

ESTTA Tracking number: **ESTTA920453**

Filing date: **09/06/2018**

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	John Wayne Enterprises, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	210 62nd Street Newport Beach, CA 92663 UNITED STATES		

Attorney information	Ronald P. Oines Rutan & Tucker, LLP 611 Anton Blvd., Ste. 1400 Costa Mesa, CA 92626 UNITED STATES roines@rutan.com, csolorzano@rutan.com, trademarks@rutan.com 714-641-5100		
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Applicant Information

Application No	87865206	Publication date	08/07/2018
Opposition Filing Date	09/06/2018	Opposition Period Ends	09/06/2018
Applicant	Myers, Michael Andrew 3/59 Eagle St Alderley, Queensland, 4051 AUSTRALIA		

Goods/Services Affected by Opposition

Class 021. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Decanters; Drinking glasses; Soapstone cubes for chilling whiskey; Tumblers for use as drinking glasses; Whisky glasses
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Applicant Information

Application No	87831221	Publication date	08/07/2018
Opposition Filing Date	09/06/2018	Opposition Period Ends	09/06/2018
Applicant	Myers, Michael Andrew 3/59 Eagle St Alderley, Queensland, 4051 AUSTRALIA		

Goods/Services Affected by Opposition


Class 021. First Use: 0 First Use In Commerce: 0
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All goods and services in the class are opposed, namely: Decanters; Drinking glasses; Soapstone cubes for chilling whiskey; Tumblers for use as drinking glasses; Whisky glasses

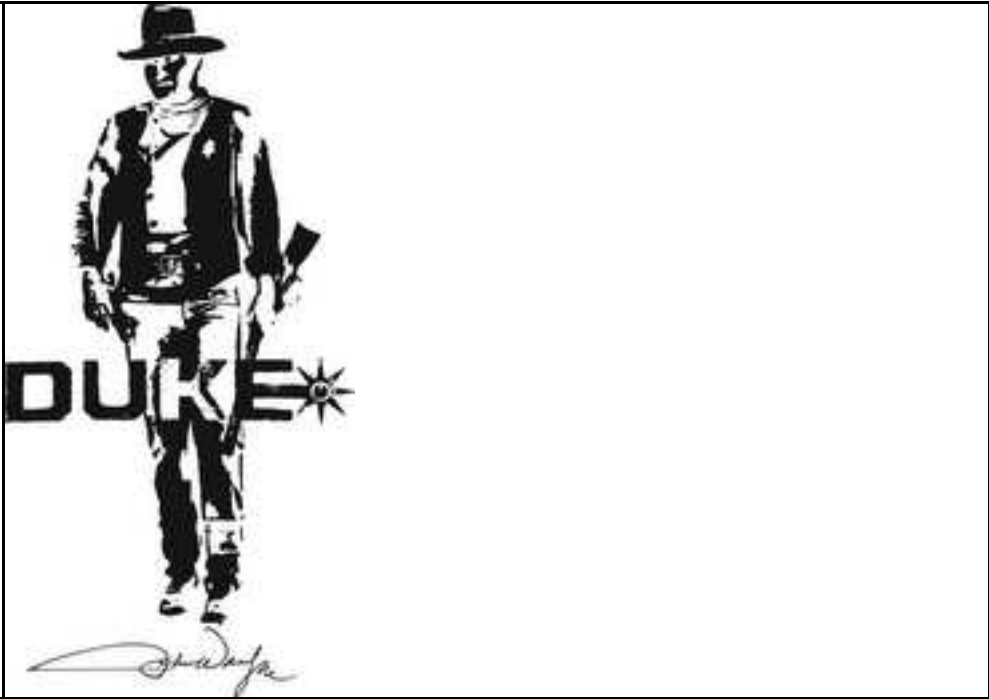
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	5156396	Application Date	07/03/2013
Registration Date	03/07/2017	Foreign Priority Date	NONE
Word Mark	DUKE 44-40		
Design Mark			
Description of Mark	The mark consists of a stylized design of the bottom of a 44-40 ammunition cartridge bearing the literal element "DUKE" and "44-40".		
Goods/Services	Class 033. First use: First Use: 2014/07/04 First Use In Commerce: 2014/07/04 Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke		


U.S. Registration No.	5161308	Application Date	03/01/2013
Registration Date	03/14/2017	Foreign Priority Date	NONE
Word Mark	DUKE JOHN WAYNE		

Design Mark	
Description of Mark	<p>The mark consists of a silhouette of a cowboy, in the likeness of the late internationally known movie star John Wayne, who is wearing a cowboy hat, kerchief, vest, gun belt and boots, and holding a rifle in his left hand. The signature of "JOHN WAYNE" is below the silhouette and the word "DUKE" in block letters is superimposed over the silhouette with a spur shaped design connecting to the letter "E".</p>
Goods/Services	<p>Class 033. First use: First Use: 2014/07/04 First Use In Commerce: 2014/07/04 Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke</p>

