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Notice of Opposition
(Notification of Provisional Refusal Based on an Opposition)

Notice is hereby given that the following party opposes indicated request for extension of protection to the United States.

Opposer information

Name	BACARDI & COMPANY LIMITED		
Entity	Corporation	Citizenship	LIECHTENSTEIN
Address	AEULESTRASSE 5 Vaduz, FL-9490 LIECHTENSTEIN		

Attorney information	JOHN P. MURTAUGH PEARNE & GORDON LLP 1801 EAST 9TH STREET, SUITE 1200 CLEVELAND, OH 44114-3108 UNITED STATES Primary email: tmdocket@pearne.com Secondary email(s): lhawkins@pearne.com 216-579-1700
Docket no.	SKP4-O1373
Bar information (bar information will not appear in the record, or e-mail confirmation, and will not be publically displayed)	Year of admission: 1981 U.S. state/commonwealth/territory: OH Membership no.: 0010927 This attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory.

Opposed request for extension of protection to U.S.

U.S. serial no.	79306016	Publication date	09/20/2022
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Opposition filing date	10/18/2022	Opposition period ends ¹	10/20/2022
International registration no.	1579492	International registration date	12/30/2020
Name of holder of international registration	F&I Beverages AG Baarerstrasse 52 CH-6300 Zug SWITZERLAND		


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: Vodka; gin; wines, namely, sparkling wines

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks cited by opposer as basis for opposition

U.S. registration no.	5684270	Application date	06/01/2018
Register	Principal		
Registration date	02/26/2019	Foreign priority date	12/05/2017
Word mark	NONE		
Design mark			

Description of mark	The mark consists of a bottle with a narrow neck which has a blue and white neck label with white geese imprinted on a blue band on the bottom of the neck label. Centered on the front of the bottle is a silhouette of a large goose with a white neck and head, black eye, black outline around the beak, a blue body and several smaller white geese with black outlines behind and in front of the larger goose. These white geese with black outlines appear to be flying over a mountainous lake design which is generally blue with some white for shading purposes. There is a flock of white flying geese above the lake that is blue and grey. The mountains in the mark are blue and grey with white shading. Below the mark is a rectangle comprising a blue portion on the left, a red portion on the right, and a white portion in the middle. The broken lines depicting the shape of the bottle indicate placement of the mark on the goods and are not part of the mark.
Goods/services	Class 033. First use: First Use: None First Use In Commerce: None Alcoholic beverages except beers

U.S. registration no.	3410432	Application date	06/13/2005
Register	Principal		
Registration date	04/08/2008	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of an image of a flying goose.		
Goods/services	Class 033. First use: First Use: May 1, 1997 First Use In Commerce: May 16, 1997 Alcoholic beverages, namely, rum, rum-based beverages, vodka, gin and liqueurs		


U.S. registration no.	2261213	Application date	08/28/1998
Register	Principal		
Registration date	07/13/1999	Foreign priority date	NONE
Word mark	GREY GOOSE VODKA		
Design mark			
Description of mark	NONE		

Goods/services	Class 033. First use: First Use: May 1997 First Use In Commerce: May 1997 Vodka		
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U.S. registration no.	3274676	Application date	03/02/2006
Register	Principal		
Registration date	08/07/2007	Foreign priority date	NONE
Word mark	GREY GOOSE VODKA		
Design mark			
Description of mark	The mark consists of a large goose through which mountains, a lake and a flock of small flying geese with another flock of small flying geese above the large goose.		
Goods/services	Class 033. First use: First Use: May 1, 1997 First Use In Commerce: May 1, 1997 Vodka		


U.S. registration no.	4327148	Application date	05/23/2012
Register	Principal		
Registration date	04/30/2013	Foreign priority date	NONE
Word mark	GREY GOOSE CHERRY NOIR		
Design mark			
Description of mark	The mark consists of a large goose with a body of cherries on a white plate and a flock of small flying geese above the large goose on the main body of the bottle; below that the stylized words "GREY GOOSE CHERRY NOIR" in two separate lines with a goose flying out of the first "O" in "GOOSE". The neck of the bottle shows the term "GREY GOOSE" with a small flock of flying geese directly below it. The broken lines in the drawing indicate the placement of the mark on the container for goods.		
Goods/services	Class 033. First use: First Use: Mar 2012 First Use In Commerce: Mar 2012 Vodka		

