

ESTTA Tracking number: **ESTTA1254913**

Filing date: **12/19/2022**

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	FUN WINE (USA) LLC
Granted to date of previous extension	01/01/2023
Address	20200 WEST DIXIE HWY SUITE 806 AVENTURA, FL 33180 UNITED STATES
Attorney information	JOSHUA M. GERBEN, ESQ. GERBEN PERROTT, PLLC 1050 CONNECTICUT AVE NW SUITE 500 WASHINGTON, DC 20036 UNITED STATES Primary email: jgerben@gerbenlawfirm.com Secondary email(s): sedbrooke@gerbenlawfirm.com No phone number provided
Docket no.	06120-0071

Applicant information

Application no.	97053645	Publication date	07/05/2022
Opposition filing date	12/19/2022	Opposition period ends	01/01/2023
Applicant	American Beverage Corporation 1 DAILY WAY VERONA, PA 15147 UNITED STATES		

Goods/services affected by opposition

Class 033. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Flavored alcoholic brewed malt-based beverages in the nature of alcoholic flavored brewed malt beverages, except beers

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	4472297	Application date	12/12/2012
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Register	Principal		
Registration date	01/21/2014	Foreign priority date	NONE
Word mark	FRIENDS FUN WINE		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Jan 2013 First Use In Commerce: Jan 2013 Wine		

U.S. registration no.	5973651	Application date	04/27/2018
Register	Principal		
Registration date	01/28/2020	Foreign priority date	NONE
Word mark	FUN WINE		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Nov 27, 2019 First Use In Commerce: Nov 27, 2019 Wine		

U.S. registration no.	6341966	Application date	05/25/2018
Register	Principal		
Registration date	05/04/2021	Foreign priority date	NONE
Word mark	FUN		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Feb 26, 2021 First Use In Commerce: Feb 26, 2021 Wine		

U.S. application no.	88764989	Application date	01/18/2020
Registration date	NONE	Foreign priority date	NONE
Word mark	FUN SELTZER		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: None First Use In Commerce: None Hard seltzer; Wine; Wine spritzers		

U.S. application no.	88957802	Application date	06/10/2020
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Registration date	NONE	Foreign priority date	NONE
Word mark	FUN WINE ZERO		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: None First Use In Commerce: None Non-alcoholized wines; Wines		

Attachments	88957802#TMSN.png(bytes) FIZZY FRUITY FUN_Notice of Opposition_final.pdf(232855 bytes)
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Signature	/Sophie Edbrooke/
Name	Sophie Edbrooke, Esq., Authorized Attorney, MD Bar Member
Date	12/19/2022

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

Fun Wine (USA) LLC,

Opposer,

v.

American Beverage Corporation,

Applicant,

Opposition No.:

Mark: FIZZY, FRUITY, FUN

Application Serial No. 97053645

NOTICE OF OPPOSITION

Fun Wine (USA) LLC (hereinafter referred to as “Opposer”), a Florida limited liability company, believes that it will be damaged by the registration of the mark shown in Application Serial No. 97053645 and hereby opposes the application. The application was filed by American Beverage Corporation, a Delaware corporation (hereinafter referred to as “Applicant”), and the mark was published in the Official Gazette on July 5, 2022.

As grounds for the opposition, Opposer alleges as follows:

1. Opposer is the owner of the FUN, FUN WINE, FRIENDS FUN WINE, FUN SELTZER, and FUN WINE ZERO trademarks (“Opposer’s Marks”) for wine, hard seltzer, wine spritzers, and other wine-related products (“Opposer’s Goods”) and is the owner of the federal trademark registrations for FRIENDS FUN WINE (Reg. No. 4472297), FUN WINE (Reg No. 5973651), and FUN (Reg No. 6341966) for “wine” in International Class 33 (*see Exhibit A for TSDR status reports*).

2. Opposer is the owner of the FUN SELTZER application (Ser. No. 88764989) for “Hard seltzer; Wine; Wine spritzers” in International Class 33 with a priority date of January 18, 2020.

