for an extension of time, the Trademark Trial and Appeal extended the deadline to oppose the Application until April 22, 2018. Opposer therefore timely files this Notice of Opposition.

15. Opposer's rights in and to Opposer's OLD PARR Marks are superior to those of Applicant.

16. Opposer's OLD PARR Marks are strong and famous and became famous before the filing date or any date upon which Applicant can rely in this proceeding.

17. Applicant's application for and any use of Applicant's Designation are without the consent, authorization, or license of Opposer.

18. Applicant's Designation is confusingly similar in appearance, sound, and commercial impression to Opposer's OLD PARR Marks.

19. The goods covered by the Application are closely related to and/or overlap with, and are likely to be perceived as closely related to and/or overlapping with, the goods with which Opposer uses and has used Opposer's OLD PARR Marks in the United States.

20. Upon information and belief, the goods sold in connection with Opposer's OLD PARR Marks and the goods set forth in the Application are intended to be directed to identical or similar classes of purchasers and to be distributed through the same or similar channels of trade in the United States.

21. Opposer will be damaged by the registration sought by Applicant because Applicant's Designation so resembles Opposer's OLD PARR Marks as to be likely, when used on or in connection with the goods identified in the Application, to cause confusion, mistake or to deceive consumers, with consequent injury to Opposer and to the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

22. Opposer will be damaged by the registration sought by Applicant because such registration is likely to dilute the distinctive qualities of the famous Opposer's OLD PARR Marks, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's OLD PAL designation shown in Application Serial No. 87/522,555 and respectfully request that the registration sought by Applicant be refused.

Dated: April 23, 2018

Respectfully submitted,

By: /s/ Kristin H. Altoff
Lawrence T. Stanley, Jr.
Kristin H. Altoff
Morgan Lewis & Bockius LLP
1111 Pennsylvania Ave., NW
Washington D.C. 20004
Tel: 202-739-5093
Email: lawrence.stanley@morganlewis.com
kristin.altoff@morganlewis.com

Attorneys for Diageo Brands B.V.

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,370,366

Registered Jan. 15, 2008

**TRADEMARK
PRINCIPAL REGISTER**

OLD PARR

DIAGEO BRANDS B.V. (NETHERLANDS CORPORATION)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 B.G.

FOR: ALCOHOLIC BEVERAGES, NAMELY,
WHISKY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 0-0-1910; IN COMMERCE 7-31-1998.

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

SN 78-702,203, FILED 8-29-2005.

NAKIA HENRY, EXAMINING ATTORNEY

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Mark: OLD PARR

OLD PARR

US Serial Number: 78702203

Application Filing Date: Aug. 29, 2005

US Registration Number: 3370366

Registration Date: Jan. 15, 2008

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Apr. 23, 2018

Publication Date: Jul. 11, 2006

Notice of Allowance Date: Oct. 03, 2006

Mark Information

Mark Literal Elements: OLD PARR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Alcoholic beverages, namely, whisky

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: 1910

Use in Commerce: Jul. 31, 1998

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Diageo Brands B.V.

Owner Address: Molenwerf 12
Amsterdam 1014 B.G.
NETHERLANDS

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paola Tornabene

Docket Number: OPAR-0001-US

Attorney Primary Email Address: diageodocketing@ashurst.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Paola Tornabene
Diageo North America, Inc.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com gina.vendittelli@diageo.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Paola Tornabene

Phone: (203) 229-2100

Domestic Representative e-mail: diageodocketing@ashurst.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 23, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76874
Apr. 23, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76874
Jan. 10, 2018	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	76874
Apr. 23, 2018	CERTIFICATE OF CORRECTION ISSUED	76874
Apr. 19, 2018	SEC 7 REQUEST FILED	76874
Apr. 19, 2018	TEAS SECTION 7 REQUEST RECEIVED	
Apr. 19, 2018	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Feb. 01, 2018	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	76874
Feb. 01, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Jan. 10, 2018	TEAS SECTION 8 & 9 RECEIVED	
Jan. 15, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 23, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jan. 23, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Jan. 13, 2014	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	76293
Jan. 23, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jan. 13, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jan. 15, 2008	REGISTERED-PRINCIPAL REGISTER	
Dec. 13, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	78145
Dec. 13, 2007	ASSIGNED TO LIE	78145
Nov. 07, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 16, 2007	STATEMENT OF USE PROCESSING COMPLETE	66154
Oct. 01, 2007	USE AMENDMENT FILED	66154
Oct. 01, 2007	TEAS STATEMENT OF USE RECEIVED	
Mar. 13, 2007	ASSIGNED TO EXAMINER	82087
Mar. 07, 2007	EXTENSION 1 GRANTED	98765
Mar. 07, 2007	EXTENSION 1 FILED	98765
Mar. 07, 2007	TEAS EXTENSION RECEIVED	
Oct. 03, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 11, 2006	PUBLISHED FOR OPPOSITION	
Jun. 21, 2006	NOTICE OF PUBLICATION	

May 26, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
May 19, 2006	ASSIGNED TO LIE	70997
May 09, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 24, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	70997
Apr. 05, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	70997
Apr. 05, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 15, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 15, 2006	NON-FINAL ACTION WRITTEN	80809
Mar. 15, 2006	ASSIGNED TO EXAMINER	80809
Sep. 06, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 15, 2018

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, line 1, "CORPORATION" should be deleted, and PRIVATE LIMITED COMPANY should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 23, 2018

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,413,340

Registered Apr. 15, 2008

**TRADEMARK
PRINCIPAL REGISTER**

GRAND OLD PARR

DIAGEO BRANDS B.V. (NETHERLANDS CORPORATION)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014BG

FOR: ALCOHOLIC BEVERAGES, NAMELY, WHISKY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 0-0-1910; IN COMMERCE 7-31-1998.

