

ESTTA Tracking number: **ESTTA1178252**

Filing date: **12/13/2021**

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	Revel Spirits Inc.
Granted to Date of previous extension	12/15/2021
Address	7328 EARLDOM AVENUE PLAYA DEL REY, CA 90293 UNITED STATES
Attorney information	DARREN B. COHEN REED SMITH LLP 599 LEXINGTON AVENUE NEW YORK, NY 10022 UNITED STATES Primary Email: dcohen@reedsmith.com Secondary Email(s): nycipdocketing@reedsmith.com (212) 549-0346
Docket Number	363438.20002

**Applicant Information**

Application No.	90071350	Publication date	08/17/2021
Opposition Filing Date	12/13/2021	Opposition Period Ends	12/15/2021
Applicant	Revel Cocktails, LLC 1860 BLACK MAPLE PL OCOOE, FL 32761 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 033. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Alcoholic fruit cocktail drinks; Prepared alcoholic cocktail; Rum-based beverages

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

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

U.S. Registration No.	4506971	Application Date	12/04/2012
Registration Date	04/01/2014	Foreign Priority	NONE

		Date	
Word Mark	REVEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 2013/10/01 First Use In Commerce: 2013/10/01 Agave-based alcoholic beverages		

Attachments	85793748#TMSN.png( bytes ) REVEL TALES - Notice of Opposition.pdf(208980 bytes )
-------------	---

Signature	/Darren B. Cohen/
Name	DARREN B. COHEN
Date	12/13/2021

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

-----x		
Revel Spirits Inc.	:	
	:	
Opposer,	:	Serial Nos. 90/071,350
	:	Marks: REVEL TALES
v.	:	Published: August 17, 2021
	:	
Revel Cocktails, LLC,	:	Opposition No. _____
	:	
Applicant.	:	
-----x		

BOX TTAB - FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-14513

**NOTICE OF OPPOSITION**

1. Opposer, Revel Spirits Inc. (hereinafter “Opposer”), a corporation duly organized and existing under the laws of California, and having a place of business at 7328 Earldom Avenue, Playa Del Rey, CA 90293, believes that it is or will be damaged by the registration of Application Serial No. 90/071,350 for the mark REVEL TALES and hereby opposes same pursuant to 15 U.S.C. §§ 1052, 1063 and 1125(c).

2. On information and belief, Revel Cocktails, LLC (hereinafter “Applicant”), is a limited liability company duly organized and existing under the laws of Florida, and having a place of business at 1860 Black Maple Pl, Ocoee, Florida 32761.

As grounds for this opposition, Opposer alleges the following:

3. On July 24, 2020, Applicant filed Application Serial No. 90/071,350 on an intent-to-use basis under 15 U.S.C. § 1051(b) to register the mark REVEL TALES for use on or in connection with “Alcoholic fruit cocktail drinks; Prepared alcoholic cocktail; Rum-based beverages” in International Class 33.

4. Opposer is the owner of the following trademark registration in the U.S. Patent and Trademark Office (“USPTO”) for the mark REVEL (“Opposer’s Mark”), the registration of which is valid, incontestable and in full force and effect:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Goods/Services</b>	<b>Registration Date</b>
REVEL	4,506,971	(Int’l Class: 33) Agave-based alcoholic beverages	April 1, 2014

5. Opposer has continuously used and continues to use Opposer’s Mark in interstate commerce on or in connection with its products since at least as early as October 1, 2013.

6. Applicant’s current product line includes both distilled and ready-to-drink (RTD) alcoholic beverages.

7. The goods sold under Opposer’s Mark are known by consumers, prospective consumers and throughout the alcoholic beverage industry and consuming public as consistently, high-quality products.

8. Opposer’s Mark, through Opposer’s long and extensive use, has come to exclusively identify the high quality products of Opposer and to distinguish them from products of others. As a result of Opposer’s extensive advertising and marketing efforts

and use for nearly 10 years, and by virtue of the numerous industry awards bestowed upon its branded product line, Opposer's Mark has become highly well-known and esteemed in the alcohol market at large, and represents goodwill of tremendous value to Opposer.

9. Applicant's Mark is confusingly similar to Opposer's Mark in that it coopts Opposer's mark in its entirety. Indeed, current use of Applicant's product clearly shows the REVEL term as the dominant portion of the mark:



10. The goods in Application Serial No. 90/071,350 are closely related to Opposer's goods in that they are completely encompassed with the scope of the goods covered by the subject registration and are, in fact, directly competitive.

11. Upon information and belief, Applicant's goods are intended to be sold under Applicant's Mark and will be aimed at the same consumer base and targeted demographic as those of Opposer.

12. Opposer's use and registration of Opposer's Mark predates any priority date that can validly be claimed by Applicant for Applicant's Mark, including the filing date of Application Serial No. 90/071,350.

13. Opposer is aware and has direct evidence of actual confusion in the marketplace and among Applicant's vendors and other merchants in the field.

14. If Applicant is permitted to use and register the subject mark for its goods specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would result. Persons familiar with Opposer's Mark would likely confuse Applicant's goods as being rendered by or originating from Opposer, or as being in some way associated with, connected with, sponsored by, licensed by, or otherwise authorized by Opposer, all to the detriment of Opposer, unless this Opposition is sustained. Any such confusion in trade would inevitably result in harm to Opposer. Furthermore, any defects, objections, or faults found with the goods sold and rendered by Applicant under Applicant's Mark would adversely reflect upon and seriously injure the reputation of Opposer by association.

15. In view of, without limitation, the similarity of the respective marks, similarity of the class of purchasers and the close related nature of the goods offered and/or intended to be sold or rendered by the respective parties, the mark in Application Serial No. 90/071,350 so resembles Opposer's Mark as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of Applicant's goods by suggesting that Applicant's goods are associated with or approved, endorsed, affiliated, authorized, or sponsored by Opposer.

WHEREFORE, Opposer prays that Application Serial No. 90/071,350 be rejected, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

REED SMITH LLP



By:

Darren B. Cohen  
599 Lexington Avenue  
New York, New York 10022  
Tel: (212) 549-0346  
Email: dcohen@reedsmith.com  
Attorneys for Opposer

Date: December 13, 2021

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served by mailing said copy on December 13, 2021, via certified First Class U.S. mail, postage prepaid, return receipt requested, to the following attorney of record for U.S. Application No. 90/071,350:

Ashley V Brewer  
BrewerLong  
407 Wekiva Springs Rd. Ste 241  
Longwood, Florida 32779



Dated: December 13, 2021

Ibis M. Vega  
Assistant to Attorney for Opposer