

ESTTA Tracking number: **ESTTA943583**

Filing date: **12/21/2018**

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	Irish Distillers Limited
Granted to Date of previous extension	12/26/2018
Address	Simmons Court House, Simmons Court Road Ballsbridge, Dublin, 4 IRELAND

Attorney information	Louis S. Ederer, Matthew T. Salzman, Palak Mayani Parikh Arnold & Porter Kaye Scholer LLP 601 Massachusetts Ave., NW IP DOCKETING Washington, DC 20001 UNITED STATES trademarkdocketing@arnoldporter.com, louis.ederer@arnoldporter.com, matthew.salzman@arnoldporter.com, palak.mayani@arnoldporter.com, elisabeth.richards@arnoldporter.com 202.942.5000
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Applicant Information

Application No	87819368	Publication date	08/28/2018
Opposition Filing Date	12/21/2018	Opposition Period Ends	12/26/2018
Applicant	Dorene P. Jamerson 12127 Kentucky Detroit, MI 48204 UNITED STATES		


Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: Online Retail Store Services And Retail Store Services In The Nature Of A Retail Gift Shop Featuring Specialty Gifts And Keepsakes Provided In A Bistro Environment
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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.	521209	Application Date	05/12/1948
Registration Date	02/21/1950	Foreign Priority Date	NONE
Word Mark	JOHN JAMESON & SON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1907/01/00 First Use In Commerce: 1907/01/00 IRISH WHISKEY		

U.S. Registration No.	899349	Application Date	06/18/1969
Registration Date	09/22/1970	Foreign Priority Date	NONE
Word Mark	JAMESON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1969/04/03 First Use In Commerce: 1969/04/03 IRISH WHISKEY		


U.S. Registration No.	4831947	Application Date	04/10/2015
Registration Date	10/13/2015	Foreign Priority Date	NONE
Word Mark	JAMESON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/08/00 First Use In Commerce: 2012/08/00 Downloadable applications for mobile devices for providing information about alcoholic beverages, bars, restaurants and travel destinations		

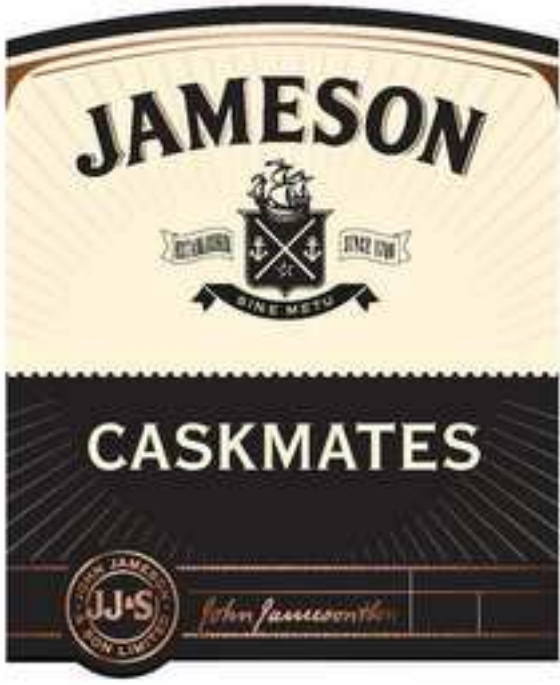
U.S. Registration No.	5038716	Application Date	06/25/2014
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Registration Date	09/13/2016	Foreign Priority Date	05/20/2014
Word Mark	JAMESON TRENDS LAB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Educational services relating to alcoholic beverages and cocktails made thereof, namely, conducting educational classes and educational events conducted by mixologists in the field of alcoholic beverages and cocktails made thereof and arranging cocktails tasting; Publishing of electronic publications, namely, online publication of texts, periodicals, magazines, catalogues relating to alcoholic beverages; Publication of texts, books, magazines, catalog books and other printed matter relating to alcoholic beverages, cocktails made thereof and the above mentioned educational events</p>		