3. On September 30, 2021, Applicant filed an application under Section 1(b) of the Lanham Act for FIZZY, FRUITY, FUN (“Applicant’s Mark”), which was assigned Serial No. 97053645 (“Applicant’s Application”) for “Flavored alcoholic brewed malt-based beverages in the nature of alcoholic flavored brewed malt beverages, except beers” in International Class 33 (“Applicant’s Goods”).

4. Opposer believes that should Applicant’s Application proceed to registration for Applicant’s Goods, Applicant will be given at least a *prima facie* right to exclusive use of Applicant’s Mark on Applicant’s Goods. Such use will cause a likelihood of confusion between Opposer’s Marks and Applicant’s Mark that would irreparably harm Opposer’s Marks.

PRIORITY & LIKELIHOOD OF CONFUSION

5. Applicant’s Mark is closely similar in sight, sound, and meaning to Opposer’s Marks.

6. Applicant’s Goods are highly related and/or complementary to Opposer’s Goods.

7. Opposer has sold Opposer’s Goods in the United States under the FRIENDS FUN WINE mark since at least as early as January 2013 and enjoys a federal priority date on the FRIENDS FUN WINE trademark registration of December 12, 2012, before any priority date to which Applicant’s Application is entitled.

8. Opposer’s FUN WINE registration (Reg. No. 5973651) has a priority date of Apr. 27, 2018, the FUN registration (Reg. No. 6341966) has a priority date of May 25, 2018, the FUN SELTZER application (Ser. No. 88764989) has a priority date of January 18, 2020, and the FUN

WINE ZERO application (Ser. No. 88957802) has a priority date of June 10, 2020, all of which predate any priority date in which Applicant's Application is entitled.

9. Opposer has built up substantial goodwill and customer recognition in Opposer's Marks in the United States.

10. Opposer's Marks are symbolic of the extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in sales and promotion of Opposer's Goods.

11. Therefore, Opposer has priority based on Opposer's first use of the FRIENDS FUN WINE, FUN WINE, and FUN trademarks in the United States, prior to the filing date of Applicant's Application or any other priority date available to Applicant.

12. In addition, Opposer has priority through the constructive notice dates of its FRIENDS FUN WINE registration, FUN WINE registration, FUN registration, FUN SELTZER application, and FUN WINE ZERO application which predate the filing date of Applicant's Application or any other priority date available to Applicant.

13. In view of the fact that the parties' respective marks are closely similar in sight, sound, and meaning and that the goods are highly related and/or complementary, it is alleged that Applicant's Mark for Applicant's Goods so resembles Opposer's Marks as to be likely to cause confusion, mistake, or deception, and therefore should be refused under Section 2(d) of the Lanham Act.

14. In view of the above, Applicant is not entitled to federal registration of Applicant's Mark. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark for Applicant's Goods. Such registration would be a source of damage and injury to Opposer.

15. By reason of all the foregoing, Opposer will be gravely damaged by the registration of Applicant's Mark for Applicant's Goods.

WHEREFORE, by its undersigned attorneys, Fun Wine (USA) LLC respectfully requests that this Notice of Opposition be sustained and that registration of application Serial Number 97053645 be refused for Applicant's Goods.

Dated: December 19, 2022

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Gerben", written in a cursive style.

Joshua Gerben, Esq.
Sophie Edbrooke, Esq.
Attorneys for Opposer
Gerben Perrott, PLLC
1050 Connecticut Ave NW
Suite 500
Washington, DC 20036
Email: jgerben@gerbenlawfirm.com
sedbrooke@gerbenlawfirm.com

EXHIBIT A

Generated on: This page was generated by TSDR on 2022-12-19 09:31:27 EST

Mark: FUN

FUN

US Serial Number: 87936431

Application Filing Date: May 25, 2018

US Registration Number: 6341966

Registration Date: May 04, 2021

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: May 04, 2021

Publication Date: Jan. 01, 2019 Notice of Allowance Date: Feb. 26, 2019

Mark Information

Mark Literal Elements: FUN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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: Wine

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 26, 2021

Use in Commerce: Feb. 26, 2021

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: FUN WINE (USA) LLC

Owner Address: 20200 WEST DIXIE HWY, SUITE 806
AVENTURA, FLORIDA UNITED STATES 33180

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua M. Gerben, Esq.