U.S. Registration No.	5161307	Application Date	02/26/2013
Registration Date	03/14/2017	Foreign Priority Date	NONE
Word Mark	DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 033. First use: First Use: 2014/07/04 First Use In Commerce: 2014/07/04 Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke</p>		

U.S. Application	85184102	Application Date	11/23/2010
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely, activewear in the nature of t-shirts, under shirts, sweatshirts, flannel shirts, pants, sweatpants, shorts, sweaters, boots, athletic shoes, sandals; outerwear in the nature of outer jackets, coats, beach cover ups, sweatshirts, scarves, hats, boots, jeans, shorts, shirts, suits, swimwear, boating wear in the nature of swim suits, wet suits, jackets, t-shirts, crew shirts, boat shoes, boat hats, flip flops, sneakers, shorts, sports socks, ball caps, beach cover ups, sweaters, beachwear, belts, gloves, neckwear, footwear and headgear, namely, caps, cowboy hats, beanies, berets, military caps, boater hats and fedoras; all goods in this class bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne</p>		

U.S. Registration No.	5246850	Application Date	03/20/2015
Registration Date	07/18/2017	Foreign Priority Date	NONE
Word Mark	DINING WITH THE DUKE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 2015/11/00 First Use In Commerce: 2015/11/00 Magazines in the field of food and alcohol; all goods in this class bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne Class 041. First use: First Use: 2015/11/00 First Use In Commerce: 2015/11/00 Providing on-line magazines in the field of food and alcohol; all such on-line</p>		

	magazines bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne
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U.S. Registration No.	5167135	Application Date	06/23/2015
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Registration Date	03/21/2017	Foreign Priority Date	NONE
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Word Mark	DUKE JOHN WAYNE
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Design Mark	
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Description of Mark	The mark consists of the word "DUKE" in block letters with a spur shaped design connecting to the letter "E", and underneath is the signature of "JOHN WAYNE".
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Goods/Services	Class 033. First use: First Use: 2014/07/04 First Use In Commerce: 2014/07/04 Alcoholic beverages except beers; all goods in this class bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne
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Attachments	86002277#TMSN.png(bytes) 85864358#TMSN.png(bytes) 85860463#TMSN.png(bytes) 85184102#TMSN.png(bytes) 86570734#TMSN.png(bytes) 86670994#TMSN.png(bytes) Opposition.pdf(368632 bytes)
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Signature	/Ronald P. Oines/
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Name	Ronald P. Oines
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Date	09/06/2018
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOHN WAYNE ENTERPRISES, LLC,

Opposer,

v.

MICHAEL ANDREW MYERS,

Applicant.

Opposition No.:

Application Serial No. 87865206
Trademark: KD KNAVE & DUKE




Application Serial No. 87831221
Trademark: KNAVE & DUKE

NOTICE OF OPPOSITION

Opposer, John Wayne Enterprises, LLC (“Opposer”), a California limited liability company having a place of business at 210 62nd Street, Newport Beach, California 92663, believes that it will be damaged by registration of the marks KD KNAVE & DUKE, shown in U.S. Application Serial No. 87865206, and KNAVE & DUKE shown in U.S. Application Serial No. 87831221 (collectively, the “Applications”), filed by Michael Andrew Myers (“Applicant”), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer holds the rights in the name of the deceased legendary American celebrity and movie actor, John Wayne, also known as Duke Wayne, Duke Morrison, Duke, and The Duke, as well as all commercial licensing and merchandising and allied rights relating to the use of John Wayne’s name, image and likeness, including but not limited to rights of association, publicity, sponsorship and/or endorsement, including among other indicia, DUKE and THE DUKE.
2. Opposer is the owner of several U.S. Registrations and trademark applications for marks that comprise or incorporate the term DUKE for a number of goods and services, which are listed below (collectively, “Opposer’s Marks”):

Mark	Serial No. Reg. No.	Filing Date Reg. Date	Class
DUKE 44-40 	86/002,277 5,156,396	7/3/2013 3/7/2017	33
DUKE JOHN WAYNE 	85/864,358 5,161,308	3/1/2013 3/14/2017	33
DUKE	85/860,463 5,161,307	2/26/2013 3/14/2017	33
THE DUKE	85/184,102	11/23/2010	25
DINING WITH THE DUKE	86/570,734 5,246,850	3/20/2015 7/18/2017	16, 41
	86/670,994 5,167,135	6/23/2015 3/21/2017	33

3. Copies of Opposer's registrations are attached hereto as Exhibit A.
4. The names DUKE and THE DUKE are recognized in the United States and elsewhere as identifying the late actor John Wayne.
5. Since long prior to the filing of the Applications, Opposer has used in commerce the marks DUKE and THE DUKE, as well as the other word and design marks identified above (collectively, "the DUKE Marks") in connection with a variety of goods and services offered by Opposer and its licensees.
6. Sales of products and services under the DUKE Marks have been extensive.
7. The DUKE Marks have been extensively and prominently advertised in a variety of media.
8. As a result of the successful sales, extensive advertising and promotional activities, the DUKE Marks have become well-known and famous.

