

ESTTA Tracking number: **ESTTA1209976**

Filing date: **05/18/2022**

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	JUSTIN VINEYARDS & WINERY LLC
Granted to date of previous extension	05/18/2022
Address	11444 WEST OLYMPIC BLVD. LOS ANGELES, CA 90064 UNITED STATES
Attorney information	DANIELLE M. CRIONA, ESQ. ROLL LAW GROUP P.C. 11444 WEST OLYMPIC BLVD. LOS ANGELES, CA 90064 UNITED STATES Primary email: danielle.criona@roll.com Secondary email(s): ipdocketing@roll.com 310-966-8771
Docket no.	212700

Applicant information

Application no.	90642287	Publication date	01/18/2022
Opposition filing date	05/18/2022	Opposition period ends	05/18/2022
Applicant	Integrated Beverage Group LLC 7000 BROADWAY, SUITE 307 DENVER, CO 80221 UNITED STATES		

Goods/services affected by opposition


Class 032. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Drinking waters; Flavored waters; Non-alcoholic cocktails; Non-alcoholic water-based beverages also containing chemesthetic compounds to simulate alcoholic beverages


Grounds for opposition


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

Marks cited by opposer as basis for opposition


U.S. application no.	97116888	Application date	11/09/2021
Registration date	NONE	Foreign priority	NONE


		date	
Word mark	JE NE SAIS QUOI		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Mar 13, 2014 First Use In Commerce: Mar 13, 2014 Wines		

U.S. registration no.	5939056	Application date	04/05/2018
Register	Principal		
Registration date	12/17/2019	Foreign priority date	NONE
Word mark	JNSQ		
Design mark			
Description of mark	NONE		
Goods/services	Class 021. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Combination wine pourers/wine stoppers,sold as a unit; Decanters; and Wine glasses Class 033. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Alcoholic beverages, namely, wine and wine-based beverages; Wines Class 035. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Administering a wine club by means of selecting wines based on consumer expectations and arranging periodic shipment toclub members Class 039. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Delivery of wine to club members on a periodic basis		

U.S. registration no.	6275093	Application date	08/16/2019
Register	Principal		
Registration date	02/23/2021	Foreign priority date	NONE
Word mark	JNSQ		
Design mark			
Description of mark	The mark consists of a three-dimensional configuration of a bottle design appearing wide-bodied from a front view, with the stylized letters "JNSQ" on the face of the bottle, a long neck with horizontal bands, a thick base, and a resealable stopper in the shape of a stylized rose blossom.		
Goods/services	Class 033. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Wines		

U.S. registration no.	6275097	Application date	08/19/2019
Register	Principal		
Registration date	02/23/2021	Foreign priority date	NONE
Word mark	JNSQ		

Design mark	
Description of mark	The mark consists of a three-dimensional configuration of a bottle design appearing wide-bodied from a front view, with the stylized letters "JNSQ" on the face of the bottle, a long neck with horizontal bands, a thick base, and a resealable stopper in the shape of a sphere or ball.
Goods/services	Class 033. First use: First Use: Feb 1, 2019 First Use In Commerce: Feb 1, 2019 Wines

U.S. registration no.	6555524	Application date	07/06/2018
Register	Principal		
Registration date	11/09/2021	Foreign priority date	NONE
Word mark	SHE'S GOT THAT JNSQ		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Feb 2018 First Use In Commerce: Feb 2019 Alcoholic beverages, namely, wine and wine-based beverages; wines		

Attachments	97116888#TMSN.png(bytes)
-------------	----------------------------

	87982254#TMSN.png(bytes) 88582545#TMSN.png(bytes) 88584393#TMSN.png(bytes) 88027927#TMSN.png(bytes) GIN SAIS QUOI CI 32 90642287 212700 OPP.pdf(124340 bytes)
--	--

Signature	/Danielle M. Criona/
Name	DANIELLE M. CRIONA, ESQ.
Date	05/18/2022

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

JUSTIN VINEYARDS & WINERY LLC,)	Opposition No.: _____
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v.)	Mark: GIN SAIS QUOI
)	
INTEGRATED BEVERAGE GROUP LLC,)	Application Ser. No.: 90642287
)	
Applicant.)	Published in the <i>Official Gazette</i> on
_____)	January 18, 2022

JUSTIN Vineyards & Winery LLC, a Delaware limited liability company, located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064 (“Opposer”), believes it will be damaged by registration of the GIN SAIS QUOI mark set forth in application serial number 90642287 (“Application”) in Class 32 for “*Drinking waters; Flavored waters; Non-alcoholic cocktails; Non-alcoholic water-based beverages also containing chemesthetic compounds to simulate alcoholic beverages*” (“Applicant’s Goods”), filed by Integrated Beverage Group LLC, a Colorado limited liability company with an address of 7000 Broadway, Suite 307, Denver, Colorado 80221 (“Applicant”), and hereby opposes the same.

