

ESTTA Tracking number: **ESTTA1067238**

Filing date: **07/09/2020**

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	Vineyard Vines, LLC
Granted to Date of previous extension	07/22/2020
Address	181 HARBOR DRIVE STAMFORD, CT 06902 UNITED STATES
Attorney information	LARRY C. JONES ALSTON & BIRD LLP 101 S. TRYON STREET SUITE 4000 CHARLOTTE, NC 28270 UNITED STATES Primary Email: Larry.Jones@Alston.com 7044441019
Docket Number	062835.54750

**Applicant Information**

Application No.	88443815	Publication date	03/24/2020
Opposition Filing Date	07/09/2020	Opposition Period Ends	07/22/2020
Applicant	1496 Columbia Rd Inc. 1496 COLUMBIA RD. VALLEY CITY, OH 44280 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2019/04/25 First Use In Commerce: 2019/04/25 All goods and services in the class are opposed, namely: Wearable garments and clothing, namely, shirts
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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)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2318245	Application Date	08/06/1998
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Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	VINEYARD VINES		
Design Mark	<b>VINEYARD VINES</b>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/06/20 First Use In Commerce: 1998/07/03 clothing, namely bathing suits, jackets, pants, scarves, shorts, skirts, shirts, socks, sweaters, sweatshirts, sweatpants, ties, underwear, hats, caps and visors		

Attachments	75532085#TMSN.png( bytes ) Notice of Opposition VINEYARD LIFE 88443815.pdf(1145617 bytes )
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Signature	/Larry C. Jones/
Name	LARRY C. JONES
Date	07/09/2020

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

In the matter of Trademark Application  
Serial No. 88/443,815  
Filed: May 23, 2019  
Trademark: VINEYARD LIFE  
Published: March 24, 2020

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Vineyard Vines, LLC, )  
 )  
Opposer )  
 )  
v. )  
 )  
1496 Columbia Rd Inc, )  
 )  
Applicant. )  
-----X

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Vineyard Vines, LLC, a Connecticut limited liability company having a mailing address of 181 Harbor Drive, Stamford, Connecticut 06902 (“Opposer” or “Vineyard Vines”), believes that it will be damaged by the registration of the designation VINEYARD LIFE for use on goods in Class 25, as requested in Application Serial No. 88/443,815 (the “Application”), which application was filed May 23, 2019, by 1496 Columbia Rd Inc, an Ohio corporation whose address of record is 1496 Columbia Rd., Valley City, Ohio 44280 (“Applicant”), and hereby opposes the registration of said mark.

As grounds of opposition, it is alleged that:

1. Since prior to either May 23, 2019, the filing date of the Application, or April 25, 2019, the claimed date of first use of the VINEYARD LIFE designation by Applicant, or the actual date of first use of the VINEYARD LIFE designation by Applicant, Opposer has continually used

the trademark VINEYARD VINES in the United States in connection with various goods and services, including clothing.

2. The availability of those goods and services, including clothing goods, under the VINEYARD VINES mark has been promoted and advertised to the public at considerable expense.

3. By reason of the adoption and the longstanding and continuous use of the VINEYARD VINES mark, that designation has a distinctive quality in this country and has acquired special and particular significance and very valuable goodwill as identifying Opposer and its goods and services, including, without limitation, clothing goods.

4. Consequently, through such usage and recognition, Opposer has acquired common-law rights in the designation VINEYARD VINES as a proprietary trademark and service mark, which rights extend, without limitation, to the exclusive right to use such designation nationwide in conjunction with clothing goods and other merchandise.

5. Opposer also owns several federal registrations of its VINEYARD VINES mark, including U.S. Reg. No. 2,318,245, which registration issued February 15, 2000, from an application filed August 6, 1998, pertains to the use of the VINEYARD VINES designation as a trademark for shirts and various other clothing goods, and is incontestable. Opposer's federal registration of its VINEYARD VINES clothing trademark is also valid, subsisting, and in full force and effect.

6. On May 23, 2019, Applicant filed U.S. Application Serial No. 88/443,815 to register the designation VINEYARD LIFE as a trademark for use on, *inter alia*, "Wearable garments and clothing, namely, shirts" in International Class 25. In doing so, Applicant claims to have first used the designation VINEYARD LIFE as a trademark for those goods on April 25,

2019, decades after Vineyard Vines' first use of the VINEYARD VINES trademark on clothing in the United States.

7. Like Opposer's VINEYARD VINES mark, Applicant's VINEYARD LIFE mark is comprised of two words, the first and more prominent of which is "VINEYARD." Also like Opposer's VINEYARD VINES mark, the second word in Opposer's VINEYARD LIFE mark is monosyllabic and includes only two vowels, a long I and a silent E, as its second and fourth letters. The resulting aural and visual similarities of the parties' respective marks contribute significantly to a likelihood of confusion.

8. Further, the shirts listed in Applicant's U.S. Application Serial No. 88/443,815 are among the clothing goods on which the VINEYARD VINES mark has been used, and for which the VINEYARD VINES mark is registered. These factors also contribute to a likelihood of confusion.

9. Hence, the application to register the designation VINEYARD LIFE for use on shirts should be refused on the basis that the usage of that mark on shirts is likely to cause confusion with Opposer's VINEYARD VINES mark.

10. Still further, Opposer's VINEYARD VINES clothing trademark is not only a distinctive mark, but also a famous mark, and that designation acquired its status as a famous mark prior to either the first usage in commerce of the designation VINEYARD LIFE or the filing date of the opposed application.

11. Hence, the application to register the designation VINEYARD LIFE for use on goods in International Class 25 should be refused on the basis that the usage of that mark on such goods: (i) is likely to cause confusion with the VINEYARD VINES mark; and (ii) is likely to cause dilution by blurring of the famous VINEYARD VINES clothing trademark.

SUMMARY

12. To the extent that it pertains to goods in International Class 25, Application No. 88/443,815 for registration of the designation VINEYARD LIFE should be refused under either or both 15 U.S.C. § 1052(d) and 15 U.S.C. § 1063(a).

13. Accordingly, Vineyard Vines asserts, pursuant to 15 U.S.C. § 1063, that it will be damaged by the issuance of a registration for the designation VINEYARD LIFE to Applicant in International Class 25 as sought in Trademark Application Serial No. 88/443,815.

WHEREFORE, Vineyard Vines prays that said application for registration of the designation VINEYARD LIFE in International Class 25 be rejected, that no registration in International Class 25 be issued thereon to Applicant, and that this opposition be sustained in favor of Vineyard Vines.

Please charge all fees incurred by Vineyard Vines in conjunction with this proceeding to the firm's Deposit Account No. 16-0605.

Date: July 9, 2020

Respectfully submitted,



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Larry C. Jones  
Lauren R. Timmons  
Alston & Bird LLP  
101 S. Tryon Street, Suite 4000  
Charlotte, North Carolina 28280-4000  
Telephone: (704) 444-1000  
[Larry.Jones@alston.com](mailto:Larry.Jones@alston.com)  
[Lauren.Timmons@alston.com](mailto:Lauren.Timmons@alston.com)

Attorneys for Opposer,  
Vineyard Vines, LLC