

ESTTA Tracking number: **ESTTA706190**

Filing date: **11/03/2015**

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	Patr�n Spirits International AG
Granted to Date of previous extension	12/30/2015
Address	Quaistrasse 11 Schaffhausen, 8200 SWITZERLAND

Attorney information	Timothy P. Fraelich JONES DAY North Point, 901 Lakeside Avenue Cleveland, OH 44114-1190 UNITED STATES tfraclich@jonesday.com, clkiedrowski@jonesday.com, malexanderhyde@jonesday.com, agott@jonesday.com, pcyingier@jonesday.com Phone:(216) 586-1247
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Applicant Information

Application No	86383941	Publication date	09/01/2015
Opposition Filing Date	11/03/2015	Opposition Period Ends	12/30/2015
Applicant	CB Spirits SARL 75, Parc d'activit�s L-8308 Capellen, LUXEMBOURG		

Goods/Services Affected by Opposition


Class 033. First Use: 2008/04/21 First Use In Commerce: 2008/04/21 All goods and services in the class are opposed, namely: Distilled Spirits; Liquor; Tequila

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2147067	Application Date	06/07/1996
Registration Date	03/31/1998	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	The mark consists of the configuration of the bottle for the goods, and the ribbon attached to the bottle, and the tapeholding the stopper onto the bottle.
Goods/Services	Class 033. First use: First Use: 1989/12/00 First Use In Commerce: 1989/12/00 tequila

Attachments	75119428#TMSN.png(bytes) Notice of Opposition - Final.pdf(500848 bytes) Exhibit A.pdf(394587 bytes) Exhibit B.pdf(624123 bytes) Exhibit C.pdf(115474 bytes) Exhibit D.pdf(561033 bytes) Exhibit E.pdf(611443 bytes) Exhibit F.pdf(177907 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Timothy P. Fraelich/
Name	Timothy P. Fraelich
Date	11/03/2015

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

In the Matter of Trademark Application No. 86/383,941
For the Design: Bottle for Distilled Spirits: Liquor; Tequila
International Class: 033
Date filed: September 3, 2014
Publication Date: September 1, 2015

PATRÓN SPIRITS INTERNATIONAL AG

Opposer,

v.

CB SPIRITS SARL

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Patrón Spirits International AG (“Opposer” or “Patrón”), a Swiss company, having an address of Quaistrasse 11, 8200 Schaffhausen, Switzerland, believes that it will be damaged by the registration on the Principal Register of the purported design mark depicted in Trademark Application No. 86/383,941 (the “Application”), for the design of a bottle, filed by CB Spirits SARL (“Applicant”). Accordingly, Opposer hereby opposes the Application. The goods listed in the Application are “Distilled spirits; Liquor; Tequila” in International Class 33 (“Applicant’s Goods”).

As grounds for this opposition (“Opposition”), it is alleged as follows:

The Famous PATRÓN Tequila Brand

1. Tequila has been around for generations, but it was not until Patrón launched its PATRÓN Tequila brand in 1989 that consumers were introduced to ultra-premium tequila. The success of the PATRÓN Tequila brand is due in no small part to the perception early on that consumers were ready for an ultra-premium luxury tequila, a spirits category that at that time simply did not exist. In the last 25 years, the popularity of the product has grown steadily and it has achieved enormous success.

2. The first PATRÓN Tequila products were PATRÓN Silver and PATRÓN Añejo, which were followed in 1992 with the introduction of PATRÓN Reposado. Also launching that same year was PATRÓN XO CAFE, which has since expanded into a line of coffee liqueurs made with PATRÓN Tequila, including PATRÓN XO CAFE Dark Cocoa and PATRÓN XO CAFE INCENDIO. All of these products have been well received by the public and Patrón's reputation for creating a truly exceptional tequila brand has grown steadily over the last quarter century.

3. In 2004, PATRÓN Tequila became the first spirit ever to receive the Five-Star Diamond Award from the American Academy of Hospitality Sciences. Thereafter, GRAN PATRÓN PLATINUM Tequila debuted. This "super ultra-premium" spirit is created from the best agave of the harvest, triple-distilled for extraordinary smoothness.