U.S. Registration No.	5091536	Application Date	02/10/2014
Registration Date	11/29/2016	Foreign Priority Date	09/19/2013
Word Mark	JAMESON JJ&S JOHN JAMESON & SON LIMITED		
Design Mark			
Description of Mark	<p>The mark consists of the wording "JAMESON" in green with the letters in an archshape. Below that is a red seal with the letters "JJ&S" at the center in cream surrounded by a cream colored circular border; outside the border, around the top edge of the seal, is the wording "JOHN JAMESON" in cream, and around the bottom edge of the seal is the wording "& SON LIMITED", also in cream, with cream dots separating the upper and lower wording.</p>		
Goods/Services	<p>Class 033. First use: First Use: 2015/10/15 First Use In Commerce: 2015/10/15</p> <p>Whiskey</p>		

U.S. Registration	4869093	Application Date	03/17/2014
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No.			
Registration Date	12/15/2015	Foreign Priority Date	09/19/2013
Word Mark	JJ&S Â· JOHN JAMESON Â· & SON LIMITED		
Design Mark			
Description of Mark	<p>The mark consists of the letters "JJ&S" in cream lettering in the center of a red circle, with a cream colored circular outline around the letters "JJ&S" that tapers and breaks on the left at the bottom of the "J" and on the right at the top of the "S". Around the top inner edge of the circle are the words "JOHN JAMESON" in cream color with a cream colored dot before and after those words, all on a red background. Around the bottom inner edge of the circle are the words "& SON LIMITED" in cream lettering on a red background.</p>		
Goods/Services	<p>Class 033. First use: First Use: 2013/05/16 First Use In Commerce: 2013/05/16 Whiskey</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0 Arranging entertainment, namely, organization of games, organization of cultural competitions, organization of cultural events, conducting parties, shows, organization of exhibitions in the field of alcoholic beverages and oenology for cultural and entertainment purposes; educational services, namely, organization of conferences, seminars, congresses, exhibitions, and cultural events in the fields of alcoholic beverages and oenology; organization of cultural events in the fields of art and cinema</p>		
U.S. Registration No.	4852147	Application Date	07/07/2014
Registration Date	11/10/2015	Foreign Priority Date	06/06/2014
Word Mark	JAMESON X ESTABLISHED SINCE 1780 SINE METU CASKMATES JJ&S JOHN JAMESON & SON LIMITED JOHN JAMESON & SON		

Design Mark			
Description of Mark	<p>The mark consists of label design in the shape of a symmetrical four-sided geometric figure with straight bottom and sides and a rounded top edge, at the top of the label are copper and black borders, below that is the word "JAMESON" in large black capital letters with a copper outline that makes the letters appear three-dimensional, the letters are arranged in the shape of an arch, underneath that is a black shield design, the top edge of the shield extends outward both left and right, and the bottom edge of the shield extends outward to a point at the-center, overlapping the upper quadrant of the shield design is a triple-masted sail boat in cream with black outlines, in the left and right quadrants formed by the diagonal bands in the color cream are cream anchors on each side, to the left of the shield design is a cream colored banner outlined in black with the black word "ESTABLISHED" insided, to the right of the shield design is a cream colored banner outlined in black with the black wording "SINCE 1780" inside, in thebottom quadrant is a cream and black star, under the shield is a black banner with the words "SINE METU" in cream, the background of entire top section of the label design is cream colored, below theshield design, along the bottom of the label, is a large black box with ridges along the top adjoining side, the word "CASKMATES" appears in the bottom box in large cream capital letters, at the bottom left of the box design is a seal design in the color copper with copper horizontal lines overlapping the bottom of the box, on the seal are the words "JJ&S" in the center, and "JOHN JAMESON & SON LIMITED" around the edges, both in the color copper, with the signature of "JOHN JAMESON & SON" in copper script and to the right of the seal design, and extending all around the label design in a circular pattern are lines in the color cream on the top and copper on the bottom box portions.</p>		
Goods/Services	Class 033. First use: First Use: 2014/09/00 First Use In Commerce: 2015/07/00 Whiskey		
U.S. Registration No.	4805363	Application Date	09/03/2014
Registration Date	09/01/2015	Foreign Priority Date	NONE
Word Mark	JAMESON NEIGHBORHOOD FUND JJ&S JOHN JAMESON & SON LIMITED		

