

ESTTA Tracking number: **ESTTA1161149**

Filing date: **09/22/2021**

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	PepsiCo, Inc.
Granted to Date of previous extension	10/13/2021
Address	700 ANDERSON HILL ROAD PURCHASE, NY 10577 UNITED STATES
Correspondence information	PAUL A. LEE SENIOR TRADEMARK COUNSEL PEPSICO, INC. 700 ANDERSON HILL ROAD PURCHASE, NY 10577 UNITED STATES Primary Email: trademarks@pepsico.com Secondary Email(s): Paul.Lee@pepsico.com, donna.j.sanders@pepsico.com No phone number provided.

Applicant Information

Application No.	90273875	Publication date	06/15/2021
Opposition Filing Date	09/22/2021	Opposition Period Ends	10/13/2021
Applicant	SANTOS SOLUTIONS LTD. 95 LUCERNE AVENUE BURE PARK, BICESTER, OX263EQ UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 021. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Drinking glasses, namely, tumblers; Kitchen accessories, namely, tumblers for use as drinking glasses, drinking straws, brushes for cleaning drinkware and drinking straws; Kitchen accessories, namely, kits featuring tumblers for use as drinking glasses, drinking straws, brushes for cleaning drinkware and drinking straws

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.	820362	Application Date	04/15/1966
Registration Date	12/13/1966	Foreign Priority Date	NONE
Word Mark	MOUNTAIN DEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1948/09/24 First Use In Commerce: 1948/10/10 SOFT DRINKS, AND CONCENTRATES USED IN THE PREPARATION THEREOF		

U.S. Registration No.	3674349	Application Date	10/06/2008
Registration Date	08/25/2009	Foreign Priority Date	NONE
Word Mark	MTN DEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 Concentrates, syrups or powders used inthe preparation of soft drinks; Soft drinks		

U.S. Registration No.	1200615	Application Date	04/06/1981
Registration Date	07/06/1982	Foreign Priority Date	NONE
Word Mark	DEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1980/11/12 First Use In Commerce: 1980/11/12 Soft Drinks		

U.S. Registration No.	1932027	Application Date	08/23/1993
Registration Date	10/31/1995	Foreign Priority Date	NONE
Word Mark	DO THE DEW		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1995/03/00 First Use In Commerce: 1995/03/00 soft drinks

U.S. Registration No.	3687364	Application Date	11/12/2008
Registration Date	09/22/2009	Foreign Priority Date	NONE

Word Mark	DEW
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Design Mark	
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Description of Mark	The mark consists of the word "DEW" in stylized slanted red letters.
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Goods/Services	Class 032. First use: First Use: 2009/01/01 First Use In Commerce: 2009/01/01 Soft drinks
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U.S. Registration No.	3674407	Application Date	11/12/2008
Registration Date	08/25/2009	Foreign Priority Date	NONE

Word Mark	MTN DEW
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Design Mark	
Description of Mark	The mark consists of the word "MTN" in stylized slanted dark green letters stacked on top of the word "DEW" in stylized slanted red letters, which words are then outlined in white, further outlined in light green and further outlined in dark green.
Goods/Services	Class 032. First use: First Use: 2009/01/00 First Use In Commerce: 2009/01/00 Soft drinks

U.S. Registration No.	4146652	Application Date	10/06/2011
Registration Date	05/22/2012	Foreign Priority Date	NONE
Word Mark	DEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2005/06/30 First Use In Commerce: 2005/06/30 Promotional sponsorship of sporting events and competitions		

U.S. Registration No.	4993451	Application Date	12/14/2015
Registration Date	07/05/2016	Foreign Priority Date	NONE

Word Mark	DEW TOUR
Design Mark	DEW TOUR
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/06/09 First Use In Commerce: 2005/06/09 Entertainment services, namely, organizing and conducting a wide variety of sports exhibitions and competitions; Entertainment services in the nature of an ongoing television series featuring a wide variety of sports exhibitions and competitions

U.S. Registration No.	2732061	Application Date	02/13/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	MOUNTAIN DEW VERTICAL CHALLENGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1989/11/00 First Use In Commerce: 1989/11/00 ORGANIZING SPORTING EVENTS, NAMELY, SKIAND SNOWBOARD RACES		

U.S. Registration No.	2986575	Application Date	02/19/2004
Registration Date	08/16/2005	Foreign Priority Date	NONE
Word Mark	MOUNTAIN DEW		
Design Mark	MOUNTAIN DEW		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/07/00 First Use In Commerce: 2004/07/00 CLOTHING, NAMELY, T-SHIRTS [, SWEATSHIRTS]		

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