Applicant's Trademark Applications

9. Upon information and belief, Applicant filed Application Serial No. 87865206 on April 5, 2018 to register the mark KD KNAVE & DUKE under a Section 1(b) intent to use basis.

10. As published on August 7, 2018, the Application covers “Decanters; Drinking glasses; Soapstone cubes for chilling whiskey; Tumblers for use as drinking glasses; Whisky glasses” in International Class 021.

11. Upon information and belief, Applicant filed Application Serial No. 87831221 on March 13, 2018 to register the mark KNAVE & DUKE under a Section 1(b) intent to use basis.

12. As published on August 7, 2018, the Application covers “Decanters; Drinking glasses; Soapstone cubes for chilling whiskey; Tumblers for use as drinking glasses; Whisky glasses” in International Class 021.

FIRST CLAIM FOR RELIEF

Likelihood of Confusion

Section 2(d) of The Lanham Act; 15 U.S.C. §1052(d)

13. Opposer hereby incorporates the foregoing paragraphs as fully set forth herein.

14. Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), prohibits registration on the principal register of a mark that consists of or comprises a mark which so resembles a mark previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.

15. Upon information and belief, the goods identified in the Applications are closely related and/or complementary to the goods and services offered under the DUKE Marks.

16. The marks Applicant has applied for so resemble the DUKE Marks, as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive.

SECOND CLAIM FOR RELIEF
False Suggestion of a Connection
Section 2(a) of The Lanham Act; 15 U.S.C. §1052(a)

17. Opposer hereby incorporates the foregoing paragraphs as fully set forth herein.

18. Section 2(a) of the Lanham Act, 15 U.S.C. §1052(a), prohibits registration on the principal register of a mark which disparages or falsely suggests a connection with persons, living or dead, institutions, beliefs or national symbols, or which brings them into contempt or disrepute.

19. The marks Applicant has applied for falsely suggest a connection with the late actor John Wayne, known as DUKE or THE DUKE, and have a potential to disparage, bring into contempt or disrepute John Wayne or otherwise invade upon rights of privacy and publicity which Opposer seeks to defend.

20. The marks Applicant has applied for are the same as, or a close approximation of the name or identity of John Wayne, also known as DUKE or THE DUKE.

21. The marks Applicant has applied for would be recognized as identifying or falsely suggesting a connection with John Wayne, also known as DUKE or THE DUKE, in that it points uniquely and unmistakably to him.

22. Neither Opposer nor John Wayne is connected with the goods sold by Applicant under the marks Applicant has applied for.

23. The name and identity of John Wayne, also known as DUKE and THE DUKE, are of sufficient fame and reputation such that when the marks Applicant has applied for are used in connection with the goods identified in Applicant's Applications, a connection with John Wayne and Opposer would be presumed by the consuming public, all causing harm to Opposer.

24. Thus, the marks Applicant has applied for falsely suggest a connection in violation of Lanham Act §2(a), and are not entitled to registration.

THIRD CLAIM FOR RELIEF
Trademark Dilution
Section 43(c) of The Lanham Act; 15 U.S.C. §1125(c)

25. Opposer hereby incorporates the foregoing paragraphs as fully set forth herein.

26. The DUKE Marks have become famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

27. The DUKE Marks became famous prior to the filing date of the Applications.

28. The DUKE Marks will be diluted by the registration of the marks Applicant has applied for.

29. For the reasons noted above, Opposer would be damaged by the registration of the marks Applicant has applied for because the marks Applicant has applied for are likely to interfere with Opposer's use and exploitation of the DUKE Marks, to tarnish John Wayne's and Opposer's reputation and that of the DUKE Marks, and to diminish and dilute Opposer's rights in said marks and the distinctive quality thereof and the goodwill associated, which inures to the benefit of Opposer.

WHEREFORE, Opposer prays that Application Serial Nos. 87865206 and 87831221 be rejected, that no registrations be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Please recognize Ronald P. Oines and Lindsay J. Hulley and the law firm of Rutan & Tucker, LLP, as attorneys for Opposer in this proceeding and address all communications to Mr. Oines at the address below. This Notice of Opposition is being submitted electronically through ESTTA. The required fee is authorized to be charged against the Deposit Account of the Attorney for Opposer.

