

ESTTA Tracking number: **ESTTA1312341**
Filing date: **09/26/2023**

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	CB Brand Strategies, LLC, a Delaware limited liability company, acting through CB Brand Strategies, LLC, Wilmington, Delaware, USA, Zug Branch
Granted to date of previous extension	09/27/2023
Address	BAARERSTRASSE 10 ZUG, CH-6300 SWITZERLAND
Attorney information	EDWARD F. MALUF SEYFARTH SHAW LLP 620 EIGHTH AVENUE 32ND FLOOR NEW YORK, NY 10018 UNITED STATES Primary email: emaluf@seyfarth.com Secondary email(s): ttabdocket@seyfarth.com, jheinbockel@seyfarth.com, rterzoli@seyfarth.com No phone number provided
Docket no.	105820-90112

Applicant information

Application no.	97497695	Publication date	05/30/2023
Opposition filing date	09/26/2023	Opposition period ends	09/27/2023
Applicant	Lawson's Finest Liquids, LLC PO BOX 62366 VIRGINIA BEACH, VA 23466 UNITED STATES		

Goods/services affected by opposition

Class 032. First Use: Jul 5, 2022 First Use In Commerce: Jul 5, 2022
All goods and services in the class are opposed, namely: Beer

Grounds for opposition

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

Marks cited by opposer as basis for opposition

U.S. registration no.	4191028	Application date	11/11/2009
Register	Principal		

Registration date	08/14/2012	Foreign priority date	NONE
Word mark	FIND YOUR BEACH		
Design mark			
Description of mark	NONE		
Goods/services	Class 032. First use: First Use: Sep 12, 2010 First Use In Commerce: Sep 12, 2010 beer		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	FIND YOUR BEACH		
Goods/services	beer		

Attachments	FOR FILING - Notice of Opposition - FIND YOUR SUNSHINE.pdf(150764 bytes)
-------------	---

Signature	/John C. Heinbockel/
Name	John C. Heinbockel
Date	09/26/2023

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

In the Matter of Application Serial No. 97/497,695
Published in the Official Gazette of May 30, 2023

CB BRAND STRATEGIES, LLC,

Opposer,

v.

LAWSON'S FINEST LIQUIDS, LLC,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer CB Brand Strategies, LLC, a Delaware limited liability company, acting through CB Brand Strategies, LLC, Wilmington, Delaware, USA, Zug Branch, which has its office registered at Baarerstrasse 10, Zug, Switzerland CH-6300 ("Opposer"), believes it will be damaged by registration of the mark shown in Application Serial No. 97/497,695 (the "**Opposed Application**"), and hereby opposes the same. As grounds for opposition, Opposer alleges:

1. Opposer is the exclusive United States importer, marketer, and distributor of the CORONA® beer brand in the United States.
2. Opposer is the exclusive U.S. licensee of U.S. Trademark Registration No. 4,191,028 for the mark FIND YOUR BEACH (the "**Beach Mark**") for "beer" in International Class 32 (the "**Opposer's Goods**"). A true and correct copy of a current USPTO Trademark Status and Document Retrieval printout demonstrating current status and title of the Beach Mark is attached as Exhibit A.

3. Opposer is also the exclusive U.S. licensee of common law trademark rights in the Beach Mark for use primarily in connection with Opposer's Goods.

4. For many years, and long prior to the filing date of the Application, Opposer used the Beach Mark in U.S. commerce to market, advertise, distribute, and/or sell Opposer's Goods.

5. Notwithstanding Opposer's prior rights in and to the Beach Mark, on July 11, 2022, Applicant applied to register the mark FIND YOUR SUNSHINE (the "**Opposed Mark**") on the basis of use in commerce for "beer" in International Class 32 (the "**Opposed Goods**").

6. The goods for which Applicant seeks registration in International Class 32 are identical to the goods with which Opposer uses the Beach Mark.

7. The Opposed Application was published for opposition in the Trademark Official Gazette of May 30, 2023. Opposer requested, and was granted, an extension of time to oppose through September 28, 2023.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Marks)

8. Opposer repeats and realleges the allegations in preceding paragraphs 1 through 7, inclusive, as if fully set forth herein.

