

ESTTA Tracking number: **ESTTA1095365**

Filing date: **11/13/2020**

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	LES DOMAINES BARONS DE ROTHSCHILD (LAFITE)
Granted to Date of previous extension	11/14/2020
Address	33, RUE DE LA BAUME PARIS, 75008 FRANCE
Attorney information	CATHLEEN E. STADECKER DOWNS RACHLIN MARTIN PLLC 199 MAIN STREET, PO BOX 190 BURLINGTON, VT 05402-0190 UNITED STATES Primary Email: tmip@drm.com 802-863-2375
Docket Number	08958167USN1

Applicant Information

Application No.	88897163	Publication date	09/15/2020
Opposition Filing Date	11/13/2020	Opposition Period Ends	11/14/2020
Applicant	Spirits of the USA LLC 210 INDUSTRIAL PARK DRIVE SUITE A CUMMING, GA 30040 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2019/11/15 First Use In Commerce: 2019/12/01
All goods and services in the class are opposed, namely: Alcoholic beverages, except beer

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.	5008881	Application Date	03/03/2015
Registration Date	07/26/2016	Foreign Priority Date	NONE

Word Mark	LÃ#GENDE R
Design Mark	
Description of Mark	The mark consists of the word "LÃ©gende"stylized and superimposed over a stylized letter "R".
Goods/Services	Class 033. First use: First Use: 2013/02/14 First Use In Commerce: 2016/01/19 Wines

Attachments	Notice of Opposition.pdf(16222 bytes) Exhibit A.pdf(441613 bytes) Exhibit B.pdf(400885 bytes)
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Signature	/cathleen e stadecker/
Name	CATHLEEN E. STADECKER
Date	11/13/2020

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

In the Matter of Application Serial No. 88/897,163
for L LEGENDS THE SPIRITS OF THE USA and Design
Published in the *Official Gazette* of September 15, 2020

-----X	:	
LES DOMAINES BARONS DE ROTHSCHILD	:	
(LAFITE),	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
Spirits of the USA LLC	:	
	:	
Applicant.	:	
-----X		

NOTICE OF OPPOSITION

LES DOMAINES BARONS DE ROTHSCHILD (LAFITE), a French partnership, with an address at 33, rue de la Baume, Paris 75008 France (hereinafter, “Opposer”), believes that it will be damaged by the registration of the L LEGENDS THE SPIRITS OF THE USA and Design mark, which is set forth in Application Serial No. 88/897,163, owned by Spirits of the USA LLC, a Georgia limited liability company, having an address at 210 Industrial Park Drive, Suite, A, Cumming, Georgia 30040 USA (hereinafter, “Applicant”), and hereby opposes registration of the same.

As grounds for opposition, Opposer alleges as follows:

1. Opposer has used, and currently uses, the marks LÉGENDE and LÉGENDE R in the U.S. in connection with wines, with use dating from at least as early as February 14, 2013 (the “LÉGENDE Mark”).

2. Opposer is the owner of Reg. No. 5008881, for the LÉGENDE Mark for “wines” in International Class 33, based on use in commerce since at least as early as January 2016. A true and correct copy of a printout from TSDR showing the current status and title of the registration is attached as **Exhibit A**.

3. On May 1, 2020, Applicant filed an application, designated Serial No. 88/897,163, to register the mark L LEGENDS THE SPIRITS OF THE USA and Design in connection with “alcoholic beverages, except beer,” in International Class 33, based on Applicant’s alleged use of the mark in commerce in connection with the identified goods since December 2019 (the “LEGENDS Application”). A true and correct copy of a printout from TSDR setting forth the details of the LEGENDS Application, which presently includes a disclaimer of the exclusive right to use “THE SPIRITS OF THE USA” apart from the mark as shown, is attached as **Exhibit B**.

4. The application filing date of the registration set forth in paragraph 2 for the LÉGENDE Mark precedes the filing date of the LEGENDS Application.

5. On information and belief, Opposer’s LÉGENDE Mark has been in continuous use in commerce since before any use by Applicant of the mark set forth in the LEGENDS Application.

6. Opposer’s LÉGENDE Mark and Applicant’s proposed mark L LEGENDS THE SPIRITS OF THE USA and Design are similar in sight, sound and meaning.

7. The goods covered by the L LEGENDS Application – “Alcoholic beverages, except beer” – are described broadly enough to include Opposer’s wine.

8. On information and belief, Applicant does not currently use the mark in the LEGENDS Application in commerce in connection with wine.

9. The proposed mark in the LEGENDS Application is barred from registration because it consists of or comprises a mark which so resembles Opposer's previously used and registered LÉGENDE Mark as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).


10. Opposer will thereby be injured by the registration of Application Serial No. 88/906,673.

WHEREFORE, Opposer asks that its opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Opposer

Date: November 13, 2020
Burlington, Vermont

By: 

Cathleen E. Stadecker, Esq.

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US Serial, Registration, or Reference No.

Status results found

STATUS DOCUMENTS MAINTENANCE ?

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Mark: LÉGENDE R



US Serial Number:	86552185	Application Filing Date:	Mar. 03, 2015
US Registration Number:	5008881	Registration Date:	Jul. 26, 2016
Filed as TEAS RF:	Yes	Currently TEAS RF:	Yes

Register: Principal
Mark Type: Trademark

TM5 Common Status Descriptor:  LIVE/REGISTRATION/Issued and Active
The trademark application has been registered with the Office.

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

Status Date: Jul. 26, 2016

Publication Date: Sep. 08, 2015 Notice of Allowance Date: Nov. 03, 2015

▼ Mark Information

Mark Literal Elements: LÉGENDE R

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the word "Légende" stylized and superimposed over a stylized letter "R".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Translation: The English translation of the word "LÉGENDE" in the mark is "LEGEND".