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

SN 78-901,368, FILED 6-6-2006.

RENEE SERVANCE, EXAMINING ATTORNEY

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Mark: GRAND OLD PARR

GRAND OLD PARR

US Serial Number: 78901368

Application Filing Date: Jun. 06, 2006

US Registration Number: 3413340

Registration Date: Apr. 15, 2008

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Nov. 04, 2014

Publication Date: Jul. 03, 2007

Notice of Allowance Date: Sep. 25, 2007

Mark Information

Mark Literal Elements: GRAND OLD PARR

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Alcoholic beverages, namely, whisky

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: 1910

Use in Commerce: Jul. 31, 1998

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Diageo Brands B.V.

Owner Address: Molenwerf 10-12
Amsterdam 1014BG
NETHERLANDS

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Paola Tornabene

Docket Number: OPAR-0018-US

Attorney Primary Email Address: diageodocketing@ashurst.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Paola Tornabene
Diageo North America, Inc.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com gina.vendittelli@diageo.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Paola Tornabene

Phone: (203) 229-2100

Domestic Representative e-mail: diageodocketing@ashurst.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Apr. 19, 2018	TEAS SECTION 8 & 9 RECEIVED	
Apr. 15, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 04, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Nov. 04, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Nov. 04, 2014	CERTIFICATE OF CORRECTION ISSUED	68502
Oct. 16, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Oct. 16, 2014	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Apr. 25, 2014	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	68502
Apr. 25, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Apr. 10, 2014	TEAS SECTION 8 & 15 RECEIVED	
Apr. 15, 2008	REGISTERED-PRINCIPAL REGISTER	
Mar. 11, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	78288
Mar. 10, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 22, 2008	STATEMENT OF USE PROCESSING COMPLETE	70565
Feb. 01, 2008	USE AMENDMENT FILED	70565
Feb. 01, 2008	TEAS STATEMENT OF USE RECEIVED	
Sep. 25, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 16, 2007	ASSIGNED TO EXAMINER	83188
Jul. 03, 2007	PUBLISHED FOR OPPOSITION	
Jun. 13, 2007	NOTICE OF PUBLICATION	
Apr. 26, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78288
Apr. 26, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 25, 2007	AMENDMENT FROM APPLICANT ENTERED	78288
Apr. 25, 2007	CORRESPONDENCE RECEIVED IN LAW OFFICE	78288
Apr. 23, 2007	ASSIGNED TO LIE	78288
Mar. 21, 2007	PAPER RECEIVED	
Sep. 20, 2006	NON-FINAL ACTION E-MAILED	6325
Sep. 20, 2006	NON-FINAL ACTION WRITTEN	79798
Sep. 20, 2006	ASSIGNED TO EXAMINER	79798
Jun. 09, 2006	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, line 1 and 2, "NETHERLANDS CORPORATION" should be deleted, and NETHERLANDS PRIVATE LIMITED COMPANY should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Nov. 04, 2014

United States of America

United States Patent and Trademark Office

OLD PARR TRIBUTE

Reg. No. 4,842,156

DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)
MOLENWERF 10-12

Registered Oct. 27, 2015

AMSTERDAM, NETHERLANDS 1014BG

Int. Cl.: 33

FOR: ALCOHOLIC BEVERAGES EXCEPT BEERS, IN CLASS 33 (U.S. CLS. 47 AND 49).

TRADEMARK

FIRST USE 5-29-2014; IN COMMERCE 5-29-2014.

PRINCIPAL REGISTER

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

OWNER OF U.S. REG. NOS. 3,370,366 AND 3,413,340.

SN 86-263,589, FILED 4-25-2014.

SANI KHOURI, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

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Mark: OLD PARR TRIBUTE

OLD PARR TRIBUTE

US Serial Number: 86263589

Application Filing Date: Apr. 25, 2014

US Registration Number: 4842156

Registration Date: Oct. 27, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 27, 2015

Publication Date: Jun. 24, 2014

Notice of Allowance Date: Aug. 19, 2014

Mark Information

Mark Literal Elements: OLD PARR TRIBUTE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 3370366, 3413340

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Alcoholic beverages except beers

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: May 29, 2014

Use in Commerce: May 29, 2014

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Diageo Brands B.V.

Owner Address: Molenwerf 10-12
Amsterdam 1014BG
NETHERLANDS

Legal Entity Type: private limited company

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Hamilton

Attorney Primary Email Address: trademarks@diageo.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JENNIFER HAMILTON
Diageo North America, Inc.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES

Phone: (203) 229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jennifer Hamilton

Domestic Representative e-mail: trademarks@diageo.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Oct. 27, 2015	REGISTERED-PRINCIPAL REGISTER	
Sep. 22, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 19, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 31, 2015	STATEMENT OF USE PROCESSING COMPLETE	65362
Aug. 14, 2015	USE AMENDMENT FILED	65362
Aug. 28, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Aug. 14, 2015	TEAS STATEMENT OF USE RECEIVED	
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 21, 2015	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 19, 2015	EXTENSION 1 GRANTED	98765
Feb. 19, 2015	EXTENSION 1 FILED	98765
Feb. 19, 2015	TEAS EXTENSION RECEIVED	
Aug. 19, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 24, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 24, 2014	PUBLISHED FOR OPPOSITION	
Jun. 04, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
May 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 13, 2014	ASSIGNED TO EXAMINER	77986
May 10, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 29, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 19, 2015