

ESTTA Tracking number: **ESTTA899768**

Filing date: **05/30/2018**

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	The Coca-Cola Company
Granted to Date of previous extension	05/30/2018
Address	One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES

Attorney information	Andrew R. Gilfoil One Coca-Cola Plaza Atlanta, GA 30313 UNITED STATES Email: agilfoil@coca-cola.com, vkeenanyates@coca-cola.com Phone: 404-676-7857
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Applicant Information

Application No	87585137	Publication date	01/30/2018
Opposition Filing Date	05/30/2018	Opposition Period Ends	05/30/2018
Applicant	Aharonian, Gregory Mathew 4 Westlund Road Belmont, MA 02478 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial services, namely, providing a virtual currency for use by members of an on-line community via a global computer network
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	238145	Application Date	09/13/1927
Registration Date	01/31/1928	Foreign Priority Date	NONE

Word Mark	COCA-COLA
Design Mark	COCA-COLA
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1886/05/00 First Use In Commerce: 1886/05/00 BEVERAGES AND SYRUPS FOR THE MANUFACTURE OF SUCH BEVERAGES


U.S. Registration No.	3252896	Application Date	11/01/2004
Registration Date	06/19/2007	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/12/15 First Use In Commerce: 2003/01/01 Non-alcoholic beverages, namely, soft drinks; and syrups and concentrates for making beverages, namely, soft drinks		

U.S. Registration No.	1944365	Application Date	03/07/1995
Registration Date	12/26/1995	Foreign Priority Date	NONE
Word Mark	COCA-COLA CREDIT UNION		
Design Mark	COCA-COLA CREDIT UNION		
Description of	NONE		

Mark	
Goods/Services	Class 036. First use: First Use: 1994/11/25 First Use In Commerce: 1994/12/01 credit union services

U.S. Registration No.	4019547	Application Date	02/11/2011
Registration Date	08/30/2011	Foreign Priority Date	NONE

Word Mark	COCA-COLA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 2007/03/14 First Use In Commerce: 2007/03/14 Lip balm; Lip gloss
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U.S. Registration No.	2844970	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE

Word Mark	COCA-COLA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 028. First use: First Use: 1920/01/01 First Use In Commerce: 1920/01/01 Board games; checker sets; playing cards; [card games;] puzzles; balloons; [hand held unit for playing electronic games;] Christmas decorations and accessories of all kinds, namely, Christmas treeskirts, [artificial Christmas garlands;] Christmas tree ornaments; Christmas stockings; Christmas tree decorations; snow globes; sporting equipment and accessories for soccer, namely, soccer balls; sporting equipment and accessories for golf, namely, golf balls, golf tees, golf ball markers, [ball cleaners,] golf putters, divot repair tools, golf bags; [sporting equipment and accessories for skating, namely, in-line skates, skate boards; elbow pads for athletic use; knee pads for athletic use; shin pads for athletic use; badminton game playing equipment;] sporting equipment and accessories for fishing, namely, fishing lures; billiard cues, billiard balls, billiard gameplaying equipment and accessories, namely, [billiard bridges, billiard bumpers, billiard chalk,] billiard cue racks, [billiard cushions, billiard nets, billiard tables, billiard tally balls, billiard tips,] billiard triangles, cue sticks for billiard or pool; [snow sleds forrecreational use; pinball machines;] sport balls; toy vehicles; toy electric trains; toy model train sets;[train set accessories, namely, artificial trees, turf, foliage, ballast, buildings, figurines, billboards, lichen and grass; toy banks, toy mobiles, multiple activity babytoys;] dart board cases; dart boards; dolls and accessories therefor; plush toys; yo-yos; flying discs; inflatable toys]
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U.S. Registration No.	2844968	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1930/01/01 First Use In Commerce: 1930/01/01 Clothing for men, women and children, namely, [belts,] jackets, coats, tops, [vests, shirts,] blouses, jerseys, bottoms, shorts, pants, [trousers,] boxer shorts, [dresses, skirts,] neckties, [scarves, bandannas,] night gowns, night shirts, pajamas, loungewear, [socks, sweaters,] sweat shirts, sweat pants, [cummerbunds,] aprons, t-shirts, headwear, hats, caps [; sun visors; slippers]		

