

ESTTA Tracking number: **ESTTA134639**

Filing date: **04/10/2007**

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	Fenn & Associates, LLC
Granted to Date of previous extension	04/11/2007
Address	30 Lessay Newport Coast, CA 92657 UNITED STATES

Attorney information	Michael E. Hall Knobbe, Martens, Olson & Bear LLP 2040 Main Street, Fourteenth Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com Phone:949-760-0404
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Applicant Information

Application No	78911279	Publication date	12/12/2006
Opposition Filing Date	04/10/2007	Opposition Period Ends	04/11/2007
Applicant	Napa Wine Company, LLC 7830 St. Helena Highway Oakville, CA 94562 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: retail store services, available through the Internet, featuring wine
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Attachments	Notice of Opposition.pdf (2 pages)(74354 bytes)
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Signature	/meh/
Name	Michael E. Hall
Date	04/10/2007

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

Fenn & Associates, LLC,

Opposer,

v.

Napa Wine Company, LLC,

Applicant.

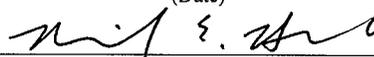
Application No. 78/911,279

Mark: CULT WINE CENTRAL

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at <http://esta.uspto.gov/> on:

April 10, 2007

(Date)



Michael E. Hall

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Opposer, Fenn & Associates, LLC, a California limited liability company, located and doing business at 30 Lessay, Newport Coast, California 92657 (hereinafter "Opposer"), believes that it will be damaged by registration of the mark shown in Serial No. 78/911,279, filed on June 19, 2006 by Napa Wine Company, LLC (hereinafter "Applicant"), and hereby opposes registration of the same.

A description of Applicant's application is as follows:

Mark:	CULT WINE CENTRAL (hereinafter "Applicant's Mark")
Serial No.:	78/911,279
Filed:	June 19, 2006
Published:	December 12, 2006
Class:	35

Services: Retail store services, available through the Internet,
featuring wine
Disclaimer: WINE

As grounds for the opposition, it is alleged that:

1. Opposer has, since prior to the filing date of Applicant's intent-to-use application, offered online retail store services featuring wine and wine brokerage services (hereinafter "Opposer's Services") under the mark CULTWINE (hereinafter "Opposer's Mark").

2. In view of the similarity between Opposer's Mark and Applicant's Mark and the related nature of Opposer's Services and the services identified in Applicant's application, Applicant's Mark so resembles Opposer's Mark as to be likely to cause confusion, mistake or deception.

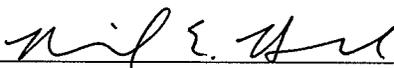
3. In view of Opposer's prior rights in Opposer's Mark, Applicant is not entitled to registration of Applicant's Mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer prays that Application Serial No. 78/911,279 be rejected and stricken, that no registration issue thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: April 10, 2007

By: 
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