

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

In re Application No. 78/177716
Published July 1, 2003



Societe Civile Immobiliere du Chateau Palmer

Opposer,

v.

Palmer Crest Winery, LLC

Applicant.

08-28-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

Opposition No.

Commissioner of Trademarks
2900 Crystal Drive
Arlington, Va 22202-3514

NOTICE OF OPPOSITION

Societe Civile Immobiliere du Chateau Palmer, a corporation organized and existing under the laws of France, with an office at Cantenac, Margaux, France, believes that it will be damaged by registration of the mark shown in Application Serial No. 78/177716 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark **PALMER CREST** for wine
2. Opposer is the owner of all right, title and interest in and to the trademark **CHATEAU PALMER** for wine and is the owner of Registration No. 1,529,961 for said trademark.
3. Opposer has used, promoted and advertised its trademark in commerce since long prior to October 23, 2002, the filing date of the intent to use application.

09/28/2007TAR

4. Applicant's mark **PALMER CREST** evokes a substantially similar commercial impression as **CHATEAU PALMER**.

5. Applicant's mark includes the word **PALMER** which is identical to **PALMER**.

6. Applicant's goods are identical to Opposer's goods.

7. In view of the substantial similarity between the respective marks, and the commercial relationship between the goods, registration of the mark **PALMER CREST** is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 78/177716 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,


JULIE B. SEYLER

ABELMAN FRAYNE & SCHWAB
150 East 42nd Street
New York, New York 10017
212-949-9022

Applicants for Opposer

JBS:rd

00/20/2003TAS

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00/20/2008TAS

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FAS



08-28-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

August 25, 2003

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Attention: TRADEMARK TRIAL AND APPEAL BOARD

Our Ref: 212151

Re: NOTICE OF OPPOSITION
to Trademark Application No. 78/177716
for PALMER CREST

Dear Sir:

1. We submit herewith two copies of Notice of Opposition to the above-referenced application.
2. The official fee of \$300.00 is covered by the attached check. Please charge Deposit Account No. 01-0035 for any additional fees not fully covered by said check.
3. Kindly acknowledge receipt by returning the attached card.

Respectfully submitted,

Julie B Seyler

JULIE B SEYLER

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150 East 42nd Street
New York, New York, 10017
212-949-9022

JBS:rd

CERTIFICATE OF MAILING
Date of Deposit : August 25, 2003
I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514.
<u>JULIE B. SEYLER</u>
<i>Julie B Seyler</i>
(signature of person mailing paper or fee)