

ESTTA Tracking number: **ESTTA1005961**

Filing date: **10/02/2019**

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	10/02/2019
Address	SIMMONSCOURT HOUSE SIMMONSCOURT ROAD BALLSBRIDGE, DUBLIN, 4 IRELAND
Attorney information	LOUIS S. EDERER & MATTHEW T. SALZMANN ARNOLD & PORTER KAYE SCHOLER LLP 250 WEST 55TH STREET NEW YORK, NY 10019-9710 UNITED STATES trademarkdocketing@arnoldporter.com, matthew.salzmann@arnoldporter.com, louis.ederer@arnoldporter.com, palak.mayani@arnoldporter.com, elisabeth.richards@arnoldporter.com, jennifer.worksman@arnoldporter.com 212-836-8000

Applicant Information

Application No	88138360	Publication date	06/04/2019
Opposition Filing Date	10/02/2019	Opposition Period Ends	10/02/2019
Applicant	Anders' Beverage 761 Emerald Oaks ct. Eureka, MO 63025 UNITED STATES		

Goods/Services Affected by Opposition


Class 033. First Use: 2018/07/16 First Use In Commerce: 2018/07/16
All goods and services in the class are opposed, namely: Whiskey

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4867851	Application Date	07/07/2014
Registration Date	12/08/2015	Foreign Priority	05/27/2014

		Date	
Word Mark	CASKMATES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2014/09/00 First Use In Commerce: 2015/07/00 Whiskey		

Attachments	86329543#TMSN.png(bytes) Notice of Opposition - Caskhouse - FINAL - USE.pdf(9628 bytes)
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Signature	/Matthew T. Salzmnn/
Name	Matthew T. Salzmnn
Date	10/02/2019

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

IRISH DISTILLERS LIMITED,

Opposer,

v.

ANDERS' BEVERAGE LLC,

Applicant.

Opposition No. _____

Serial No. 88/138360

Mark: CASKHOUSE

NOTICE OF OPPOSITION

Opposer Irish Distillers Limited (“Opposer”), 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 CASKHOUSE shown in Application Serial No. 88/138360, and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Opposer is the owner of the CASKMATES trademark, including a federal trademark registration for that mark for “Whiskey” in International Class 33 (U.S. Reg. No. 4,867,851).
2. Opposer has been using its CASKMATES mark in the United States in connection with whiskey products since at least as early as 2015.
3. Since its introduction, the CASKMATES brand, which is part of the well-known JAMESON Whiskey range, has received significant press attention and numerous industry accolades, including, without limitation: the gold medal at the 2016 World Whiskies Awards, silver medals at the 2017 and 2018 World Whiskies Awards, and a “Highly Recommended” rating by the 2019 Ultimate Spirits Challenge.

4. The CASKMATES mark immediately identifies Opposer as the source of the goods offered under that mark.

5. Opposer's registration for the CASKMATES mark is 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 continuous use, promotion and advertising, the CASKMATES mark has become a valuable asset of Opposer, serving as a symbol for Opposer's goods, and the goodwill associated therewith.

7. Despite Opposer's prior rights in the CASKMATES mark, applicant Anders' Beverage LLC ("Applicant") — with at least constructive notice of the above-referenced federal registration, and after Opposer established rights in and to its CASKMATES mark — adopted and filed an application for registration of the mark CASKHOUSE, covering "Whiskey" in International Class 33.

8. Applicant's mark is extremely similar in sound and commercial impression to Opposer's well-known CASKMATES mark. Among other things, both marks are fanciful and have no meaning in the English language. In addition, both marks are comprised of a nine-letter word that starts with "CASK," which serves as the dominant portion of both marks, followed by a monosyllabic term that belongs to the same lexical field (words that refer to a house and its inhabitants).

9. Further, Applicant's goods, as described in its application, are identical to Opposer's goods, and such goods are offered through the same or similar channels of trade to the same or similar customers as the goods Opposer offers under its CASKMATES mark — namely,