As grounds for this opposition, Opposer alleges:

1. Opposer is a leading producer and marketer of wines in the United States.
2. Since long prior to Applicant’s April 13, 2021 filing date of its Application filed on an Intent-to-Use basis, Opposer or its predecessor in interest has produced and marketed wine in interstate commerce in connection with its distinctive JE NE SAIS QUOI and JNSQ® marks.
3. The term JNSQ is an abbreviation of the phrase, “je ne sais quoi.”

4. Opposer owns a pending application for the mark JE NE SAIS QUOI for wines with a date of first use of March 13, 2014 and owns numerous trademarks for or containing the term JNSQ® for wine and wine-based beverages, which have which have been registered with the United States Patent Trademark Office (“USPTO”) (collectively, the “JE NE SAIS QUOI Marks”). The relevant application and registrations include, but are not limited to:

TRADEMARK	APPLICATION/ REGISTRATIONS	CLASSES
JE NE SAIS QUOI	App. No. 97116888	33
JNSQ	Reg. No. 5939056	21, 33, 35, 39
JNSQ & Rose Topper Design	Reg. No. 6275093	33
JNSQ & Sphere Topper Design	Reg. No. 6275097	33
SHE’S GOT THAT JNSQ	Reg. No. 6555524	33

5. The above registrations are valid, 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 status copies showing present title to these registrations will be introduced into evidence on its behalf during Opposer’s testimony period.

6. Opposer has sold a significant amount of goods in connection with the JE NE SAIS QUOI Marks.

7. Opposer and its predecessors have expended substantial sums advertising and promoting its products sold in connection with the JE NE SAIS QUOI Marks throughout the United States.

8. By virtue of the popularity and industry recognition of Opposer’s goods offered in connection with the JE NE SAIS QUOI Marks, Opposer has built and owns extremely valuable goodwill symbolized by, and associated with, the JE NE SAIS QUOI Marks.

9. The JE NE SAIS QUOI Marks are inherently distinctive as used in connection with Opposer's products or, in the alternative, have acquired distinctiveness due to their secondary meaning.

10. The Application for and use of the GIN SAIS QUOI Mark is without Opposer's consent or permission.

11. Opposer timely filed Requests for Extension of Time to Oppose the Application with the Trademark Trial and Appeal Board on February 3, 2022 and March 7, 2022. Opposer's requests were granted. An Opposition to Applicant's Application must be filed by May 18, 2022. Therefore, this Notice of Opposition is being timely filed.

COUNT I – LIKELIHOOD OF CONFUSION

12. Opposer incorporates the allegations of Paragraphs 1 through 11 herein by reference.

13. The Applicant's GIN SAIS QUOI Mark so closely resembles the JE NE SAIS QUOI Marks as to be likely, when used on or in connection with Applicant's Goods, to cause confusion, to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), as amended. The Applicant's GIN SAIS QUOI Mark also conveys the same commercial impression as the JE NE SAIS QUOI Marks.

14. Applicant's Goods are similar and/or related to the goods used in connection with the JE NE SAIS QUOI Marks. Applicant's use and registration of the Applicant's GIN SAIS QUOI Mark in connection with Applicant's Goods is likely to cause confusion, deception and/or mistake among the relevant public.

15. The purchasing public is likely to be led to believe that goods bearing the Applicant's GIN SAIS QUOI Mark emanate from or are approved, licensed, sponsored by, or in

some other way legitimately connected with or affiliated with Opposer or that Applicant and its business are owned by or are affiliated with Opposer and its business.

16. If Applicant is permitted to use the GIN SAIS QUOI Mark as specified in the Application, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the Applicant's GIN SAIS QUOI Mark and the JE NE SAIS QUOI Marks. Consumers familiar with the JE NE SAIS QUOI Marks are likely to believe Applicant's Goods emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with or affiliated with Opposer, contain or promote Opposer's JE NE SAIS QUOI branded products, or that Applicant and its business are owned by or are affiliated with Opposer and its business. Furthermore, any defect, objection or fault found with Applicant's Goods offered under the Applicant's GIN SAIS QUOI Mark would necessarily injure Opposer's reputation and the goodwill Opposer has established in the JE NE SAIS QUOI Marks.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 90642287 be denied registration and that such other and further relief as is deemed just and proper be granted.

Please debit our Deposit Account No. 502934 for the \$600 filing fee per class and for any additional necessary fees.

The undersigned, Danielle M. Criona, is an active member of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory, and holds California Bar Membership No. 204074 with an admission date of 1999.

Please address all correspondence to Danielle M. Criona, Esq., Special Counsel at Roll Law Group P.C., 11444 West Olympic Boulevard, 7th Floor, Los Angeles, CA 90064.

Respectfully submitted,

Date: May 18, 2022

Justin Vineyards & Winery LLC

By: /s/ Danielle M. Criona /s/

Danielle M. Criona, Esq.
ROLL LAW GROUP P.C.
11444 West Olympic Blvd., 7th Floor
Los Angeles, CA 90064
Tel. (310) 966-8771
Fax (310) 966-8810
danielle.criona@roll.com; ipdocketing@roll.com
Attorney for Opposer