4. Today, PATRÓN Tequila is distributed in more than 100 countries around the world and is recognized as an iconic brand. Indeed, the distinctive bottle design has been characterized as "famous" by a major metropolitan newspaper.¹ (See Exhibit A). PATRÓN

¹ *Name That Bottle*, CHI. TRIB., Feb. 10, 2015, § 2, at 1.

Tequila has also been recognized as a “Most Trusted Brand.”² (See Exhibit B). While the market for PATRÓN Tequila has expanded vastly over the years and it continues to grow, the product is still meticulously and carefully produced.

5. Patrón also has been an innovator in limiting the environmental impact of its products. Patrón’s distillery, Hacienda Patrón, has earned ISO 14001 certification and a clean industry award from PROFEPA (the Mexican Federal Environmental Protection Agency) for its efforts to reduce waste, limit emissions, and sustain the environment.

6. In addition to its environmental contributions, Patrón and its wholly owned subsidiary, The Patrón Spirits Company, also have given generously over the years to numerous local, national and global charitable organizations that help feed the hungry, care for the environment, and rebuild people’s lives. Patrón and The Patrón Spirits Company also have been honored with several global industry awards and recognitions, including IMPACT “Hot Brand” Awards, “Growth Brand” awards from the Beverage Information Group, Advertising Age’s “Marketing 50” honor, and numerous travel retail accolades, including a “Best Supplier of the Year” Frontier Award.

7. Because of the meticulous care that is taken to create the product and the enviable reputation that Patrón has earned as a responsible corporate citizen, the PATRÓN Tequila brand has spawned many imitators, with many companies seeking to capitalize on the market for an ultra-premium tequila that Patrón has helped to create over the last 25 years.

² *The 120 Most-Trusted Brands*, ENTREPRENEUR MAG., April 2014.

The Distinctive PATRÓN Tequila Bottle Design

8. Since the beginning, PATRÓN Tequila has been marketed and sold in a distinctive bottle that has long been widely associated by consumers with an ultra-premium tequila that originates with Patrón. A photograph of this iconic bottle is depicted below.



9. Other tequila brands marketed and sold in the United States are bottled in a variety of different bottle shapes that do not resemble the distinctive PATRÓN bottle design.

Photographs of representative examples of such bottles include the following:





10. Patrón's distinctive bottle differs significantly from those associated with other distilled spirits generally, as well as those bottles that often are used for tequila.

11. Great care goes into creating and packaging the bottles in which PATRÓN Tequila is sold. Each bottle is closely inspected and if the slightest imperfection is noticed, the bottle is taken off the production line immediately. This care communicates to consumers the exceptionally high quality of the liquid inside and helps distinguish the PATRÓN Tequila brand of ultra-premium tequila from other tequila brands.

12. On March 31, 1998, United States Trademark Registration No. 2,147,067 issued for the distinctive PATRÓN bottle design for International Class 33 goods, namely, "tequila" (the "PATRÓN Bottle Design Mark" or "Registration No. 2,147,067"). Registration No. 2,147,067 is valid, subsisting, has become incontestable and a copy of which is attached as

Exhibit C. A representation of the bottle design that is the subject of Registration No. 2,147,067 is as follows:



13. There is no functional aspect to the PATRÓN Bottle Design Mark. The purpose of this highly distinctive bottle design is to distinguish the PATRÓN Tequila brand of ultra-premium tequila from its imitators and from other tequila brands sold in the marketplace.

14. Further, Patrón's GRAN PATRÓN PLATINUM Tequila is bottled in a bottle design (the "GRAN PATRÓN PLATINUM Bottle Design") that has the same essence and commercial impression of the mark embodied in Registration No. 2,147,067.

Applicant's Recent Business Activities

15. On information and belief, in September 2014, Applicant's CASA NOBLE Tequila brand was acquired by a company called Constellation Brands.

16. On information and belief, Constellation Brands is the parent company of the Applicant in this proceeding.

17. Constellation Brands characterizes itself as a leading international producer and marketer of beer, wine and spirits with operations in the United States, Canada, Mexico, New Zealand and Italy.