9. The Opposed Mark as shown in the Opposed Application so resembles the marks set forth in Registration No. 4,191,028 as to be likely, when used on or in connection with the Opposed Goods, to cause confusion, mistake, or deception. The Opposed Mark is thus not registrable under Section 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

10. Opposer will be damaged by registration of the Opposed Mark as shown in the Opposed Application because registration will provide Applicant with prima facie evidence of its ownership of, and its exclusive nationwide right to use, a mark that is confusingly similar to the mark set forth in Registration No. 4,191,028.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion With Previously Used Marks)

11. Opposer repeats and realleges the allegations in preceding paragraphs 1 through 7, inclusive, as if fully set forth herein.

12. Opposer used, and has continued to use, the Beach Mark without interruption in U.S. commerce prior to Applicant's adoption, use, and application to register the Opposed Mark.

13. The Opposed Mark so resembles Opposer's previously used, valid, and persisting Beach Mark that, when used on or in connection with the goods identified in the Opposed Application, it would cause confusion, mistake, or deception. The Opposed Mark is thus not registrable under Section 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

14. Opposer will be damaged by registration of the Opposed Mark because registration will provide Application with *prima facie* evidence of ownership of, and exclusive nationwide right to use, a mark that is confusingly similar to the previously used and not abandoned Beach Mark.

WHEREFORE, Opposer prays for judgment sustaining this opposition and refusing registration to Applicant of the mark shown in the opposed Application.

SEYFARTH SHAW LLP

Date: September 26, 2023

By: / *Edward F. Maluf* /

Edward F. Maluf
emaluf@seyfarth.com

John C. Heinbockel
jheinbockel@seyfarth.com

Robert S. Terzoli
rterzoli@seyfarth.com

Attorneys for Opposer
CB Brand Strategies LLC
620 Eighth Ave., 32nd Floor
New York, NY 10018
Telephone: (212) 218-5500

Exhibit A

Generated on: This page was generated by TSDR on 2023-09-25 16:58:14 EDT

Mark: FIND YOUR BEACH

FIND YOUR BEACH

US Serial Number: 77870491

Application Filing Date: Nov. 11, 2009

US Registration Number: 4191028

Registration Date: Aug. 14, 2012

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: Aug. 20, 2018

Publication Date: Apr. 13, 2010 Notice of Allowance Date: Jun. 08, 2010

Mark Information

Mark Literal Elements: FIND YOUR BEACH

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: beer

International Class(es): 032 - Primary Class

U.S Class(es): 045, 046, 048

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 12, 2010

Use in Commerce: Sep. 12, 2010

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: CERVECERÍA MODELO DE MÉXICO, S. DE R.L. DE C.V.

Owner Address: COLONIA ZEDEC ED PLAZA SANTA FE
JAVIER BARROS SIERRA NO. 555, PISO 3
MEXICO CITY MEXICO CP01210

Legal Entity Type: SOCIEDAD DE RESPONSABILIDAD LIMITADA
DE CAPITAL VARIABLE

State or Country Where Organized: MEXICO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edward F. Maluf

Docket Number: 105820-6

Attorney Primary Email Address: emaluf@seyfarth.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Edward F. Maluf
Seyfarth Shaw LLP
620 Eighth Ave
32nd Floor
New York, NEW YORK UNITED STATES 10018

Phone: 12122185500

Fax: 212-218-5526

Correspondent e-mail: emaluf@seyfarth.com cbidocket@seyfarth.com cbitrade@seyfarth.com