Design Mark	
Description of Mark	<p>The mark consists of a double-border circle design containing the word "NEIGHBORHOOD" in curved font at the top of the circle and the word "FUND" in curved font at the bottom of the circle. A dot and an image of a man carrying a barrel on his back appear within each side of the circle between the wording. A smaller double circle design appears within the large circle with the word "JAMESON" appearing above the double circle design. The letters "JJ&S" appear superimposed over the double circle design, with the bottom of the letter "J" and top of the letter "S" intersecting the borders of the circles. Around the top edge of the circle are the words "JOHN JAMESON", a dot before and after those words and the words "& SON LIMITED" along the bottom inner edge of the circle.</p>
Goods/Services	<p>Class 036. First use: First Use: 2014/07/00 First Use In Commerce: 2014/07/00 Charitable fundraising services by means of organizing and conducting special entertainment events</p>

U.S. Registration No.	4772974	Application Date	11/24/2014
Registration Date	07/14/2015	Foreign Priority Date	NONE
Word Mark	JAMESON BARTENDERS BALL		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 041. First use: First Use: 2005/06/06 First Use In Commerce: 2005/06/06 Entertainment services, namely, organizing, arranging and conducting parties, social entertainment events and live musical performances; entertainment and educational services in the nature of competitions in the field of bartending
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U.S. Registration No.	4772340	Application Date	11/06/2014
Registration Date	07/14/2015	Foreign Priority Date	NONE

Word Mark	JAMESON
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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: 2003/03/00 First Use In Commerce: 2012/06/00 Arranging, organizing and hosting live music and social entertainment events
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U.S. Registration No.	4357016	Application Date	08/30/2012
Registration Date	06/25/2013	Foreign Priority Date	03/01/2012


Word Mark	JAMESON ESTABLISHED SINCE 1780 SINE METU TRIPLE DISTILLED GOLD RESERVE THREE WOOD MATURATION OPULENT & COMPLEX FEATURING VIRGIN OAK JOHN JAMESON & SON LIMITED JJ&S JOHN JAMESON & SON
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Design Mark	
Description of Mark	<p>The mark consists of a two-part label. The top part of the label has four sides with a rounded top edge. The background is light gold, with thin light gold and dark gold borders at the top, and at the bottom a wide band comprised of stripes of various shades of brown, dark gold and light gold, with a green border below. The word "JAMESON" appears in blacklettering with a partial outline in dark gold that makes the letters appear three dimensional; this wording is in an arch shape. Underneath is a red shield, crossed by two red and gold diagonal bands, and bearing a triple-masted sail boat, two anchors, and a star, all in gold on a red background. To the left of the shield is the word "ESTABLISHED", and to the right are the words "SINCE 1780", both in black script. Under the shield is a red and gold banner bearing the words "SINE METU" in black. Below are the words "TRIPLE DISTILLED" in black script, "GOLD RESERVE" in black, "THREE WOOD MATURATION" in dark gold, "OPULENT & COMPLEX" in brown script, and "FEATURING VIRGIN OAK" in brown within a dark gold rectangle. The bottom part of the label consists of a brown rectangle with a round dark gold seal with thin dark gold and brown borders and the words "JOHN JAMESON & SON LIMITED" and the initials "JJ&S" all in light gold. To the right side of the seal is a striped ribbon in brown and dark gold bearing the words "JOHN JAMESON & SON" in light gold script. At the bottom right are two human figures in dark gold standing on a dark gold line, facing one other, and each carrying a barrel on his shoulder.</p>
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Alcoholic beverages except beers

U.S. Registration No.	4294748	Application Date	03/13/2012
Registration Date	02/26/2013	Foreign Priority Date	NONE
Word Mark	JAMESON FIRST SHOT		