U.S. registration no.	4672837	Application date	11/07/2013
Register	Principal		

Registration date	01/13/2015	Foreign priority date	NONE
Word mark	GREY GOOSE LE MELON		
Design mark			
Description of mark	<p>The mark consists of a design on the front and back of a bottle and on the cap of the bottle. The design on the front of the bottle consists of a large goose and a flock of small flying geese above the large goose. Below the large goose are the stylized words "GREY GOOSE" with a flying goose in the "O" and below that are the words "LE MELON." The large goose on the front of the bottle is transparent glass; the white on the rest of the bottle represents frosted glass. The design on the back of the bottle is visible through the transparent goose design on the front of the bottle. The design on the back of the bottle consists of a whole melon and a cut melon on a plate on a background. The design on the cap of the bottle consists of small flying geese. The color blue appears in varying shades on the background of the plate; the color orange appears in shades in the cut melon; the color red appears in the text "LE MELON"; the color green appears in shades in the outer skin of the melons; the color brown appears as part of the background of the plate; the color black appears in the features of the large goose, the outline of the flying geese, the outline of the plate, the color of the cap and neck label of the bottle, and in the wording "GREY GOOSE"; the color white appears in the flying geese on the neck label of the bottle and on the plate on the back of the bottle; the color white on the body of the bottle represents the transparency of the goose and the frosted glass of the bottle; the color gray on the body of the bottle represents shading and is not claimed as a feature of the mark; the broken lines represent the bottle and cap on which to show placement of the mark and are not claimed as a feature of the mark.</p>		
Goods/services	Class 033. First use: First Use: Mar 17, 2014 First Use In Commerce: Mar 17, 2014 vodka		

U.S. registration no.	4876618	Application date	11/29/2013
Register	Principal		
Registration date	12/29/2015	Foreign priority date	NONE

Word mark	GREY GOOSE VX
Design mark	
Description of mark	The mark consists of a three-dimensional configuration of a bottle with a largewide rounded body and a short neck which has a blue and white neck label with a white goose and the wording "GREY GOOSE" in grey imprinted on a white band on the bottom of the neck label. Centered on the front of the bottle is the wording "GREY GOOSE" in blue with a white goose flying out of the first "O" of "GOOSE" above the letters "VX" which are in gold. The aforementioned wording is over a mountainous lake design which is generally blue with some white for shading purposes. There is a flock of white flying geese above the lake. The bottom of the bottle is partly wrapped in a grey covering with the wording "GREY GOOSE" etched on the bottom center. The top of the covering arcs up and to the right from the bottom left portion of the bottle to the middle right portion of the bottle. The broken lines depicting the exterior shape of the bottle indicate placement of the aforementioned elements on the goods and are not part of the mark.
Goods/services	Class 033. First use: First Use: None First Use In Commerce: None alcoholic beverages, except beers

U.S. registration no.	3876295	Application date	03/26/2010
Register	Principal		
Registration date	11/16/2010	Foreign priority date	NONE
Word mark	GREY GOOSE		
Design mark			
Description of mark	The mark consists of the words "GREY GOOSE" in stylized lettering, with an image of a flying goose superimposed over the letters "O" in the word "GOOSE".		
Goods/services	Class 033. First use: First Use: May 16, 1997 First Use In Commerce: May 16, 1997 Vodka		

U.S. registration no.	2095678	Application date	07/14/1995
Register	Principal		
Registration date	09/09/1997	Foreign priority date	NONE
Word mark	GREY GOOSE		

Design mark	
Description of mark	NONE
Goods/services	Class 033. First use: First Use: May 1, 1997 First Use In Commerce: May 16, 1997 vodka

U.S. registration no.	3616621	Application date	05/22/2007
Register	Principal		
Registration date	05/05/2009	Foreign priority date	04/30/2007
Word mark	GREY GOOSE. WORLD'S BEST TASTING VODKA.		
Design mark	GREY GOOSE. WORLD'S BEST TASTING VODKA.		
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Apr 1, 2005 First Use In Commerce: Apr 1, 2005 Vodka		

U.S. registration no.	6392095	Application date	11/05/2020
Register	Principal		
Registration date	06/22/2021	Foreign priority date	NONE
Word mark	GREY GOOSE ESSENCES		
Design mark	GREY GOOSE ESSENCES		
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: None First Use In Commerce: None Vodka and vodka-based beverages		