Docket Number: 06120-0003

Attorney Primary Email Address: igerben@gerbenlawfirm.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Joshua M. Gerben, Esq.
GERBEN LAW FIRM, PLLC
1050 CONNECTICUT AVE. NW
SUITE 500
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20036

Phone: 202-294-2287

Correspondent e-mail: igerben@gerbenlawfirm.com eperrott@gerbenlawfirm.com csado@gerbenlawfirm.com dheard@gerbenlawfirm.com filings@gerbenlawfirm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 15, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 04, 2021	REGISTERED-PRINCIPAL REGISTER	
Apr. 02, 2021	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 01, 2021	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 30, 2021	STATEMENT OF USE PROCESSING COMPLETE	66230
Mar. 09, 2021	USE AMENDMENT FILED	66230
Mar. 29, 2021	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Mar. 09, 2021	TEAS STATEMENT OF USE RECEIVED	
Feb. 05, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 03, 2021	SOU EXTENSION 4 GRANTED	98765
Feb. 03, 2021	SOU EXTENSION 4 FILED	98765
Feb. 03, 2021	TEAS EXTENSION RECEIVED	
Jul. 01, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 29, 2020	SOU EXTENSION 3 GRANTED	98765
Jun. 29, 2020	SOU EXTENSION 3 FILED	98765
Jun. 29, 2020	TEAS EXTENSION RECEIVED	
Dec. 31, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 27, 2019	SOU EXTENSION 2 GRANTED	98765
Dec. 27, 2019	SOU EXTENSION 2 FILED	98765
Dec. 27, 2019	TEAS EXTENSION RECEIVED	
Jun. 29, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 27, 2019	SOU EXTENSION 1 GRANTED	98765
Jun. 27, 2019	SOU EXTENSION 1 FILED	98765
Jun. 27, 2019	TEAS EXTENSION RECEIVED	
Feb. 26, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 01, 2019	PUBLISHED FOR OPPOSITION	
Dec. 12, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Nov. 19, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 19, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Nov. 19, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797
Nov. 09, 2018	ASSIGNED TO LIE	73797
Oct. 30, 2018	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Aug. 21, 2018	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 21, 2018	LETTER OF SUSPENSION E-MAILED	6332
Aug. 21, 2018	SUSPENSION LETTER WRITTEN	76746
Aug. 20, 2018	ASSIGNED TO EXAMINER	76746
Jun. 03, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 29, 2018	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: Apr. 01, 2021

Generated on: This page was generated by TSDR on 2022-12-19 09:31:27 EST

Mark: FUN WINE

FUN WINE

US Serial Number: 87894510

Application Filing Date: Apr. 27, 2018

US Registration Number: 5973651

Registration Date: Jan. 28, 2020

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: Jan. 28, 2020

Publication Date: Nov. 13, 2018 Notice of Allowance Date: Jan. 08, 2019

Mark Information

Mark Literal Elements: FUN WINE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1610846, 1455176

International Application(s) / Registration(s) Based on this Property: A0111154/1610846, A0083192/1455176

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: Wine

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 27, 2019

Use in Commerce: Nov. 27, 2019

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: FUN WINE (USA) LLC
Owner Address: 20200 WEST DIXIE HWY, SUITE 806
AVENTURA, FLORIDA UNITED STATES 33180
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua M. Gerben
Attorney Primary Email Address: jgerben@gerbenlawfirm.com
Docket Number: 06120-0002
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSHUA M. GERBEN
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1050 CONNECTICUT AVE. NW
SUITE 500
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20036
Phone: 202-294-2287
Correspondent e-mail: jgerben@gerbenlawfirm.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 15, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 28, 2020	REGISTERED-PRINCIPAL REGISTER	
Dec. 21, 2019	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 20, 2019	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 10, 2019	STATEMENT OF USE PROCESSING COMPLETE	65362
Dec. 03, 2019	USE AMENDMENT FILED	65362
Dec. 10, 2019	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Dec. 03, 2019	TEAS STATEMENT OF USE RECEIVED	
May 24, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 22, 2019	SOU EXTENSION 1 GRANTED	98765
May 22, 2019	SOU EXTENSION 1 FILED	98765
May 22, 2019	TEAS EXTENSION RECEIVED	
Jan. 08, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 13, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 13, 2018	PUBLISHED FOR OPPOSITION	
Oct. 24, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 09, 2018	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Oct. 08, 2018	ASSIGNED TO LIE	68171
Sep. 20, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	