Design Mark	JAMESON FIRST SHOT		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 0 First Use In Commerce: 0 Entertainment and cultural activities relating to cinema, in particular organization of scripts, films or short films competition		

U.S. Registration No.	4107921	Application Date	05/03/2011
Registration Date	03/06/2012	Foreign Priority Date	12/15/2010
Word Mark	JAMESON		
Design Mark			
Description of Mark	The mark consists of the word "JAMESON" in stylized lettering, with partial outlining along the right sides of the letters giving the letters a three dimensional look, in an arch shape.		
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Alcoholic beverages except beers, namely, whiskey		

U.S. Registration No.	4675924	Application Date	03/15/2013
Registration Date	01/20/2015	Foreign Priority Date	NONE
Word Mark	JAMESON BLACK BARREL		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 distilled spirits		
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U.S. Registration No.	3872502	Application Date	02/01/2010
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Registration Date	11/09/2010	Foreign Priority Date	08/07/2009
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Word Mark	JAMESON		
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Description of Mark	The mark consists of the word "JAMESON" in cream color presented in an arcuate manner within a green rectangle.		
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Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Whiskey		
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U.S. Registration No.	949471	Application Date	08/04/1971
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Registration Date	12/26/1972	Foreign Priority Date	NONE
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Word Mark	JOHN JAMESON & SON IRISH WHISKEY ESTABLISHED SINCE 1780 SINE METU JOHN JAMESON & SON		
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Description of Mark	NONE		
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Goods/Services	Class 033. First use: First Use: 1970/05/28 First Use In Commerce: 1970/05/28 IRISH WHISKEY		
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U.S. Registration	1656412	Application Date	03/31/1989
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No.			
Registration Date	09/10/1991	Foreign Priority Date	10/06/1988
Word Mark	JAMESON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1969/04/03 First Use In Commerce: 1969/04/03 [WINES,] WHISKIES, [LIQUEURS, AND ALCOHOLIC COCKTAILS CONTAINING WHISKEY]		

U.S. Registration No.	5274987	Application Date	12/22/2016
Registration Date	08/29/2017	Foreign Priority Date	NONE
Word Mark	JAMESON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/00/00 First Use In Commerce: 2005/06/06 Clothing, namely, headwear, footwear, neckwear, scarfs and aprons; Clothing, namely, shirts, t-shirts, sweatshirts with zipper fastener, sweatshirts, hoodies, tank tops and crew necks		

U.S. Registration No.	5101119	Application Date	04/13/2015
Registration Date	12/13/2016	Foreign Priority Date	NONE
Word Mark	JAMESON		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 021. First use: First Use: 2015/02/01 First Use In Commerce: 2015/02/01 Beverageware, flasks, portable beveragecoolers, portable beverage dispensers, cocktail shakers, bottle openers
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Attachments	71556888#TMSN.png(bytes) 86593706#TMSN.png(bytes) 86319819#TMSN.png(bytes) 86189731#TMSN.png(bytes) 86223701#TMSN.png(bytes) 86329549#TMSN.png(bytes) 86383734#TMSN.png(bytes) 86462886#TMSN.png(bytes) 86446834#TMSN.png(bytes) 85717337#TMSN.png(bytes) 85567709#TMSN.png(bytes) 85311306#TMSN.png(bytes) 85877873#TMSN.png(bytes) 77924828#TMSN.png(bytes) 72399269#TMSN.png(bytes) 87277686#TMSN.png(bytes) 86594927#TMSN.png(bytes) Microsoft Word - Notice of Opposition - SIMPLY P JAMERSON.pdf(23839 bytes)
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Signature	/Louis S. Ederer/
Name	Louis S. Ederer
Date	12/21/2018

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

IRISH DISTILLERS LIMITED,

Opposer,

v.

DORENE P. JAMERSON,

Applicant.