18. On information and belief, Constellation Brands is the number three beer company in the United States, with brands including Corona Extra, Corona Light, Modelo Especial, Negra Modelo and Pacifico.

19. On information and belief, Constellation Brands also markets and sells wine, with brands including Robert Mondavi, Clos du Bois, Kim Crawford, Rex Goliath, Mark West, Franciscan Estate, Ruffino and Jackson-Triggs.

20. On information and belief, Constellation Brands also markets and sells spirits, and its brands include Svedka Vodka and Black Velvet Canadian Whisky.

21. On information and belief, Constellation Brands has announced that, following its acquisition of the CASA NOBLE brand of ultra-premium tequila, it looks forward to “raising the profile” of the brand, which it views having “significant upside potential for growth” in the market. (See Exhibit D).

22. Significantly, in August 2015, Constellation Brands hired an advertising agency called Cramer-Krasselt to create new campaigns to advertise and promote the CASA NOBLE brand, including the promotion of the Applicant’s bottle design that is the subject of this Opposition. (See Exhibit D).

23. Cramer-Krasselt had formerly been an advertising agency for Patrón’s subsidiary, The Patrón Spirits Company, until on or about August 2014. During the time that Cramer-Krasselt had acted as an advertising agency for The Patrón Spirits Company, it had been charged with promoting the PATRÓN brand of ultra-premium tequila and, in turn, the PATRÓN Bottle Design Mark and the GRAN PATRÓN PLATINUM Bottle Design.

24. On information and belief, Constellation Brands retained Cramer-Krasselt as its advertising agency in August 2015 because of its close familiarity with all aspects of the advertising and promotion of the PATRÓN brand of ultra-premium tequila, the PATRÓN Bottle Design Mark, and the GRAN PATRÓN PLATINUM Bottle Design.

Applicant's Bottle Design

25. Applicant now seeks a trademark registration on the Principal Register for a very similar bottle design to that of the PATRÓN Bottle Design Mark and the GRAN PATRÓN PLATINUM Bottle Design for use in connection with its own brand of tequila. A representation of the bottle design that is the subject of Applicant's Application is as follows:



26. A comparison of the front and back of the bottle designs of Patrón and Applicant show that they are nearly identical, with the same general size, shape, neck and rounded corners:





27. Additionally, the distinctive shape of the flared “neck” of Applicant’s bottle is nearly identical to the shape of Patrón’s bottle. Likewise, the rounded stopper of Applicant’s bottle is nearly identical to the shape of Patrón’s stopper:



28. A round stopper is not a common feature associated with bottle designs for distilled spirits marketed and sold in the United States.

29. A round stopper is not a common feature associated with bottle designs for tequila marketed and sold in the United States.

30. The similarities between Applicant's bottle design and the GRAN PATRÓN PLATINUM Tequila Bottle Design are even more significant:



31. For example, the stopper for Patrón's GRAN PATRÓN PLATINUM Tequila is round, reflective, and silver and, in all material respects, the round, reflective, silver stopper used as an element of Applicant's bottle design is identical to it:



32. In the subject application, Applicant claims a date of first use for its bottle design of April 2008.

33. Patrón debuted its GRAN PATRÓN PLATINUM Tequila at least as early as 2005.

34. The silver stopper associated with Patrón's GRAN PATRÓN PLATINUM Tequila has been in use since long before Applicant's use of a silver stopper.

Patrón's "Simply Perfect" Slogan

35. Since at least as early as 2004, Patrón has used the slogan "Simply Perfect" in its advertising. Because the slogan is such an important aspect of its advertising and marketing efforts, Patrón has also registered the URL, www.simplyperfect.com, and registered the slogan as a trademark with the United States Trademark Office. Patrón has also used the word "Perfection" in its advertising.

36. Representative examples of the use of the “Simply Perfect” slogan by Patrón are set forth below.



37. The “Simply Perfect” slogan and the advertising campaign associated with it, has received numerous accolades. For example, in 2008, *Frontier Magazine* recognized Patrón’s “Simply Perfect” campaign as a finalist for a Frontier Award in the category of “Best Marketing

Campaign of the Year By a Supplier.” That same year, Patrón received the Frontier Award for “Best Supplier of the Year.”