U.S. registration no.	4282101	Application date	05/23/2012
Register	Principal		

Registration date	01/29/2013	Foreign priority date	NONE
Word mark	GREY GOOSE CHERRY NOIR		
Design mark			
Description of mark	NONE		
Goods/services	Class 033. First use: First Use: Mar 2012 First Use In Commerce: Mar 2012 Vodka		

U.S. registration no.	6059571	Application date	10/16/2018
Register	Principal		
Registration date	05/19/2020	Foreign priority date	NONE
Word mark	LIVE VICTORIOUSLY GREY GOOSE		
Design mark			
Description of mark	The mark consists of the words "GREY GOOSE" beneath the word "VICTORIOUSLY", beneath the larger word "LIVE"; the "V" of the word "LIVE" being an image of a flying goose.		
Goods/services	Class 033. First use: First Use: Mar 9, 2020 First Use In Commerce: Mar 9, 2020 Alcoholic beverages except beers		

U.S. registration no.	5945607	Application date	10/16/2018
Register	Principal		
Registration date	12/24/2019	Foreign priority date	NONE
Word mark	LIVE VICTORIOUSLY		
Design mark			
Description of mark	The mark consists of the word "VICTORIOUSLY" beneath the larger word "LIVE"; the "V" of the word "LIVE" being an image of a flying goose.		
Goods/services	Class 033. First use: First Use: Oct 24, 2019 First Use In Commerce: Oct 24, 2019 Alcoholic beverages except beers		

U.S. registration no.	3812431	Application date	12/19/2006
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Register	Principal		
Registration date	07/06/2010	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of an image of a flying goose.		
Goods/services	Class 043. First use: First Use: None First Use In Commerce: None Services for providing food and drink, namely, bar and cocktail lounge services; restaurants; catering for the provision of food and drink		

U.S. registration no.	3734276	Application date	12/19/2006
Register	Principal		
Registration date	01/05/2010	Foreign priority date	NONE
Word mark	NONE		
Design mark			
Description of mark	The mark consists of an image of a flying goose.		

Goods/services	<p>Class 016. First use: First Use: None First Use In Commerce: None Printed shelf talkers, wall posters, paper window banners, printed case cards and recipe cards; bottle envelopes of cardboard or paper; bottle wrappers of cardboard or paper; booklets in the field of entertainment, cooking, music, culture and sports; boxes of cardboard or paper; catalogues in the field of entertainment, cooking, music, culture and sports; pens; magazines featuring entertainment, cooking, music, culture and sports; notebooks, calendars</p> <p>Class 018. First use: First Use: None First Use In Commerce: None Leather and imitation leather, and goods made of leather and imitation leather and not included in other classes, namely, leather key chains, luggage bags, tote bags, hand bags and fanny packs; leather goods, namely, business card cases, wallets, briefcases and briefcase type portfolios; trunks and travelling bags; umbrellas, parasols</p> <p>Class 021. First use: First Use: None First Use In Commerce: None Glass and plastic bottles sold empty, bottle openers, beverage stirrers, ice buckets, cocktail shakers, drinking glasses, mugs made of glass and plastic; drinking flasks, dishware, namely, dishes and bowls, garbage cans</p> <p>Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, shirts, T-shirts, sweat tops and bottoms, shorts, pants, and jackets; scarves, head wear, and belts</p> <p>Class 028. First use: First Use: None First Use In Commerce: None Board games; bob-sleighs; golf bags, with or without wheels; golf clubs; golf gloves; golf balls; sailboards for boardsailing; toy scale model vehicles; teddy bears; toys, namely, adult party games</p> <p>Class 041. First use: First Use: None First Use In Commerce: None Entertainment and leisure services, namely, arranging, organizing and staging recreational and sporting events, namely, tennis competitions, golf tournaments, polo events and sailing competitions; entertainment, namely, live music concerts; production of programs for television and radio; motion picture film production; entertainment services, namely, providing on-line information in the nature of interviews, performances, photographs and news articles in the fields of entertainment, music, sports and contemporary culture; entertainment services, namely, providing a television program in the field of celebrity interviews via a global computer network; advice, information and consultancy services, namely, special event planning consultation</p>
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U.S. registration no.	2828308	Application date	11/21/2001
Register	Principal		
Registration date	03/30/2004	Foreign priority date	NONE
Word mark	GREY GOOSE		

