

ESTTA Tracking number: **ESTTA1010961**

Filing date: **10/24/2019**

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	Stone Brewing Co., LLC		
Entity	Limited Liability Company	Citizenship	California
Address	1999 Citracado Parkway Escondido, CA 92029 UNITED STATES		

Attorney information	Allison Hagey BraunHagey & Borden LLP 351 California Street, 10th Floor San Francisco, CA 94104 UNITED STATES tadmin@braunhagey.com, shadow@braunhagey.com 415-599-0210		
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Applicant Information

Application No	88279461	Publication date	09/24/2019
Opposition Filing Date	10/24/2019	Opposition Period Ends	10/24/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	Kingstreet GmbH Baarerstrasse 14 Zug, 6300 SWITZERLAND		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beers; Non-alcoholic beer flavored beverages; coffee flavored soft drinks; Non-alcoholic beverages containing fruit juices; Semi-frozen carbonated beverages; Mineral and aerated waters beverages; Aerated mineral waters; Soft drinks; Fruit juices and fruit drinks; Carbonated non-alcoholic drinks; Syrups used in the preparation of soft drinks; Non-alcoholic cider; Soft drinks, namely, carbonated soft drinks, low calorie soft drinks, non-carbonated soft drinks, all being infused with herbs; Non-alcoholic beverages flavored with tea

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2283904	Application Date	10/21/1997
Registration Date	10/05/1999	Foreign Priority Date	NONE
Word Mark	ARROGANT BASTARD		
Design Mark	ARROGANT BASTARD		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1996/07/00 First Use In Commerce: 1998/01/00 Beers and ales		

U.S. Registration No.	3007786	Application Date	03/07/2003
Registration Date	10/18/2005	Foreign Priority Date	NONE
Word Mark	BASTARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 beers and ales		

U.S. Registration No.	3112047	Application Date	07/25/2005
Registration Date	07/04/2006	Foreign Priority Date	NONE
Word Mark	DOUBLE BASTARD		
Design Mark	DOUBLE BASTARD		
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1999/11/01 First Use In Commerce: 1999/11/01 Beer		

Attachments	75376833#TMSN.png(bytes) 78677817#TMSN.png(bytes)
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	Notice of Opposition 88279461 ROYAL BASTARD.pdf(335844 bytes) ExhA-2283904 ARROGANT BASTARD.pdf(33345 bytes) ExhB-3007786 BASTARD.pdf(32160 bytes) ExhC-3112047 DOUBLE BASTARD.pdf(36522 bytes)
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Signature	/Allison Hagey/
Name	Allison Hagey
Date	10/24/2019

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

In the Matter of Application Serial No. 88279461

Mark : ROYAL BASTARD
Applicant : Kingstreet GmbH
Application Date : January 28, 2019

STONE BREWING CO., LLC,
a California limited liability company,

Opposer,

v.

KINGSTREET GMBH,
a Swiss gesellschaft mit beschränkter haftung
(limited liability company),

Applicant.

Opposition No. TBA

NOTICE OF OPPOSITION

Opposer Stone Brewing Co., LLC (“Opposer” or “Stone”), a California limited liability company with a business address of 1999 Citracado Parkway, Escondido, California, believes it will be damaged by registration of the mark shown in Application Serial No. 88279461 (the “Application”) and hereby opposes the Application.

As grounds for the opposition, Opposer alleges that:

1. Stone is a pioneering craft brewery with a business address of 1999 Citracado Parkway, Escondido, California. Stone is a duly registered limited liability company organized under California law. Prior to 2016, Stone was organized as a California corporation named Koochenvagner’s Brewing Co., d/b/a Stone Brewing Co.

2. Stone is the registered owner of incontestable trademark registrations for ARROGANT BASTARD (U.S. Reg. No. 2283904), BASTARD (U.S. Reg. No. 3007786) and

DOUBLE BASTARD (U.S. Reg. No. 3112047) (collectively, the “BASTARD marks”) (see Exhibits A-C attached).

3. Since 1996, the BASTARD marks have represented a promise to beer lovers that each BASTARD-branded beer reflects the company’s devotion to craft and quality. The Stone Brewing founders created what became the BASTARD-branded beers by mistake when too much malt was added. The beer was marketed heavily with Stone’s playful and irreverent marketing and branding with the statement “This is an aggressive beer. You probably won’t like it. It is quite doubtful that you have the taste or sophistication to be able to appreciate an ale of this quality or depth.” As it turns out, consumers fell in love with this “aggressive” malt forward line of beers and the BASTARD-brand beers quickly became a consumer favorite. Consumers associate the BASTARD marks with Stone’s pioneering craft brews and irreverent spin on beer. Today, the BASTARD marks are one of the most recognizable and popular craft beer brands in the U.S. and a global standard bearer for independent craft beer, with sales in all fifty U.S. States and internationally. The success of the BASTARD marks are due to Stone’s substantial investment in crafting high quality and iconoclastic brews and the branding and marketing of those beers. Stone brings this Opposition to prevent Applicant from unfairly capitalizing on the distinctiveness and fame of the BASTARD marks and brand.

FACTUAL BACKGROUND

A. Foundations of BASTARD®

4. Before it grew into an internationally recognized craft beer brand, Stone had its origins in the creative fermentation of California in the 1980s and ’90s. Founders Steve Wagner and Greg Koch first crossed paths in the effervescent Los Angeles rock-and-roll music scene of

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