

ESTTA Tracking number: **ESTTA193667**

Filing date: **02/20/2008**

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	Vinedos y Bodegas Corpora S.A.
Granted to Date of previous extension	02/20/2008
Address	Avenida Andres Bello 2777Floor 28, Of. 2 Las Condes, Santiago, CHILE
Correspondence information	Robert Alpert, Esq. 26 West 61st Street New York, NY 10023 UNITED STATES ralpert@ladas.com Phone:212-708-1860

Applicant Information

Application No	79032492	Publication date	10/23/2007
Opposition Filing Date	02/20/2008	Opposition Period Ends	02/20/2008
International Registration No.	0907487	International Registration Date	10/20/2006
Applicant	BODEGAS PORTIA, S.L. C/ Nueva 3 Políg; Industrial Allendeduero; E-09400Aranda de Duero (Burgos) SPAIN		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages, namely, wines

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.	3049845	Application Date	11/18/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	PORTA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1997/00/00 First Use In Commerce: 1999/04/00 Wine

U.S. Registration No.	2159134	Application Date	07/22/1993
Registration Date	05/19/1998	Foreign Priority Date	NONE
Word Mark	VINA PORTA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1993/04/19 First Use In Commerce: 1993/04/19 wine		

Attachments	Vinedos y Bodegas Notice of Opposition.pdf (3 pages)(88882 bytes) 78519278#TMSN.jpeg (1 page)(bytes) 74415252#TMSN.gif (1 page)(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	/RA/
Name	Robert Alpert, Esq.
Date	02/20/2008

connection with “wines” long prior to the filing date, claimed priority date or date of first use for PORTIA PLENA and Design.

3. Opposer has advertised, promoted and marketed wines in connection with its PORTA Marks such that the public has come to know and recognize the PORTA Marks as identifying wines which originate with or are authorized by Opposer.

4. Applicant’s use of the mark PORTIA PLENA and Design for “[a]lcoholic beverages, namely wines” constitutes use of a mark that is confusingly similar to Opposer’s PORTA Marks. The term PORTIA is virtually identical to PORTA and is the predominant element of PORTIA PLENA and Design. Moreover, the goods covered by Applicant’s PORTIA PLENA and Design marks, wines, are identical to those marketed and sold by Opposer in connection with its PORTA Marks, wines. The average purchaser is likely to be confused and deceived into believing that Applicant’s wines marketed and sold under the PORTIA PLENA and Design mark also originate with or are authorized by Opposer.

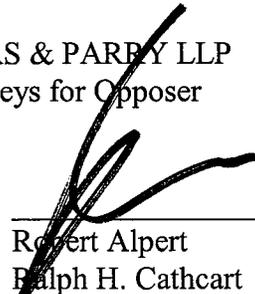
WHEREFORE, Opposer hereby requests that Application No. 79/032,492 for the mark PORTIA PLENA and Design be refused registration.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

Dated: February 20, 2008

By: _____


Robert Alpert
Ralph H. Cathcart
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CERTIFICATE OF TRANSMISSION

I, Stella Silverstein, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** is being electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: February 20, 2008


Stella Silverstein

CERTIFICATE OF SERVICE

I, Stella Silverstein, hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was served, on the date indicated below, by First-Class mail, postage prepaid, as follows:

Laurel V. Dineff
Dineff Trademark Law Limited
160 North Wacker Drive
Chicago, IL 60606

Dated: February 20, 2008


Stella Silverstein