Opposition No. _____

Serial No. 87819368

Mark: SIMPLY P JAMERSON & Design

NOTICE OF OPPOSITION

Opposer, Irish Distillers Limited (“Opposer” or “Irish Distillers”), a company organized under the laws of Ireland with a place of business at Simmonscourt House, Simmonscourt Road, Ballsbridge, Dublin 4, Ireland, believes it will be damaged by the registration of the mark SIMPLY P JAMERSON & Design shown in Application Serial No. 87819368, and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Opposer is the owner of a number of registrations under the famous JAMESON trademark, alone or in combination with other words and designs (the “JAMESON Marks”). The JAMESON Marks are registered for, and are used in connection with a variety of goods and services, including, *inter alia*, alcoholic beverages, and the arranging, organizing and hosting of live music and social entertainment events, and online retail store services for the sale of various JAMESON brand consumer products (see <https://shopjamesonus.com/>).

2. Opposer and its predecessors in interest have continuously used the JAMESON Marks in the United States in connection with alcoholic beverages since 1907. Further, Opposer

and its predecessors in interest have used the JAMESON Marks in the United States in connection with live music and social entertainment events since at least 2003.

3. The JAMESON Marks are famous trademarks which immediately identify Opposer as the source of the goods and services Opposer offers under the JAMESON trademark.

4. The JAMESON Marks are protected by numerous federal registrations, including without limitation those set forth in the chart below:

Trademark	Reg. No.	Int'l Class & Goods / Services	Date of First Use
JOHN JAMESON & SON (stylized)	0521209	IC 033: Irish Whiskey	01/1907
JAMESON	0899349	IC 033: Irish Whiskey	04/03/1969
JAMESON	4831947	IC 009: Mobile application	08/2012
JAMESON TRENDS LAB	5038716	IC 041: Educational services relating to alcoholic beverages and cocktails	5/20/2014 (priority date)
JAMES JJ&S JOHN JAMESON & SON LIMITED (and design)	5091536	IC 033: Whiskey	10/15/2015
JJ&S JOHN JAMESON & SON LIMITED (and design)	4869093	IC 033 041: Whiskey; Arranging entertainment in the fields of alcoholic beverages and oenology	05/16/2013
JAMESON X ESTABLISHED SINCE 1780 SIEN METU CASKMATES JJ&S JOHN JAMESON & SON LIMITED JOHN JAMESON & SON (and design)	4852147	IC 033: Whiskey	09/2014
JAMESON NEIGHBORHOOD FUND JJ&S JOHN JAMESON & SON LIMITED (and design)	4805363	IC 036: Charitable fundraising services	07/2014
JAMESON BARTENDERS BALL	4772974	IC 041: Entertainment services	06/06/2005
JAMESON	4772340	IC 041: Live music and social entertainment events	03/2003

Trademark	Reg. No.	Int'l Class & Goods / Services	Date of First Use
JAMESON ESTABLISHED SINCE 1780 SINE METU TRIPLE DISTILLED GOLD RESERVE THREE WOOD MATURATION OPULENT & COMPLEX FEATURING VIRGIN OAK JOHN JAMESON & SON LIMITED JJ&S JOHN JAMESON & SON (and design)	4357016	IC 033: Alcoholic beverages	03/01/2012 (priority date)
JAMESON FIRST SHOT	4294748	IC 041: Entertainment and cultural activities relating to cinema	09/13/2011 (priority date)
JAMESON (stylized)	4107921	IC 033: Whiskey	12/15/2010 (priority date)
JAMESON BLACK BARREL	4675924	IC 033: Distilled spirits	11/2011
JAMESON (and design)	3872502	IC 033: Whiskey	08/07/2009 (priority date)
JOHN JAMESON & SON IRISH WHISKEY ESTABLISHED SINCE 1780 SINE METU JOHN JAMESON & SON	0949471	IC 033: Irish whiskey	05/28/1970
JAMESON	1656412	IC 033: Whiskey	10/06/1988 (priority date)
JAMESON	5274987	IC 025: Clothing, namely, headwear, footwear, neckwear, scarfs and aprons; Clothing, namely, shirts, t-shirts, sweatshirts with zipper fastener, sweatshirts, hoodies, tank tops and crew necks	06/06/2005
JAMESON	5101119	IC 021: Beverageware	02/01/2015

5. The foregoing registrations for the JAMESON Marks are valid and subsisting, and Opposer hereby gives notice, in accordance with Trademark Rule of Practice 2.122(d)(2), that it will rely thereon as evidence in this proceeding, and a status copy thereof showing present title will be introduced into evidence on its behalf during Opposer's testimony period.

