

ESTTA Tracking number: **ESTTA1195793**

Filing date: **03/10/2022**

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 525 S. MERIDIAN ST., SUITE 1A2 INDIANAPOLIS, IN 46225 UNITED STATES Primary email: brad@rsindy.com Secondary email(s): docket@rsindy.com 317-501-2891		
Docket no.			

**Applicant information**

Application no.	90724623	Publication date	03/08/2022
Opposition filing date	03/10/2022	Opposition period ends	04/07/2022
Applicant	Buff Bomb Bar, LLC 6360 S PECOS RD STE 4 LAS VEGAS, NV 89120 UNITED STATES		

**Goods/services affected by opposition**

Class 021. First Use: Sep 18, 2020 First Use In Commerce: Sep 18, 2020 All goods and services in the class are opposed, namely: Insulating sleeve holder for beverage cups; Insulating sleeve holder for bottles; Insulating sleeve holders made of neoprene for jars, bottles or cans
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**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
Register	Principal		
Registration date	10/10/2017	Foreign priority	NONE

		date	
Word mark	BRÄ#MATE		
Design mark			
Description of mark	NONE		
Goods/services	Class 021. First use: First Use: Mar 2017 First Use In Commerce: Mar 2017 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
Register	Principal		
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: May 2017 First Use In Commerce: May 2017 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 ) BREW BUDDY Notice of Opposition.pdf(133941 bytes )
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Signature	/bms/
Name	Bradley M. Stohry
Date	03/10/2022



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

In the matter of Trademark Ser. No. 90/724,623  
For the mark BREW BUDDY  
Filed on May 20, 2021

BRUMATE, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: _____
	)	
BUFF BOMB BAR, LLC,	)	
d/b/a SERIOUSLY SHEA	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Brumate, Inc. (“Opposer”) hereby opposes registration of the above-referenced application that was filed by owned by Buff Bomb Bar, LLC d/b/a Seriously Shea (“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 Nevada with a place of business at 6360 S Pecos Rd, Ste 4, Las Vegas, NV 89120.

**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. 90/724,623 (the “Application”) was filed by Applicant for the BREW BUDDY mark on May 20, 2021.

8. According to the Application, Applicant uses the BREW BUDDY mark in connection with “Insulating sleeve holder for beverage cups; Insulating sleeve holder for bottles; Insulating sleeve holders made of neoprene for jars, bottles or cans.”

9. In the Application, Applicant claimed a date of first use in commerce of September 18, 2020.

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

11. Applicant’s use and registration of the BREW BUDDY 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 BREW BUDDY mark, the identical meaning/commercial

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