U.S. Registration No.	2844967	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1981/03/01 First Use In Commerce: 1981/03/01 Bedding, namely, [sheets,] blankets, [comforters, bedspreads, dust ruffles, shams, pillow cases;] blanket throws; [quilts;] afghans; pot holders; oven mitts; barbecue mitts; [fingertip towels;towels;] dishcloths; [fabric table runners;] table linen, namely, napkins, tablecloths and placemats; vinyl place mats; plastic place mats; textile place mats; tapestry-style wall hangings of textile; cloth banners; fabric flags; [cloth pennants; door stops made of fabric; shower curtains; window treatments, namely, poufs, puffs and swags; textile fabric piece goods for use in clothing items,curtains, bedclothes, tablecloths,] napkins, [table runners,] placemats [, upholstered furniture, duvet covers, shower curtains and the like]		

U.S. Registration No.	2844965	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1898/01/01 First Use In Commerce: 1898/01/01 Plates; cups; drinking glasses; tankards not of precious metal; mugs; tumblers; [drinking steins;] pitchers; [decanter,] goblets; ice buckets, coasters not of paper and not being table linen; [serving pieces, namely, serving tongs,] serving platters; serving trays not of precious metal; salt and pepper shakers; condiment holders, sugar dispensers and basins, toothpick holders; napkin holders; [dispensers for paper towels; holders for facial tissue; fitted picnic baskets; trivets,] cookie jars; canister sets, storage containers for household and kitchen use not of precious metal; party bowls; [floral containers;] bottle openers; straw dis-		

	<p>dispensers; dinnerware, bottles sold empty; dishware, namely, plates, bowls, cups and saucers; [creamer pitchers;] candy dishes; [spoon rests; flower pots; corn cob holders; cutting boards; cookie cutters; candle holders not of precious metal; bread boxes; bird houses of wood; cooking utensils, namely, grill covers;] utensils for barbecues, namely, turners; [stove burner covers; recipe boxes; coffee pots not of precious metal; tea pots not of precious metal] utensils for barbecues, namely, forks, tongs and spatulas; lunch boxes; [soap and shampoo dispensers; toothbrush holders; wastepaper baskets;] thermal insulated containers for beverages; portable coolers; portable ice chests for food and beverages; thermal insulated wrap for cans to keep the contents cold or hot; foam drink holders; non-metal coin banks; [china, crystal,] glass and porcelain ornaments, not including Christmas tree ornaments; sun catchers; wind chimes; vases; [crystal, glass, porcelain,] china and ceramic figurines and Christmas stocking holders; decorative plates</p>
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U.S. Registration No.	2844964	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 020. First use: First Use: 1898/01/01 First Use In Commerce: 1898/01/01 [Step stools;] drinking straws; [plastic novelty license plates;] indoor and outdoor furniture; picture frames; wooden signs; wood boxes; pillows; cushions; [inflatable plastic signs; plastic boxes; air mattresses for use when camping; air cushions not for medical purposes; air pillows not for medical purposes;] non-electric fans for personal use; mirrors; figurines [and Christmas stocking holders] of wood, plastic, and cold cast resin; [electrically-activated moving Christmas figures made of plastic;] bar stools; [engraved and cut stone plaques; chair pads; dispensers for pills or capsules sold empty; jewelry boxes not of precious metal;] tables; [baker's racks; sofas; chairs; ottomans; cabinets;] plastic key rings [; non-metal shower hooks; plastic banners; non-metal clips for bags; ceramic fan pulls]</p>		

U.S. Registration No.	2844962	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 1903/01/01 First Use In Commerce: 1903/01/01 Purses; handbags; general gear carrying bags; wallets; billfolds; [fanny bags;] gym bags; backpacks; luggage; luggage tags; tote bags; travel bags; duffel bags; beach bags; [business card cases;] umbrellas; café umbrellas [; trunks]</p>		

U.S. Registration No.	2844961	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1891/01/01 First Use In Commerce: 1891/01/01 Paper napkins, [paper placemats,] [paper table cloths,] paper coasters; stationery, namely, writing paper, writing pads, note pads, postcards, greeting cards, note cards, notebooks, note paper; writing instruments; [bookmarks; bookends;] posters; prints; [school supplies,] namely, [drawing rulers, erasers,] markers, [note book paper,] [rubber stamps;] office requisites, namely, staplers, pen and pencil holders, desktop business card holders; magnetic memo holders; paper clip holders, paper clips; paper gift wrap; [paper gift bags;] paper gift tags; [stencils,] [tissue paper; paper bags;] [children's activity books; erasable memorandum boards;] folders; calendars; [letter openers;] [stickers; decals;] book covers; chalk boards for school and home use; lunch bags; [trading cards;] Christmas cards; [lithographs;] bank checks; checkbook covers; address labels; printed products, namely, menu boards; recipe books; recipe cards; art prints