38. The *New York Times* has also recognized the novelty and effectiveness of Patrón’s “Simply Perfect” advertising campaign.³ Information regarding some of the recognition received by Patrón for its “Simply Perfect” campaign is attached at Exhibit E.

39. Not content to merely copy Patrón’s distinctive PATRÓN Bottle Design Mark, Applicant has begun using the slogan “Perfection” in connection with its advertising, including advertising on social media. An example of such use on Casa Noble’s official Facebook page is depicted below.



³ *Finding Perfection In a Bottle*, N. Y. TIMES, July 24, 2006.

Patrón's Senior Use of "Crystal" with its GRAN PATRÓN PLATINUM Tequila

40. Another key aspect of Patrón's advertising and marketing efforts is the fact that its GRAN PATRÓN PLATINUM Tequila is presented in a *crystal* bottle and Patrón uses the word "crystal" to advertise and promote the product. See Exhibit F for one example of the use of the word "crystal" by Patrón in its advertising.

41. True to form, Applicant now prominently uses the word "CRYSTAL" in its advertising in connection with a product that, as described in Paragraphs 30-31 above, is bottled in trade dress that is nearly identical to the trade dress associated with Patrón's GRAN PATRÓN PLATINUM Tequila. An example of such is the use by Applicant of the word "CRYSTAL" on the bottle neck label for its tequila and is depicted below:



42. Thus, by copying the famous PATRÓN Bottle Design Mark; adopting the slogan "Perfection," which is very similar to Patrón's "Simply Perfect" slogan and its senior use of "Perfection"; adopting the word "crystal" in the face of Patrón's senior use of that word; and hiring the same advertising agency that Patrón formerly used to advertise and promote its tequila, Applicant has engaged in a deliberate and willful strategy to pass off its tequila as being sponsored by, connected to, or associated with Patrón and the famous PATRÓN Tequila brand.

**Applicant's Bottle Design Is Confusingly Similar to Registration
No. 2,147,067 and Dilutes Patrón's Famous PATRÓN Bottle Design Mark**

43. Since long prior to the filing date of Applicant's Application, and long prior to the date of first use claimed by Applicant, Patrón has widely advertised and promoted its PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design in connection with tequila.

44. Through extensive marketing and advertising and the widespread and longstanding distribution of an ultra-premium tequila in connection with the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design, the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design have come to identify the source of such goods and to distinguish those goods from those of others. By virtue of the quality of the products distributed under the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design, each has come to identify the source of such goods as Patrón.

45. Because of these efforts, Patrón has built up a valuable reputation and tremendous goodwill in the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design, which belong exclusively to Patrón.

46. As a result of its efforts, the PATRÓN Bottle Design Mark is a famous mark as defined in U.S.C. §1125(c)(2)(a), and was famous well prior to the date of first use claimed by Applicant.

47. The bottles associated with the mark depicted in Patrón's Trademark Registration No. 2,147,067 and Applicant's Application No. 86/383,941 contain an identical type of product, namely, tequila.

48. Patrón's and Applicant's tequilas are sold through identical channels of trade.

49. Patrón's and Applicant's products are both advertised and marketed as "ultra-premium tequila."

50. The socioeconomic characteristics of the consumers of PATRÓN Tequila and Applicant's tequila are the same.

51. Applicant's bottle design so resembles the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design as to be likely, when used for tequila, to cause confusion, mistake, or deception among consumers.

52. Applicant's bottle design, therefore, creates a confusingly similar commercial impression. Thus, consumers will likely believe that, as a consequence of Applicant's use of Applicant's bottle design in connection with tequila, it is in some way associated or connected with, sponsored, authorized, approved or licensed by Patrón.

53. Applicant's bottle design so resembles the PATRÓN Bottle Design Mark and GRAN PATRÓN PLATINUM Bottle Design as to be likely to create a false designation of origin and false or misleading representation of fact that is likely to cause confusion, or to cause mistake, or to deceive as to an affiliation, connection, or association between Applicant and Patrón. Any objection or fault with the goods offered in connection with Applicant's bottle design may reflect upon and seriously injure the reputation of Patrón in connection with its products.

