

ESTTA Tracking number: **ESTTA1158507**

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

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	Brumate, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	874 WALKER ROAD, SUITE C DOVER, DE 19904 UNITED STATES		

Attorney information	BRADLEY M. STOHR REICHEL STOHR DEAN LLP 6931 CENTRAL AVE INDIANAPOLIS, IN 46220 UNITED STATES Primary Email: brad@rsindy.com Secondary Email(s): docket@rsindy.com 317-501-2891		
Docket Number			

Applicant Information

Application No.	90109187	Publication date	09/07/2021
Opposition Filing Date	09/09/2021	Opposition Period Ends	10/07/2021
Applicant	BevBuddy, LLC 122 E. 2ND STREET TIFTON, GA 31794 UNITED STATES		

Goods/Services Affected by Opposition

Class 021. First Use: 2020/08/12 First Use In Commerce: 2020/08/12 All goods and services in the class are opposed, namely: plastic holder for beverage containers to affix to metal surfaces using magnets

Grounds for Opposition

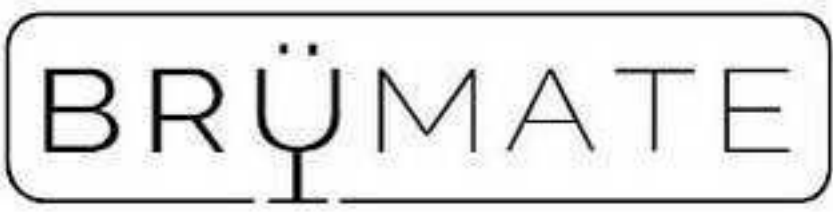
Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5308478	Application Date	03/03/2017
Registration Date	10/10/2017	Foreign Priority Date	NONE

Word Mark	BRÄ#MATE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 2017/03/00 First Use In Commerce: 2017/03/00 Vacuum insulated wine bottles sold empty; Vacuum insulated drink holders, namely, tumblers for use as drinking vessels that can also be used to hold beverage cans and bottles; Vacuum insulated can holders, namely, insulating sleeve holdersfor beverage cans; temperature-retaining drinking vessels

U.S. Registration No.	6341625	Application Date	10/13/2020
Registration Date	05/04/2021	Foreign Priority Date	NONE

Word Mark	BRÄ#MATE
Design Mark	
Description of Mark	The mark consists of the word "BRÄ#MATE", with an umlaut above the "U" and the "U" shaped as a wine glass, inside of a rectangular design with rounded corners.
Goods/Services	Class 021. First use: First Use: 2017/05/00 First Use In Commerce: 2017/05/00 Vacuum insulated wine bottles sold empty; vacuum insulated drink holders, namely, tumblers for use as drinking vessels that can also be used to hold beverage cans and bottles; vacuum insulated can holders, namely, insulating sleeve holdersfor beverage cans; temperature-retaining drinking vessels; wine glasses; cocktail glasses; drinking glasses; drinking vessels; whisky glasses; growlers; pint glasses; flasks; cocktail shakers

Attachments	87357787#TMSN.png(bytes) 90250758#TMSN.png(bytes) BEVMATE Notice of Opposition.pdf(133900 bytes)
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Signature	/bms/
Name	Bradley M. Stohry
Date	09/09/2021

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

In the matter of Trademark Ser. No. 90109187
For the mark BEVMATE
Filed on Aug. 12, 2020

BRUMATE, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No.: _____
)	
BEVBUDDY, LLC d/b/a BEVMATE, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Brumate, Inc. (“Opposer”) hereby opposes registration of the above-referenced application that was filed by owned by BevBuddy, LLC d/b/a BevMate, LLC (“Applicant”). The grounds for opposition are as follows:

The Parties

1. Opposer is a corporation organized under the laws of Delaware with a place of business at 874 Walker Road, Suite C, Dover, DE 19904.
2. Applicant is a limited liability company organized under the laws of Georgia with a place of business at 122 E. 2nd Street, Tifton, GA 31794.

Opposer and Its Use of the BRÚMATE Mark

3. Opposer uses the BRÚMATE mark to promote its line of insulated beverage containers, drinkware, and related products.
4. Opposer began using the BRÚMATE mark in commerce in March 2017. Since that time, Opposer has actively and prominently used the BRÚMATE mark in connection with its insulated beverage containers, drinkware, and related products.

5. As a result of this use of the BRÚMATE mark, Opposer has established extensive and valuable trademark rights and goodwill in the BRÚMATE mark.

6. Opposer owns U.S. Trademark Registration Numbers 5,308,478 and 6,341,625 for the word mark and logo mark version of the BRÚMATE mark (collectively, the “BRÚMATE Registrations”). The BRÚMATE Registrations cover a variety of insulated beverage container products and other drinkware products.

Grounds for Opposing the Application

7. Trademark App. Ser. No. 90/109,187 (the “Application”) was filed by Applicant for the BEVMATE mark on August 12, 2020.

8. According to the Application, Applicant uses the BEVMATE mark in connection with “plastic holder for beverage containers to affix to metal surfaces using magnets.”

9. In the Application, Applicant claimed a date of first use in commerce of August 12, 2020.

10. Opposer’s actual, continuous, and continuing use of the BRÚMATE mark in commerce began before Applicant filed the Application for the BEVMATE mark and/or began using the BEVMATE mark in commerce.

11. Applicant’s use and registration of the BEVMATE mark for the goods listed in its Application is likely to cause confusion, mistake, and/or lead to deception as to the origin of Applicant’s goods in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

12. The likelihood of confusion is apparent in this instance because of the similarities between the BRÚMATE mark and the BEVMATE mark, as well as the fact that both parties’ marks are used in connection with beverage container products and/or goods that are specifically used in connection with beverage container products.

13. Applicant's use and registration of the BEVMATE mark is likely to result in confusion and substantial damage and injury to Opposer. Persons familiar with the BRÚMATE mark are likely to believe that Applicant's goods originate with, or are licensed, sponsored or approved by Opposer. Any such confusion would inevitably result in loss of sales to Opposer, and/or damage the goodwill and reputation that Opposer has established in the BRÚMATE mark.

WHEREFORE, Opposer prays that the Application be rejected.

Dated this 9th day of September, 2021.

Respectfully submitted,

By: /Bradley M. Stohry/
Bradley M. Stohry
REICHEL STOHR Y DEAN LLP
6931 Central Ave.
Indianapolis, Indiana 46220
(317) 501-2891

Attorney for Brumate, Inc.