6. As a result of long and continuous use, promotion, and advertising, the JAMESON Marks have become valuable assets of Opposer, serving as symbols for Opposer's goods and services, and the goodwill which is associated with those marks.

7. Despite Opposer's long prior common law and statutory rights in the JAMESON Marks, Applicant — with at least constructive notice of the above-referenced federal registrations, and long after Opposer established rights in and to its JAMESON Marks — adopted and filed an application for registration of the mark SIMPLY P JAMERSON & Design, covering “Online Retail Store Services And Retail Store Services In The Nature Of A Retail Gift Shop Featuring Specialty Gifts And Keepsakes Provided In A Bistro Environment” in International Class 35.

8. Applicant's SIMPLY P JAMERSON & Design mark is extremely similar in sound and commercial impression to Opposer's JAMESON Marks, which Opposer has used in the U.S. for over a century. Specifically, any verbal use of the SIMPLY P JAMERSON & Design mark — *i.e.*, “Simply Jamerson” — is likely to cause confusion and/or create an association with Opposer's JAMESON whiskey products and/or entertainment-related services. When removed from the context of its visual stylization, the applied-for mark is highly similar to Opposer's JAMESON Marks, as the pronunciations of the predominant words “Jameson” and “Jamerson” are nearly indistinguishable. In addition, while the literal portion of Applicant's mark purports to contain the middle initial “P”, from all appearances the literal portion consists only of the words “Simply Jamerson”, further exacerbating the similarity of the respective marks.

9. Further, Applicant's services, as described in her application, are highly related to Opposer's goods and services, and such services are offered through the same or similar channels of trade to the same or similar customers or users as those goods and services offered by Opposer under its JAMESON Marks. Indeed, Applicant's contemplated retail store services will be “provided in a bistro environment” — a common environment for the sale and

consumption of JAMESON whiskey products, and for live music and social entertainment events, in connection with which the JAMESON marks are frequently used, as evidenced in particular by Opposer's registrations of the JAMESON marks in International Class 41.

10. Opposer believes, and therefore alleges, that use and registration of the mark covered by Application Serial No. 87819368 will damage Opposer for the following reasons, among others: (a) customers and purchasers of the respective goods and services would be confused, mistaken, or deceived as to the source and origin of Applicant's services rendered under the applied-for mark; and (b) Applicant's use of the applied-for mark is likely to dilute the distinctive quality of the JAMESON Marks.

FIRST CLAIM FOR RELIEF

Likelihood of Confusion

11. Opposer repeats and realleges the allegations of Paragraphs 1 through 10 above as if fully set forth herein.

12. Applicant's applied-for mark so resembles Opposer's JAMESON Marks as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

SECOND CLAIM FOR RELIEF

Likelihood of Dilution

13. Opposer repeats and realleges the allegations of Paragraphs 1 through 10 above as if fully set forth herein.

14. Applicant's applied-for mark is likely to dilute the distinctive quality of the famous and distinctive JAMESON Marks within the meaning of 15 U.S.C. § 1125(c), by blurring the distinctiveness of the mark.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

The Patent and Trademark Office and Trademark Trial and Appeal Board are hereby authorized to collect any fees necessitated by this Notice of Opposition from the credit card on file for Arnold & Porter Kaye Scholer LLP.

Dated: December 21, 2018

Respectfully submitted,

/Louis S. Ederer/
Louis S. Ederer
louis.ederer@arnoldporter.com
Matthew T. Salzmann
matthew.salzmann@arnoldporter.com
ARNOLD & PORTER
KAYE SCHOLER LLP
250 West 55th Street
New York, New York 10019-9710
Telephone: (212) 836-7828

*Attorneys for Opposer
Irish Distillers Limited*