54. Applicant's bottle design so resembles the PATRÓN Bottle Design Mark as to cause dilution of the famous PATRÓN Bottle Design Mark.

55. In view of the above, Applicant is not entitled to federal registration of its bottle design in that Applicant's use is likely to cause confusion, or to cause mistake, or to deceive, and Applicant's bottle design dilutes the distinctive character of the famous PATRÓN Bottle Design Mark.

WHEREFORE, Opposer Patrón requests that Application No. 86/383,941 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated this 3rd of November, 2015

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Applicant by mailing said copy on November 3, 2015, via First Class United States Mail, postage prepaid, to:

STEPHEN L. BAKER
BAKER AND RANNELLS PA
575 ROUTE 28
RARITAN, NEW JERSEY 08869-1354

Attorney for Applicant

/Timothy P. Fraelich/
One of the Attorneys for Opposer

Exhibit A

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033

Chicago Tribune BUSINESS

Name that bottle

Japanese industrial designer Kenji Ekuan, who designed the Kikkoman soy sauce dispenser in 1961, has died. Can you identify other famous bottles? [Answers on Page 5.](#)



SOURCE: Tribune reporting

TRIBUNE

Answers to 'Name that bottle' quiz from Page 1

- | | | | | |
|--------------------|-----------------------------|---------------------------|----------------------|---------------------------|
| 1. A.I. sauce | 5. Mrs. Butterworth syrup | 9. Coca-Cola | 13. Tabasco sauce | 17. Pom pomegranate juice |
| 2. Heinz ketchup | 6. Galliano | 10. Patron tequila | 14. Miller High Life | |
| 3. Log Cabin syrup | 7. Wish-Bone salad dressing | 11. Perrier mineral water | 15. Karo corn syrup | |
| 4. Absolut vodka | 8. Kikkoman soy sauce | 12. Orangina | 16. Red Stripe beer | |

Exhibit B

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033



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2014

THE LEADERS

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IN VARIOUS CATEGORIES.

Here's why.

>>>



LIQUOR

TOP LIQUOR OVERALL

Patrón

Beyond the worm: If you've noticed over the past two decades that your margaritas are going down a little smoother, you can say "*gracias*" to Patrón. The tequila company, founded in 1989, almost single-handedly elevated American "te-kill-ya" culture with its ultra-premium, 100 percent blue-agave spirit, produced in Jalisco, Mexico. Once tastemakers got a whiff of the good stuff, cheap tequila was finished, and hundreds of high-class brands have followed Patrón's lead.

The distiller has remained on top for more than a decade by innovating, introducing varieties such as coffee, cocoa and citrus. But it's the emphasis on quality—and the company's ability to tell that story—that makes Patrón a brand standard. Just take a look at 2012's "60 Hands" mini-documentary, which shows that it really does take a village to make a good bottle of tequila.

Exhibit C

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

Reg. No. 2,147,067

United States Patent and Trademark Office

Registered Mar. 31, 1998

**TRADEMARK
PRINCIPAL REGISTER**



ST. MAARTEN SPIRITS, LTD. (NEVADA CORPORATION)
2955 EAST VALLEY ROAD
MONTECITO, CA 93108

FOR: TEQUILA, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 12-0-1989; IN COMMERCE 12-0-1989.

OWNER OF U.S. REG. NO. 1,760,167.

THE MARK CONSISTS OF THE CONFIGURATION OF THE BOTTLE FOR THE GOODS, AND THE RIBBON ATTACHED TO THE BOTTLE, AND THE TAPE HOLDING THE STOPPER ONTO THE BOTTLE.

SEC. 2(F).

SER. NO. 75-119,428, FILED 6-7-1996.

MONTIA O. GIVENS, EXAMINING ATTORNEY

Exhibit D

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033



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Advertising Age



News

Cramer-Krasselt picks up Pacifico Beer and Casa Noble Tequila.