Correspondent e-mail Authorized: Yes

Domestic Representative

** Domestic Representative Name:** Edward F. Maluf

Phone: 12122185500

Fax: 212-218-5526

** Domestic Representative e-mail:** cbidocket@seyfarth.com

** Domestic Representative e-mail Authorized:** Yes

Prosecution History

Date	Description	Proceeding Number
Nov. 04, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 04, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 04, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 01, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 01, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 01, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 15, 2022	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 15, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 15, 2022	TEAS CHANGE OF DOMESTIC REPRESENTATIVES ADDRESS	
Aug. 15, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Aug. 15, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 15, 2022	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 30, 2022	TEAS SECTION 8 & 9 RECEIVED	
Mar. 08, 2022	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 08, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 08, 2022	TEAS WITHDRAWAL OF ATTORNEY RECEIVED-FIRM RETAINS	
Mar. 08, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 08, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 08, 2022	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 14, 2021	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 07, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 07, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 24, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Aug. 20, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 20, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Aug. 20, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Aug. 14, 2018	TEAS SECTION 8 & 15 RECEIVED	
Aug. 14, 2018	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 16, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 06, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 06, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Aug. 14, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Aug. 19, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 26, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 15, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Aug. 14, 2012	REGISTERED-PRINCIPAL REGISTER	
Jul. 10, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jul. 09, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Jul. 09, 2012	ASSIGNED TO LIE	66213
Jun. 19, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 11, 2012	STATEMENT OF USE PROCESSING COMPLETE	76874
Jun. 06, 2012	USE AMENDMENT FILED	76874
Jun. 06, 2012	TEAS STATEMENT OF USE RECEIVED	
Jan. 04, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 03, 2012	SOU EXTENSION 3 GRANTED	76874
Dec. 07, 2011	SOU EXTENSION 3 FILED	76874
Dec. 07, 2011	SOU TEAS EXTENSION RECEIVED	
Jun. 10, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 08, 2011	SOU EXTENSION 2 GRANTED	98765
Jun. 08, 2011	SOU EXTENSION 2 FILED	98765
Jun. 08, 2011	SOU TEAS EXTENSION RECEIVED	
Jan. 11, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 10, 2011	SOU EXTENSION 1 GRANTED	76874
Dec. 08, 2010	SOU EXTENSION 1 FILED	76874
Jan. 07, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Dec. 08, 2010	SOU TEAS EXTENSION RECEIVED	
Jun. 08, 2010	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 13, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 13, 2010	PUBLISHED FOR OPPOSITION	
Mar. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74215
Mar. 10, 2010	ASSIGNED TO LIE	74215
Feb. 18, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2010	ASSIGNED TO EXAMINER	67516
Nov. 17, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Nov. 14, 2009	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Aug. 20, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 4

Registrant: Cerveceria Modelo, S.A. de C.V.

Assignment 1 of 4

Conveyance: NAME CONVERSION

Reel/Frame: [5021/0614](#)

Pages: 69

Date Recorded: May 07, 2013

Supporting Documents: [assignment-tm-5021-0614.pdf](#)

Assignor

Name: [CERVECERIA MODELO, S.A. DE C.V.](#)

Execution Date: Feb. 09, 2013

Legal Entity Type: CORPORATION

State or Country MEXICO
Where Organized:

Assignee

Name: [CERVECERIA MODELO, S. DE R.L. DE C.V.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MEXICO
Where Organized:

Address: DEL. MIGUEL HIDALGO LAGO ALBERTO NO. 156 COL. ANAHUAC
C.P. 11320 MEXICO CITY, MEXICO

Correspondent

Correspondent Name: ANDREW REIBMAN C/O K&L GATES LLP

Correspondent Address: 599 LEXINGTON AVENUE
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 2 of 4

Conveyance: EXCLUSIVE SUB-LICENSE AGREEMENT

Reel/Frame: [5054/0575](#)

Pages: 53

Date Recorded: Jun. 24, 2013

Supporting Documents: [assignment-tm-5054-0575.pdf](#)

Assignor

Name: [MARCAS MODELO, S. DE R.L. DE C.V.](#)

Execution Date: Jun. 07, 2013

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MEXICO
Where Organized:

Assignee

Name: [CONSTELLATION BEERS LTD.](#)

Legal Entity Type: CORPORATION

State or Country MARYLAND
Where Organized:

Address: ONE SOUTH DEARBORN STREET
SUITE 1700
CHICAGO, ILLINOIS 60603

Correspondent

Correspondent Name: ERIK C. KANE, ESQ. - KENYON & KENYON LLP

Correspondent Address: 1500 K STREET, NW
SUITE 700
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 3 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5597/0760](#)

Pages: 7

Date Recorded: Aug. 11, 2015

Supporting Documents: [assignment-tm-5597-0760.pdf](#)

Assignor

Name: [CERVECERÍA MODELO, S. DE R.L. DE C.V.](#)

Execution Date: Jul. 24, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country MEXICO
Where Organized:

Assignee

Name: [MODELO MKT DE MÉXICO, S. DE R.L. DE C.V.](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: MEXICO

Address: LAGO ALBERTO NO. 156, COLONIA ANAHUAC
MEXICO, DISTRITO FEDERAL 11320, MEXICO

Correspondent

Correspondent Name: ANDREW L. REIBMAN C/O K&L GATES LLP

Correspondent Address: 599 LEXINGTON AVE
NEW YORK, NY 10022-6030

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [6324/0088](#)

Pages: 12

Date Recorded: May 01, 2018

Supporting Documents: [assignment-tm-6324-0088.pdf](#)

Assignor

Name: [MODELO MKT DE MÉXICO, S. DE R.L. DE C.V.](#)

Execution Date: Apr. 26, 2018

Legal Entity Type: SOCIEDAD DE RESPONSABILIDAD LIMITADA
DE CAPITAL VARIABLE

State or Country Where Organized: MEXICO

Assignee

Name: [CERVECERÍA MODELO DE MÉXICO, S. DE R.L. DE C.V.](#)

Legal Entity Type: SOCIEDAD DE RESPONSABILIDAD LIMITADA
DE CAPITAL VARIABLE

State or Country Where Organized: MEXICO

Address: JAVIER BARROS SIERRA NO. 555, PISO 3
COLONIA ZEDEC ED PLAZA SANTA FE
MEXICO CITY, MEXICO CP01210

Correspondent

Correspondent Name: RICARDO FISCHER

Correspondent Address: 1717 K STREET, N.W.
WASHINGTON, DC 20006-5344

Domestic Representative

Domestic Representative Name: RICARDO FISCHER

Domestic Representative Address: 1717 K STREET, N.W.
WASHINGTON, DC 20006-5344

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91222808](#)

Filing Date: Jul 15, 2015

Status: Terminated

Status Date: Nov 18, 2015

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: All Night Long LLC.

Correspondent Address: BRONYA SHILLO
ALL NIGHT LONG LLC
102 WEST ST#122

FISHERS ISLAND NY UNITED STATES , 06390-7807

Correspondent e-mail: bronya@filemonade.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FIND YOUR ISLAND		86452784	

Plaintiff(s)

Name: Ci Cerveza S.à.r.l.

Correspondent JEFFREY H BROWN

Address: MICHAEL BEST & FRIEDRICH LLP
180 N STETSON, SUITE 2000
CHICAGO IL UNITED STATES , 60601

Correspondent e-mail: jbrown@michaelbest.com , lwdemarte@michaelbest.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
FIND YOUR BEACH		77870491	4191028
FIND YOUR BEACH		85499815	4311534

Prosecution History

Entry Number	History Text	Date	Due Date
11	TERMINATED	Nov 18, 2015	
10	BD DECISION: SUSTAINED	Nov 18, 2015	
9	P MOT FOR DEFAULT JUDGMENT	Oct 16, 2015	
8	TRIAL DATES RESET	Sep 02, 2015	
7	D MOT FOR EXT W/O CONSENT	Aug 22, 2015	
6	D CHANGE OF CORRESP ADDRESS	Aug 18, 2015	
5	SUSPENDED	Aug 17, 2015	
4	P NOTICE OF INEFFECTIVE SERVICE	Aug 04, 2015	
3	PENDING, INSTITUTED	Jul 16, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 16, 2015	Aug 25, 2015
1	FILED AND FEE	Jul 15, 2015	