

ESTTA Tracking number: **ESTTA208194**

Filing date: **04/30/2008**

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	04/30/2008
Address	Avenida Andres Bello 2777 Fl. 28 of 2801 Las Condes, Santiago, CHILE

Domestic Representative	Robert Alpert, Esq. 26 West 61st Street New York, NY 10023 UNITED STATES ralpert@ladas.com, rcathcart@ladas.com, rroa@ladas.com, ssilverstein@ladas.com
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Applicant Information

Application No	79030813	Publication date	01/01/2008
Opposition Filing Date	04/30/2008	Opposition Period Ends	04/30/2008
International Registration No.	0903137	International Registration Date	07/26/2006
Applicant	ENOFORUM - COMÉRCIO E EXPORTAÇÃODE; VINHOS, S.A. Urbanização Chafariz D'EI Rei Rua do Estoril, Lote 7A P-7005-482 Évora, PORTUGAL		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Wines and brandy

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	78519278#TMSN.jpeg (1 page)(bytes) 74415252#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (4 pages)(90864 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 Overnight Courier on this date.

Signature	/RA/
Name	Robert Alpert, Esq.
Date	04/30/2008

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

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VINEDOS Y BODEGAS CORPORA S.A.,
Opposer,
v.
ENOFORUM - COMERCIO E
EXPORTACAODE VINHOS, S.A.,
Applicant.
-----X

Opposition No. _____

NOTICE OF OPPOSITION

In the matter of Application Serial No. 79/030,813 filed on July 26, 2006 by Enoforum - Comercio E Exportacaode, Vinhos, S.A., a Portuguese corporation with an office at Urbanizacao Chafariz D'El Rei Rua do Estoril, Lote 7A P-7005-482 Evora PORTUGAL, in International Class 33 seeking registration on the Principal Register of the trademark PORTA DO CASTELO in connection with "[w]ines and brandy", which application was published for opposition on January 1, 2008 with extensions of time to file a Notice of Opposition granted until April 30, 2008;

Opposer, Vinedos Y Bodegas Corpora S.A., a Chilean corporation with an office at Avenida Andres Bello 2777, Floor 28 of 2801, Las Condes, Santiago, Chile, believes that it is or will be damaged by registration of Application No. 79/030,813 and hereby opposes registration of said application on the following grounds:

1. Opposer is the owner of PORTA Registration No. 3,049,845 and VINA PORTA Registration No. 2,159,134 in connection with “wines” and of the goodwill associated therewith (collectively, the “PORTA Marks”).

2. Opposer has adopted and continuously used its PORTA Marks in connection with “wines” long prior to the filing date, claimed priority date or date of first use for PORTA DO CASTELO.

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 PORTA DO CASTELO for “[w]ines and brandy” constitutes use of a mark that is confusingly similar to Opposer’s PORTA Marks. The term PORTA is common to both parties’ marks and is the predominant element of PORTA DO CASTELO. Moreover, the goods covered by Applicant’s PORTA DO CASTELO mark, wines and brandy, are identical or closely related 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 PORTA DO CASTELO mark also originate with or are authorized by Opposer.

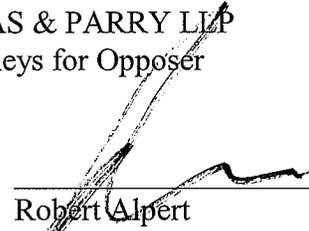
WHEREFORE, Opposer hereby requests that Application No. 79/030,813 for the mark
PORTA DO CASTELO be refused registration.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

Dated: April 30, 2008

By:

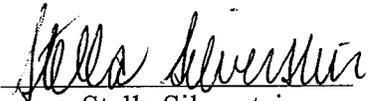


Robert Alpert
Ralph H. Cathcart
26 West 61st Street
New York, NY 10023
(212) 708-1860

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: April 30, 2008

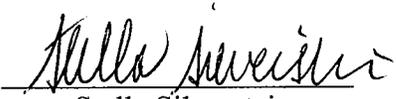

Stella Silverstein

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 FedEx courier, as follows:

Arent Fox LLP
Ms. Carmen Ferreira Furtado
Katrin Lewertoff, Esq.
Leslie K. Mitchell, Esq.
1675 Broadway
New York, NY 10019

Dated: April 30, 2008


Stella Silverstein