Ad Age – August 26, 2015

By: Maureen Morrison

Independent agency Cramer-Krasselt has picked up sibling brands Pacifico beer and Casa Noble tequila without a review.

The Chicago-based agency is already on the roster of the brands' parent company Constellation Brands roster with longtime client Corona Extra. Pacifico was previously handled by Omnicom's GSD&M, while Casa Noble had no incumbent.

"Our Pacifico beer and Casa Noble tequila brands have significant upside potential for growth," said Jim Sabia, chief marketing officer at Constellation Brands, in a statement. "We've had a solid partnership with C-K over the years and look forward to continued success in raising the profile of these two high-performing brands."

For C-K, the win gives the agency an opportunity to help grow the Pacifico brand — which has largely been marketed regionally via TV, mostly on the West Coast — into a more national brand. Constellation does not have immediate plans for national ads, though national advertising appears to be in the cards down the road. For now, the company is focusing on its two biggest brands, Corona Extra and Modelo Especial. “It’s a matter of when, not if, we go national with [Pacifico],” said spokesman Michael McGrew. “We are just trying to be very disciplined in our approach.”

Pacifico’s marketing has historically targeted surfers and other adventure-minded drinkers.

The marketer is also taking a deliberate approach with Casa Noble, a premium tequila brand that Constellation acquired last year. This year, Constellation included the tequila in a Corona ad that ran during the Cinco de Mayo season. “There are so many occasions in which beer and tequila work [together], especially Mexican beers,” Mr. Sabia said in an interview earlier this year.

The move is the latest agency change for Constellation. In December, WPP’s Ogilvy Chicago won the Corona Light and Modelo Especial accounts, though in March, when Modelo launched a campaign, the TV work was not done by Ogilvy because of timing issues, the company said at the time.

“This is a category we know and love and have been successful in,” noted Karen Seamen, president and chief operating officer of C-K, in a statement. “We’re excited to put that passion and expertise to work for a longtime C-K client. It’s a fantastic win for C-K. We owe it to our effective and award-winning Corona Extra and premium spirits teams, and to our work and experience outside the category with clients ranging from Porsche to Heinz, Edward Jones and Vitamix.”

The Casa Noble win also helps Cramer-Krasselt get back in the tequila space, a category that’s been open for the shop since it lost Patron last summer. Recent wins for the agency include All Aboard Florida, a privately owned rail line in the U.S., and the TCS New York City Marathon. The agency also retained Benihana after a review.

Contributing: E.J. Schultz

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Exhibit E

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033

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ALERTS

CAMPAIGN SPOTLIGHT


Finding 'Perfection' in a Bottle

By JANE L. LEVERE

Published: July 24, 2006

The Patron Spirits Company is pulling out all the stops to promote its top three ultrapremium tequilas, hiring the Richards Group in Dallas to create a \$20 million, multimedia campaign, its largest ever.

Multimedia



Video: Watch the Spot

The campaign is based on a concept used in print advertising previously created in-house by the privately-held Las Vegas-based distiller, which makes the top-selling ultrapremium tequilas in the United States. According to Matt Carroll, vice president of marketing at Patron, it controls almost 60 percent of the market for this liquor. Patron's original advertising featured only a bottle of Patron and the tagline, "Simply perfect!"

Richards has adopted the simplicity, both graphic and verbal, of this concept, and expanded on it for new outdoor, print, online and television ads. These promote Patron's silver tequila, a light tequila with no oak flavor; reposado tequila, a blended tequila with a slight oak flavor; and anejo tequila, blended and oak-aged.

In an unusual twist, the agency is creating ads designed specifically for readers of magazines and visitors to Web sites, where the ads can be revised monthly or more frequently to reflect changing news and trends. Chuck Schiller, a creative group head at the Richards Group, said one advantage of being able to change the print and Internet ads frequently is that it will allow the campaign to "stay as current as it can, to stay current with popular culture. There will be three or four graphic executions, the verbiage will change, but not the look."

Running since June 1 in California, Texas and Florida, as well as in cities like New York, Chicago, Denver, Atlanta and Boston, outdoor ads depict either glasses or bottles of tequila, both alone and in multiples.