Aug. 21, 2018	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 21, 2018	LETTER OF SUSPENSION E-MAILED	6332
Aug. 21, 2018	SUSPENSION LETTER WRITTEN	76746
Aug. 20, 2018	ASSIGNED TO EXAMINER	76746
May 05, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 01, 2018	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: Dec. 20, 2019

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Mark: FRIENDS FUN WINE

FRIENDS FUN WINE

US Serial Number: 85800456

Application Filing Date: Dec. 12, 2012

US Registration Number: 4472297

Registration Date: Jan. 21, 2014

Filed as TEAS Plus: Yes

Currently TEAS Plus: 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: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Feb. 05, 2020

Publication Date: May 21, 2013 Notice of Allowance Date: Jul. 16, 2013

Mark Information

Mark Literal Elements: FRIENDS FUN WINE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "WINE"

Related Properties Information

International Registration Number: 1348018

International Application(s) / Registration(s) Based on this Property: A0065721/1348018

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: Wine

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 2013

Use in Commerce: Jan. 2013

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: FUN WINE (USA) LLC

Owner Address: 20200 WEST DIXIE HWY, SUITE 806
AVENTURA, FLORIDA UNITED STATES 33180

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Josh Gerben

Attorney Primary Email Address: jgerben@gerbenlawfirm.com

Docket Number: 06120-0025

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSH GERBEN
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Suite 500
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Phone: 202-294-2287

Correspondent e-mail: jgerben@gerbenlawfirm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 15, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 05, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Feb. 05, 2020	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Feb. 05, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Dec. 10, 2019	TEAS SECTION 8 & 15 RECEIVED	
Jan. 21, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Mar. 19, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 19, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Feb. 24, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 21, 2014	REGISTERED-PRINCIPAL REGISTER	
Dec. 17, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Dec. 14, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Dec. 13, 2013	ASSIGNED TO LIE	69712
Dec. 06, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 06, 2013	STATEMENT OF USE PROCESSING COMPLETE	70565
Nov. 04, 2013	USE AMENDMENT FILED	70565
Dec. 05, 2013	CASE ASSIGNED TO INTENT TO USE PARALEGAL	70565
Nov. 04, 2013	TEAS STATEMENT OF USE RECEIVED	

Jul. 16, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 21, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2013	PUBLISHED FOR OPPOSITION	
May 01, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 18, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Apr. 16, 2013	ASSIGNED TO LIE	76568
Apr. 01, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 01, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Apr. 01, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Apr. 01, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Apr. 01, 2013	EXAMINERS AMENDMENT -WRITTEN	83180
Mar. 28, 2013	ASSIGNED TO EXAMINER	83180
Dec. 21, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 15, 2012	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 101

Date in Location: Feb. 05, 2020

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Mark: FUN SELTZER

FUN SELTZER

US Serial Number: 88764989

Application Filing Date: Jan. 18, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A fourth request for extension of time to file a Statement of Use has been granted.

Status Date: May 27, 2022

Publication Date: May 26, 2020 Notice of Allowance Date: Jul. 21, 2020

Mark Information

Mark Literal Elements: FUN SELTZER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "SELTZER"

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: Hard seltzer; Wine; Wine spritzers

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: FUN WINE (USA) LLC

Owner Address: 20200 WEST DIXIE HWY, SUITE 806
AVENTURA, FLORIDA UNITED STATES 33180

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua M. Gerben, Esq.