U.S. Registration No.	2844960	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1948/01/01 First Use In Commerce: 1948/01/01 [Disposable cameras;] 35 mm cameras; [calculators;] computer peripherals; [anti-glare guards for computer monitor screens; wrist rests for use with computers; wrists supports for computer mouse users;] mouse pads; [computer mouse covers; computer screen saver software; storage cases for compact discs and blank video cassettes;] radios; [CD players;digital video device players; portable listening devices, namely, MP3 players;] [video cassette players; audio cassette recorders;] digital audio tape players; [turntables;] neon signs; [telephones;] thermometers not for medical use; [binoculars;] magnets; kitchen timers; eyeglass cases; [specialty holsters for carrying cellular phones; covers forcellular phones;] sunglasses; vending machines; [bicycle helmets; protective helmets; rain gauges]		

U.S. Registration No.	2844957	Application Date	06/18/2003
Registration Date	05/25/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1983/04/01 First Use In Commerce: 1983/04/01 Metal key rings; metal license plates; decorated tins; metal storage containers, [metal boot scrapers; wall hooks of metal; non-luminous and non-mechanical signs made of metal; metal step stools; sculptures and Christmas stocking holders made of non-precious metal;] metal coinbanks; [metal cash boxes and metal piggy banks; common metal drawer pulls]		

U.S. Registration	2843238	Application Date	06/18/2003
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No.			
Registration Date	05/18/2004	Foreign Priority Date	NONE
Word Mark	COCA-COLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1963/06/01 First Use In Commerce: 1963/06/01 Clocks; [clocks incorporating radios;] watches and [parts for watches; jewelry; precious metal money clips;] jewelry, namely, lapel pins; [cabinet hardware, namely, drawer pulls of precious metal]		

Attachments	71254696#TMSN.png(bytes) 78509545#TMSN.png(bytes) 74645839#TMSN.png(bytes) 85240503#TMSN.png(bytes) Notice of Opposition - COCACOIN.pdf(288358 bytes)
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Signature	/Andrew R. Gilfoil/
Name	Andrew R. Gilfoil
Date	05/30/2018

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

IN THE MATTER OF U.S. APPLICATION SERIAL NO. 87/585,137

Mark: COCACOIN

Filed: August 26, 2017

Published: January 30, 2018

<p>THE COCA-COLA COMPANY,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>GREGORY MATHEW AHARONIAN</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No. _____</p>
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NOTICE OF OPPOSITION

The Coca-Cola Company (“Opposer” or “TCCC”), a corporation organized and existing under the laws of the state of Delaware, having its office and principal place of business at One Coca-Cola Plaza, NW, Atlanta, GA 30313, believes that it will be damaged by the registration of the mark CocaCoin, Application Serial No. 87/585,137 (the “Application”), filed on August 26, 2017 by Gregory Mathew Aharonian (“Applicant”) in International Class 36. Opposer requests that the application for registration of the CocaCoin mark be refused.

As grounds for its opposition, Coca-Cola alleges as follows:

1. TCCC is the world’s largest beverage company, serving more than 1.6 billion consumers each day in more than 200 countries around the world.

2. Since as early as 1887, Opposer TCCC and its related companies have continuously used the COCA-COLA mark, and variations thereof, in connection with beverages as well as a wide variety of other goods and services.

