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	4191028	Application date	11/11/2009
no.			
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 BEAC	Н	
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,	Opposition No.
v.	
LAWSON'S FINEST LIQUIDS, LLC,	
Applicant.	

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

3

Exhibit A

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Mark: FIND YOUR BEACH

FIND YOUR BEACH

US Serial Number: 77870491 Application Filing Nov. 11, 2009

Date:

US Registration 4191028 Registration Date: Aug. 14, 2012

Number:

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, 2010Notice of Allowance Date: Jun. 08, 2010

Mark Information

Mark Literal FIND YOUR BEACH

Elements:

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

Claim:

Mark Drawing 4 - STANDARD CHARACTER MARK

Type

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

Class(es):

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 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 MEXICO Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Edward F. Maluf Docket Number: 105820-6

Attorney Primary emaluf@seyfarth.com
Email Address: Authorized:

Correspondent

Correspondent Edward F. Maluf

Name/Address: Seyfarth Shaw LLP 620 Eighth Ave

32nd Floor

New York, NEW YORK UNITED STATES 10018

Phone: 12122185500 Fax: 212-218-5526

Correspondent e- emaluf@seyfarth.com cbidocket@seyfarth.com cb Correspondent e- Yes

mail: itrademarks@seyfarth.com mail Authorized:

Domestic Representative

 DomesticEdward F. MalufPhone:12122185500

Representative Name:

Fax: 212-218-5526

 Domestic
 cbidocket@seyfarth.com
 Domestic
 Yes

 Representative email:
 Representative email Authorized:

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. 2, 2018 REGISTERED. SEC. 8 (6.YH) ACCEPTED & SEC. 15 ACK. 69471 Aug. 20, 2018 CASE ASSIGNED TO POST REGISTRATION PARALEGAL 69471 Aug. 14, 2018 TEAS SECTION 8 & 15 RECEIVED 1 Aug. 14, 2018 TEAS CHANGE OF CORRESPONDENCE RECEIVED 1 Aug. 14, 2018 ALTORING LUPDATE OF ASSIGNMENT OF OWNERSHIP 1 Apr. 06, 2018 TEAS REVOKE, APPCHANGE ADDR OF ATTY/DOM REP RECEIVED 1 Aug. 14, 2017 COUNTESY REMINDER- SEC. 8 (6.YR) E-MINED 1 Aug. 14, 2017 ASSIGNMENT OF OWNERSHIP OF OWNERSHIP 1 Jun. 26, 2013 ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY 1 Aug. 14, 2012 ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY 6213 Jul. 10, 2012 LAW OFFICE REGISTRATION REVIEW COMPLETED 6213 Jul. 10, 2012 ASSIGNMENT OF UNDERSHIP NOT UPDATED AUTOMATICALLY 76874 Jun. 12, 2012 ASSIGNMENT OF UNDERSHIP NOT UPDATED AUTOMATICALLY 6213 Jul. 10, 2012 ASSIGNMENT OF UNDERSHIP NOT UPDATED AUTOMATICALLY 6213 Jul. 10, 2012 ASSIGNMENT OF UNDERSHIP NOT UPDATED AUTOMATICALLY 76874 Jul. 10, 2012	Aug. 20, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
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Nov. 14, 2009 NEW APPLICATION ENTERED	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: <u>5021/0614</u> Pages: 69

Date Recorded: May 07, 2013

Supporting assignment-tm-5021-0614.pdf

Documents:

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.

State or Country MEXICO Legal Entity Type: LIMITED LIABILITY COMPANY

Where Organized:

Address: DEL. MIGUEL HIDALGO LAGO ALBERTO NO. 156 COL. ANAHUAC

C.P. 11320 MEXICO CITY, MEXICO

Correspondent

Correspondent ANDREW REIBMAN C/O K&L GATES LLP

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Correspondent 599 LEXINGTON AVENUE

Address: 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 assignment-tm-5054-0575.pdf

Documents:

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

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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 assignment-tm-5597-0760.pdf

Documents:

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 MEXICO

Where Organized:

Address: LAGO ALBERTO NO. 156, COLONIA ANAHUAC

MEXICO, DISTRITO FEDERAL 11320, MEXICO

Correspondent

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

Name:

Correspondent 599 LEXINGTON AVE Address: 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 assignment-tm-6324-0088.pdf

Documents:

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

State or Country MEXICO

DE CAPITAL VARIABLE Where Organized:

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 MEXICO

Where Organized:

Address: JAVIER BARROS SIERRA NO. 555, PISO 3

COLONIA ZEDEC ED PLAZA SANTA FE MEXICO CITY, MEXICO CP01210

Correspondent

Correspondent RICARDO FISCHER

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Address: WASHINGTON, DC 20006-5344

Domestic Representative

Domestic RICARDO FISCHER

Representative Name:

Domestic 1717 K STREET, N.W.

Representative WASHINGTON, DC 20006-5344

Address:

Proceedings

Summary

Number of 1 Proceedings:

Type of Proceeding: Opposition

Proceeding 91222808 Filing Date: Jul 15, 2015

Number:

Status: Terminated Status Date: Nov 18, 2015

Interlocutory ELIZABETH A DUNN

Attorney:

Defendant

Name: All Night Long LLC.

Correspondent BRONYA SHILLO
Address: ALL NIGHT LONG LLC

102 WEST ST#122

FISHERS ISLAND NY UNITED STATES, 06390-7807

Correspondent e- bronya@filemonade.com

mail:

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

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CHICAGO IL UNITED STATES, 60601

 $\textbf{Correspondent e-} \quad \underline{ihbrown@michaelbest.com} \ , \\ \underline{lwdemarte@michaelbest.com} \ , \\ \underline{lwdemarte@michaelbest.com} \$

mail:

Associated marks							
Mark		Application St	atus Serial Number	Registration Number			
FIND YOUR BEACH			<u>77870491</u>	<u>4191028</u>			
FIND YOUR BEACH			<u>85499815</u>	<u>4311534</u>			
Prosecution History							
Entry Number	History Text		Date	Due Date			
11	TERMINATED		Nov 18, 2015				
10	BD DECISION: SUSTAINED		Nov 18, 2015				
	DATASE FOR REENING WIRENES		0 1 10 0015				

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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	