Docket Number: 06120-0032

Attorney Primary jgerben@gerbenlawfirm.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Joshua M. Gerben, Esq.
Name/Address: GERBEN LAW FIRM, PLLC
1050 CONNECTICUT AVE. NW
SUITE 500
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20036

Correspondent e- jgerben@gerbenlawfirm.com filings@gerbenlawfir
mail: m.com

Correspondent e- Yes
mail Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
May 31, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 27, 2022	SOU EXTENSION 4 GRANTED	98765
May 27, 2022	SOU EXTENSION 4 FILED	98765
May 27, 2022	TEAS EXTENSION RECEIVED	
Dec. 15, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 03, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 01, 2021	SOU EXTENSION 3 GRANTED	98765
Dec. 01, 2021	SOU EXTENSION 3 FILED	98765
Dec. 01, 2021	TEAS EXTENSION RECEIVED	
May 27, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
May 25, 2021	SOU EXTENSION 2 GRANTED	98765
May 25, 2021	SOU EXTENSION 2 FILED	98765
May 25, 2021	TEAS EXTENSION RECEIVED	
Dec. 04, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 02, 2020	SOU EXTENSION 1 GRANTED	98765
Dec. 02, 2020	SOU EXTENSION 1 FILED	98765
Dec. 02, 2020	TEAS EXTENSION RECEIVED	
Jul. 21, 2020	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
May 26, 2020	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 26, 2020	PUBLISHED FOR OPPOSITION	
May 06, 2020	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 17, 2020	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 16, 2020	TEAS/EMAIL CORRESPONDENCE ENTERED	66121
Apr. 16, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Apr. 15, 2020	ASSIGNED TO LIE	66121
Apr. 08, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 07, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Apr. 07, 2020	NON-FINAL ACTION E-MAILED	6325
Apr. 07, 2020	NON-FINAL ACTION WRITTEN	80804
Apr. 07, 2020	ASSIGNED TO EXAMINER	80804
Jan. 24, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SINGH, TEJBIR

Law Office Assigned: LAW OFFICE 106

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Jul. 21, 2020

Generated on: This page was generated by TSDR on 2022-12-19 09:31:27 EST

Mark: FUN WINE ZERO

FUN WINE ZERO

US Serial Number: 88957802

Application Filing Date: Jun. 10, 2020

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A third request for extension of time to file a Statement of Use has been granted.

Status Date: Aug. 11, 2022

Publication Date: Feb. 09, 2021 Notice of Allowance Date: Apr. 06, 2021

Mark Information

Mark Literal Elements: FUN WINE ZERO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "WINE ZERO"

Related Properties Information

Claimed Ownership of US Registrations: 4472297, 5973651

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: Non-alcoholized wines; Wines

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: FUN WINE (USA) LLC

Owner Address: 20200 WEST DIXIE HWY, SUITE 806
AVENTURA, FLORIDA UNITED STATES 33180

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country FLORIDA
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua M. Gerben, Esq.

Docket Number: 06120-0038

Attorney Primary Email Address: jgerben@gerbenlawfirm.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Joshua M. Gerben, Esq.

GERBEN LAW FIRM, PLLC
1050 CONNECTICUT AVE. NW
SUITE 500
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20036

Correspondent e-mail: jgerben@gerbenlawfirm.com filings@gerbenlawfirm.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 13, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 11, 2022	SOU EXTENSION 3 GRANTED	98765
Aug. 11, 2022	SOU EXTENSION 3 FILED	98765
Aug. 11, 2022	TEAS EXTENSION RECEIVED	
Feb. 10, 2022	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 08, 2022	SOU EXTENSION 2 GRANTED	98765
Feb. 08, 2022	SOU EXTENSION 2 FILED	98765
Feb. 08, 2022	TEAS EXTENSION RECEIVED	
Dec. 15, 2021	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 09, 2021	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 07, 2021	SOU EXTENSION 1 GRANTED	98765
Apr. 07, 2021	SOU EXTENSION 1 FILED	98765
Apr. 07, 2021	TEAS EXTENSION RECEIVED	
Apr. 06, 2021	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 09, 2021	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 09, 2021	PUBLISHED FOR OPPOSITION	
Jan. 20, 2021	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 03, 2021	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 02, 2021	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 31, 2020	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 31, 2020	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 14, 2020	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2020	NON-FINAL ACTION E-MAILED	6325
Sep. 14, 2020	NON-FINAL ACTION WRITTEN	80800
Sep. 14, 2020	ASSIGNED TO EXAMINER	80800
Jul. 07, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 13, 2020	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: GUTTADAURO, JULIE MARI

Law Office Assigned: LAW OFFICE 106

File Location

Current Location: INTENT TO USE SECTION

Date in Location: Apr. 06, 2021