Design mark	
Description of mark	NONE
Goods/services	<p>Class 014. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 [WATCHES, CLOCKS, AND JEWELRY]</p> <p>Class 016. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 PENS, PAPER NAPKINS, PAPER GOODS, NAMELY, TABLE TENTS; PENCILS, [PLAYING CARDS,] BUSINESS CARD HOLDERS, PRINTED MATTER, namely, NEWSLETTERS ON THE SUBJECT OF VODKA, SHELF TALKERS, WALL POSTERS, STRAW WINDOW BANNERS, PRINTED CASE CARDS AND RECIPE CARDS</p> <p>Class 018. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 UMBRELLAS, LUGGAGE, BAGS, NAMELY, TOTE BAGS, [BACK PACKS, HAND BAGS, FANNY PACKS,] LEATHER GOODS, NAMELY, BUSINESS CARD HOLDERS, WALLET, BRIEFCASES AND LEATHER KEY CHAINS</p> <p>Class 020. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 [NON-METAL KEY CHAINS, NON-METAL KEY FOBs; PEDESTALS AND FURNITURE]</p> <p>Class 021. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 DRINKING GLASSES, DISH WARE, [COCKTAILSHAKERS,] CANDLEHOLDERS, NOT OF PRECIOUS METAL</p> <p>Class 025. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 CLOTHING, NAMELY, SHIRTS, [T-SHIRTS, SWEAT TOPS AND BOTTOMS, SHORTS, PANTS, AND JACKETS; SCARVES,] HEAD WEAR [AND BELTS]</p> <p>Class 028. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 GOLF BALLS [DIVOT REPAIR TOOLS, AND TOYS, NAMELY, ADULT PARTY GAMES]</p>

U.S. registration no.	2828309	Application date	11/21/2001
Register	Principal		
Registration date	03/30/2004	Foreign priority date	NONE
Word mark	GREY GOOSE		
Design mark			

Description of mark	NONE
Goods/services	<p>Class 014. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 [WATCHES, CLOCKS AND JEWELRY]</p> <p>Class 016. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 PENS, PAPER NAPKINS, PAPER GOODS, NAMELY, TABLE TENTS; PENCILS, [PLAYING CARDS,] BUSINESS CARD HOLDERS, PRINTED MATTER, namely, NEWSLETTERS ON THE SUBJECT OF VODKA, SHELF TALKERS, WALL POSTERS, STRAW WINDOW BANNERS, PRINTED CASE CARDS AND RECIPE CARDS</p> <p>Class 018. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 UMBRELLAS, LUGGAGE, BAGS, NAMELY, TOTE BAGS, [BACK PACKS, HAND BAGS, FANNY PACKS,] LEATHER GOODS, NAMELY, BUSINESS CARD HOLDERS, WALLETS, BRIEFCASES AND LEATHER KEY CHAINS</p> <p>Class 020. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 [NON-METAL KEY CHAINS, NON-METAL KEY FOBS; PEDESTALS AND FURNITURE]</p> <p>Class 021. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 DRINKING GLASSES, DISH WARE, [COCKTAILSHAKERS,] CANDLEHOLDERS, NOT OF PRECIOUS METAL</p> <p>Class 025. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 CLOTHING, NAMELY, SHIRTS, [T-SHIRTS, SWEAT TOPS AND BOTTOMS, SHORTS, PANTS, AND JACKETS;] SCARVES, HEAD WEAR, AND BELTS</p> <p>Class 028. First use: First Use: Nov 2001 First Use In Commerce: Nov 2001 GOLF BALLS [; DIVOT REPAIR TOOLS, AND TOYS, NAMELY, ADULT PARTY GAMES]</p>

Tracking number: ESTTA1242399

¹The maximum possible opposition period is 180 days from publication, and other oppositions may therefore be filed before the end of that period.

Your response must go to the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office.

You must file a response, and serve the opposing party, within forty days from the date of the

TTAB order setting discovery and trial dates. You will receive that order directly from the TTAB, and the forty day period begins on the mailing date of that order. You need not file a response until you receive that order.

You may file your answer through an attorney permitted to practice before the United States Patent and Trademark Office in trademark cases. While an attorney is not required, your answer and all other submissions in this proceeding must conform to the applicable United States rules and statutes. Foreign attorneys may not represent parties before the TTAB, unless specifically permitted to do so under Patent and Trademark Rule 11.14(c). The TTAB cannot assist you in choosing an attorney.

***United States Patent and Trademark Office
Trademark Trial and Appeal Board***