3. Opposer is the owner of numerous U.S. Trademark Registrations for the mark COCA-COLA, including but not limited to the details of some of these registrations set forth below:

<u>MARK NAME</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>CLASSES</u>
COCA-COLA	0238145	Jan. 31, 1928	45
COCA-COLA (design)	3252896	Jun 19, 2007	32
COCA-COLA CREDIT UNION	1944365	Dec. 26, 1995	36
COCA-COLA	4019547	August 30, 2011	3
COCA-COLA	2844970	May 25, 2004	28
COCA-COLA	2844968	May 25, 2004	25
COCA-COLA	2844967	May 25, 2004	24
COCA-COLA	2844965	May 25, 2004	21
COCA-COLA	2844964	May 25, 2004	20
COCA-COLA	2844962	May 25, 2004	18
COCA-COLA	2844961	May 25, 2014	16
COCA-COLA	2844960	May 25, 2014	9
COCA-COLA	2844957	May 25, 2014	6
COCA-COLA	2843238	May 18, 2004	14

4. Opposer's registrations for its COCA-COLA Marks are valid and subsisting in law, were duly and legally issued, are *prima facie* evidence of the validity of the COCA-COLA Marks registered and constitute constructive notice of ownership of these marks by Opposer in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072.

5. In addition to the aforementioned federal trademark registrations, TCCC also owns certain common law rights in the name COCA-COLA in relation to its manufacture, sale and distribution of beverage products and other varied goods and services.

6. Coca-Cola's aforementioned common law rights as well as the above-noted trademark registrations are collectively referred to herein as the "COCA-COLA Marks".

7. Opposer has invested a substantial amount of time, effort and money in advertising and promoting various products and services offered with its COCA-COLA Marks, and has continuously and extensively used the COCA-COLA Marks in the United States and all over the world in connection with a variety of beverages, apparel, music, entertainment, and financial related goods and services. Consequently, Opposer's goods and services bearing the COCA-COLA Marks have become famous and widely associated with Opposer in the United States and globally.

8. Through many years of advertising, promotion, and use, the COCA-COLA Marks are famous and are an asset of substantial value to Opposer.

9. On or about August 26, 2017, Applicant filed the above-referenced application seeking registration of the trademark CocaCoin in class 36 for "Financial

services, namely, providing a virtual currency for use by members of an on-line community via a global computer network.”

10. The Application was filed in the name of Gregory Mathew Aharonian, allegedly doing business as KukaXoco.

11. The Application was assigned serial number 87/585,137. The Application was filed well after Opposer’s acquisition of its rights in the COCA-COLA Marks and long after the registration of the COCA-COLA Marks.

12. The Application was published for opposition on January 30, 2018. TCCC sought and received appropriate extensions of time to oppose the registration of the applied-for CocaCoin mark.

13. Between the parties, TCCC is the senior user and has priority of use.

14. The applied for CocaCoin mark herein opposed so resembles Opposer’s famous COCA-COLA Marks as to be likely, when used in conjunction with the applied-for services, to cause confusion, mistake or deceive customers, and the applied-for mark CocaCoin is confusingly and deceptively similar to Opposer’s COCA-COLA Marks when used in connection with the applied-for services.

15. The applied-for services are directed to the same or related class of customers as those for Opposer’s goods and services, and Applicant and Opposer’s goods and services are so commercially related that the applied-for CocaCoin mark and Opposer’s COCA-COLA Marks, when used in conjunction with their respective goods and services, are confusingly similar.

16. Registration of the applied-for mark will damage Opposer because the CocaCoin mark is likely to cause confusion within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

17. Registration of the applied-for mark will further damage Opposer because it will dilute the distinctive quality and reputation associated with Opposer's famous COCA-COLA Marks, as governed by Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

18. Registration of the opposed CocaCoin Mark will support and assist Applicant in the confusing and misleading use of the applied-for mark and will cause Opposer to lose control over the good and valuable reputation derived from its famous COKE Marks, causing irreparable harm and injury to Opposer.

19. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's CocaCoin mark.

20. Upon information and belief, Applicants did not have a *bona fide* intent to use the applied-for mark in U.S. commerce at the time it filed the Application, on or about August 26, 2017.

WHEREFORE, Opposer The Coca-Cola Company respectfully prays that the Application Serial No. 87/585,137, filed August 26, 2017, for registration of Applicant's Alleged Mark CocaCoin be refused, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

/Andrew R. Gilfoil/

Andrew R. Gilfoil
Trademark Counsel
The Coca-Cola Company
One Coca-Cola Plaza, NAT1924
Atlanta, GA 30313
Phone: (404) 598-7857
Fax: (404) 598-7857
agilfoil@coca-cola.com

CERTIFICATE OF FILING

The undersigned counsel hereby certifies that a copy of the foregoing was filed with the USPTO on this 30th day of May 2018.

*/Andrew R. Gilfoil/*_____

Andrew R. Gilfoil