▼ 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: Wines

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 14, 2013

Use in Commerce: Jan. 19, 2016

▼ Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

▼ Current Owner(s) Information

Owner Name: LES DOMAINES BARONS DE ROTHSCHILD (LAFITE)

Owner Address: 33, rue de la Baume
Paris FRANCE 75008

Legal Entity Type: PARTNERSHIP

State or Country Where Organized: FRANCE

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lawrence E. Abelman

Docket Number: 877544

Attorney Primary Email Address: docket@lawabel.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: LAWRENCE E. ABELMAN
ABELMAN FRAYNE & SCHWAB
666 3RD AVE
NEW YORK, NEW YORK UNITED STATES 10017-5621

Phone: 212-949-9022

Fax: 212-949-9190

Correspondent e-mail: docket@lawabel.com leabelman@lawabel.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Lawrence E. Abelman

Phone: 212-949-9022

Fax: 212-949-9190

Domestic Representative e-mail: docket@lawabel.com

Domestic Representative e-mail Authorized: Yes

▼ Prosecution History

Date	Description	Proceeding Number
Jul. 26, 2016	REGISTERED-PRINCIPAL REGISTER	
Jun. 23, 2016	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 22, 2016	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 26, 2016	STATEMENT OF USE PROCESSING COMPLETE	69712
May 03, 2016	USE AMENDMENT FILED	69712
May 26, 2016	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69712
May 03, 2016	TEAS STATEMENT OF USE RECEIVED	
Nov. 03, 2015	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	

Sep. 08, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 08, 2015	PUBLISHED FOR OPPOSITION	
Aug. 19, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 14, 2015	WITHDRAWN FROM PUB - OG REVIEW QUERY	99910
Jun. 29, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Jun. 25, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 22, 2015	EXAMINER'S AMENDMENT ENTERED	76568
Jun. 22, 2015	ASSIGNED TO LIE	76568
Jun. 22, 2015	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 22, 2015	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 22, 2015	EXAMINERS AMENDMENT -WRITTEN	67507
Jun. 08, 2015	ASSIGNED TO EXAMINER	67507
Mar. 18, 2015	NOTICE OF PSEUDO MARK E-MAILED	
Mar. 17, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 06, 2015	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: Jun. 22, 2016

▼ **Assignment Abstract Of Title Information - None recorded**

▼ **Proceedings**

Summary

▼ Party type

▼ Proceeding type

Number of Proceedings: 1

▲ **Type of Proceeding: Opposition**

▼ Expand All

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STATUS DOCUMENTS ? [Download](#) [Print Preview](#)

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Mark: L LEGENDS THE SPIRITS OF THE USA



US Serial Number: 88897163

Application Filing Date: May 01, 2020

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Oct. 15, 2020

Publication Date: Sep. 15, 2020

Mark Information

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Mark Literal Elements: L LEGENDS THE SPIRITS OF THE USA

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the word "LEGENDS" below horizontal lining and the phrase "THE SPIRITS OF THE USA" with horizontal lining on either side. Above "LEGENDS" is an "L" within a circle with a decorative border, all of which is contained within another decorative, leaf-like border. Three stars appear on both sides of the leaf-like border.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "THE SPIRITS OF THE USA"

Design Search Code(s): 01.01.10 - Three or more stars; Stars, three or more
01.01.13 - Stars - multiple stars with five points
05.05.03 - Fleur-de-lis
05.15.25 - Other decorations made of plants

- 26.01.05 - Circles made of broken or dotted lines
- 26.01.18 - Three or more concentric circles; Circles, three or more concentric; Concentric circles, three or more
- 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)
- 26.17.05 - Horizontal line(s), band(s) or bar(s); Lines, horizontal; Bars, horizontal; Bands, horizontal

▼ Goods and Services

Note:

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- 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 beer

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 15, 2019

Use in Commerce: Dec. 01, 2019

▼ Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

▼ Current Owner(s) Information

Owner Name: Spirits of the USA LLC

DBA, AKA, Formerly: DBA SpiritsUSA

Owner Address: 210 Industrial Park Drive
Suite A
CUMMING, GEORGIA UNITED STATES 30040

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: GEORGIA

▼ Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Spirits of the USA LLC
Suite A
210 Industrial Park Drive
CUMMING, GEORGIA UNITED STATES 30040

Phone: 404-444-8736

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Oct. 15, 2020	EXTENSION OF TIME TO OPPOSE RECEIVED	
Sep. 15, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 15, 2020	PUBLISHED FOR OPPOSITION	
Aug. 26, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 13, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 04, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 04, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 04, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	

Aug. 04, 2020	PLAS RESP ONSE TO OFFICE ACTION RECEIVED	
Aug. 01, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2020	NON-FINAL ACTION E-MAILED	6325
Aug. 01, 2020	NON-FINAL ACTION WRITTEN	78353
Jul. 28, 2020	ASSIGNED TO EXAMINER	78353
May 14, 2020	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 13, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 05, 2020	NEW APPLICATION ENTERED IN TRAM	

▼ **TM Staff and Location Information**

TM Staff Information

TM Attorney: DUBOIS, MICHELLE E

Law Office Assigned: LAW OFFICE 107

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Aug. 13, 2020

▼ **Assignment Abstract Of Title Information - None recorded**

▼ **Proceedings**

Summary

▼ Party type

▼ Proceeding type

Number of Proceedings: 1

▲ **Type of Proceeding: Extension of Time**

▼ Expand All

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