Respectfully submitted,

Dated: September 6, 2018

By: /Ronald P. Oines/
Ronald P. Oines
Lindsay J. Hulley
Rutan & Tucker, LLP
611 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
Telephone: (714) 641-5100
roines@rutan.com
lhulley@rutan.com
Attorneys for Opposer,
John Wayne Enterprises, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he is one of the attorneys for Opposer John Wayne Enterprises, LLC, in the above-captioned Opposition proceeding and that on the date which appears below, he caused a copy of the foregoing **NOTICE OF OPPOSITION** to be served on Applicant below by email:

Applicant's Attorney of Record:

Jeremy Peter Green
JPG Legal
810 7th Street NE
Washington, DC 20002
E-mail: info@jpg.legal
info@jpglegal.com

Dated: September 6, 2018
Costa Mesa, California

/Ronald P. Oines/
Ronald P. Oines

EXHIBIT A

United States of America

United States Patent and Trademark Office



Reg. No. 5,156,396

John Wayne Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
210 62nd Street

Registered Mar. 07, 2017

Newport Beach, CA 92663

Int. Cl.: 33

CLASS 33: Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke

Trademark

FIRST USE 7-4-2014; IN COMMERCE 7-4-2014

Principal Register

The mark consists of a stylized design of the bottom of a 44-40 ammunition cartridge bearing the literal element "DUKE" and "44-40".

OWNER OF U.S. REG. NO. 3245232

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 86-002,277, FILED 07-03-2013

JOHN D DWYER, 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>.

United States of America

United States Patent and Trademark Office



Reg. No. 5,161,308

John Wayne Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
210 62nd Street
Newport Beach, CA 92663

Registered Mar. 14, 2017

Int. Cl.: 33

CLASS 33: Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke

Trademark

FIRST USE 7-4-2014; IN COMMERCE 7-4-2014

Principal Register

The mark consists of a silhouette of a cowboy, in the likeness of the late internationally known movie star John Wayne, who is wearing a cowboy hat, kerchief, vest, gun belt and boots, and holding a rifle in his left hand. The signature of "JOHN WAYNE" is below the silhouette and the word "DUKE" in block letters is superimposed over the silhouette with a spur shaped design connecting to the letter "E".

OWNER OF U.S. REG. NO. 1455175, 3561444, 3245232, 3137619

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 85-864,358, FILED 03-01-2013

KATHLEEN H LORENZO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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- **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*

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United States of America

United States Patent and Trademark Office

DUKE

Reg. No. 5,161,307

John Wayne Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
210 62nd Street

Registered Mar. 14, 2017 Newport Beach, CA 92663

Int. Cl.: 33

CLASS 33: Alcoholic beverages except beers, all in connection with indicia denoting the late internationally known movie star John Wayne, who is also known as Duke

Trademark

FIRST USE 7-4-2014; IN COMMERCE 7-4-2014

Principal Register

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

OWNER OF U.S. REG. NO. 3245232

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 85-860,463, FILED 02-26-2013

KATHLEEN H LORENZO, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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- **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*

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United States of America

United States Patent and Trademark Office

DINING WITH THE DUKE

Reg. No. 5,246,850

Registered Jul. 18, 2017

Int. Cl.: 16, 41

Service Mark

Trademark

Principal Register

John Wayne Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
210 62nd Street
Newport Beach, CA 92663

CLASS 16: Magazines in the field of food and alcohol; all goods in this class bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne

FIRST USE 11-00-2015; IN COMMERCE 11-00-2015

CLASS 41: Providing on-line magazines in the field of food and alcohol; all such on-line magazines bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne

FIRST USE 11-00-2015; IN COMMERCE 11-00-2015

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

The name shown in the mark does not identify a particular living individual.

SER. NO. 86-570,734, FILED 03-20-2015
REGINA C HINES, EXAMINING ATTORNEY



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

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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>.

United States of America

United States Patent and Trademark Office



Reg. No. 5,167,135

Registered Mar. 21, 2017

Int. Cl.: 33

Trademark

Principal Register

John Wayne Enterprises, LLC (CALIFORNIA LIMITED LIABILITY COMPANY)
210 62nd Street
Newport Beach, CA 92663

CLASS 33: Alcoholic beverages except beers; all goods in this class bearing the name, image or likeness of the late film star John Wayne and being marketed in a manner that associates the term DUKE with John Wayne

FIRST USE 7-4-2014; IN COMMERCE 7-4-2014

The mark consists of the word "DUKE" in block letters with a spur shaped design connecting to the letter "E", and under which is the signature of "JOHN WAYNE".

OWNER OF U.S. REG. NO. 4660077, 3801130, 3245232

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 86-670,994, FILED 06-23-2015
ANGELA GAW DUONG, 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/>.

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