The left side of one ad, for example, depicts a glass of silver Patron and the word "simply," while the right shows two glasses of the tequila, one with a lipstick mark, and the word "perfect"; a bottle of silver Patron rests in the lower right-hand corner of the ad. Another ad shows a silver Patron bottle on the left, next to the word "simply," while the right-hand side depicts bottles of the three different tequilas, with the word "perfect" next to them.


Magazine ads, some two-page spreads, began running in June, and appear in a wide range of publications, everything from Rolling Stone, Fortune, Black Enterprise and Sports Illustrated, to Playboy, Wine Spectator, Vogue and Texas Monthly.

One two-page Playboy spread, for example, has five boxes on the left page; four contain one letter, A, B, C or D, while the fifth box has DD inside it. Copy below the boxes says, "Some perfection is debatable." The right hand page, with a bottle of silver Patron, reads

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10/2/15, 1:14 PM

‘Some is not.’” The left page of a two-page spread in Premiere has two boxes, one saying “the book,” another saying “the movie,” and the copy, “Some perfection is debatable,” while the right-hand page has a bottle of silver Patron and reads, “Some is not.”

The same concept appears in online banner ads, running since mid-June on a variety of sites, including Businessweek.com, Comedycentral.com, Gay.com, Rhapsody.com and Sportsillustrated.com. One ad on the last site has boxes that read, “Russian models” and “Brazilian models,” and lets viewers vote on which they prefer on a new Web site, www.simplyperfect.com; this will launch August 1 and carry a running tally of which nationality of model receives the most votes.

TV spots of 32 seconds and 15 seconds, which broke July 14, are running on channels like Comedy Central, E!, FX and the Golf Channel. These feature the same concept used in other media, though in some cases it is more fully developed. One spot shows a woman lying by a swimming pool, while her male companion gazes over the ocean. A bubble over the woman’s head reads “Retire early,” while a bubble over the man’s head carries a long list of words that changes rapidly, “Yacht, Italian sports car, ski cabin, lake house, season tickets, chopper, race horse.”

Another spot shows two tuxedo-clad young man, who stand outside a church where people wait for a wedding to begin and debate heatedly; they are interrupted by a priest, who walks through them to enter the church. Their debate? “Animal House” versus “Caddy Shack.”

According to Mr. Schiller, the underlying message of all advertising is that “perfection is relative in all other areas of life, but not in Patron Tequila.” Officials said the major target for the campaign is male spirits consumers, age 21 to 44, with an individual income of \$40,000 and above.

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Best Branding Campaign: Pearl Media, Patron Simply Perfect Live Artist Studios, Patron

by admin (/publications/author/3442/admin/), March 23, 2012, 2:18 PM

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Pearl Media, Patrón Tequila and The Richards Group created a live artist experience -- "Simply Perfect" -- where about 30 up-and-coming artists created original artwork inspired by their personal interpretation with Patrón in New York's Soho; Hollywood; Chicago's Gold Coast; and San Francisco's Union Square. Each location, wrapped in branded vinyl, featured a live artist studio visible to street pedestrians, complete with digital display in one window that ran looped content of artists hard at work. QR Codes were integrated to drive traffic to the online auction site where consumers could bid on the completed artwork. The artwork was auctioned from a branded Web site.

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Exhibit F

Patrón Spirits International AG v. CB Spirits SARL

In the Matter of Trademark Application No. 86/383,941

For the Design: Bottle for Distilled Spirits: Liquor; Tequila

International Class: 033

GRAN PATRÓN
PLATINUM



Triple distilled and oak rested for a smooth and full-bodied flavor.



A FINE BALANCE

COLOR
Crystal clear

AROMA
*Fresh agave,
citrus & fruit*

TASTE
*Extremely smooth
with light notes of
citrus & fruit*

FINISH
*Long-lasting
black pepper*

MADE LIKE IT SHOULD BE

From the finest 100% Weber Blue Agave

Tripled distilled then rested in oak tanks

Presented in a hand-numbered crystal bottle and elegant case

alcohol

40%

by volume

available in

1.75L

750ml

375ml