

ESTTA Tracking number: **ESTTA225924**

Filing date: **07/23/2008**

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	Sara Lee Coffee and Tea
Granted to Date of previous extension	07/23/2008
Address	Kifissou Avenue 100122 41 Egaleo Athens, GREECE
Party who filed Extension of time to oppose	Sara Lee Coffee and Tea Hellas Viomichania Kafe Kai Tsagiou Anonymos Etairia d/b/a Bravo A.E. (S.A)
Relationship to party who filed Extension of time to oppose	TTAB stated the 'Name' was longer than 80 characters.

Domestic Representative	Randel S. Springer Attorney Womble Carlyle Sandridge Rice PLLC 1 West Fourth Street Winston Salem, NC 27101 UNITED STATES trademarkswinston@wcsr.com, rspringer@wcsr.com, tsharp@wcsr.com Phone:336-721-3747
-------------------------	---

Applicant Information

Application No	77249207	Publication date	03/25/2008
Opposition Filing Date	07/23/2008	Opposition Period Ends	07/23/2008
Applicant	Beta II Marketing Corp 65 West Red Oak Lane White Plains, NY 10604 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 030. All goods and services in the class are opposed, namely: Salad dressings; Hot pepper powder; Hot sauce; Ketchup; Salsa; Tomato sauce; Alimentary paste; Bakery goods; Barbecue sauce; Biscuits; Hominy; Breadcrumbs; Burritos; Candy; Capers; Cereal based snack food; Coffee; Cookies; Corn chips; Custards; Tortilla chips; Crackers; Seasonings; Spices; Chocolate; Empanadas; Enchiladas; Extracts used as flavoring; Fajitas; Flavoring syrup; Flour; Frozen entrees consisting primarily of pasta or rice; Grain-based food beverages; Noodles; Picante sauce; Flavored, sweetened gelatin desserts; Food starch; Honey; Chili sauce; Cocoa; Puddings; Table syrup; Taco chips; Tamales; Pastries; Rice; Salt; Tapioca; Yeast; Prepared meals consisting primarily of pasta or rice; Treacle;</p>

Marinades; Corn meal; Frozen confections; Wine vinegar; Tortillas

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1170459	Application Date	12/13/1976
Registration Date	09/22/1981	Foreign Priority Date	NONE
Word Mark	BRAVO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1952/06/00 First Use In Commerce: 1969/11/13 Coffee		

Attachments	Opposition.pdf (5 pages)(147503 bytes)
-------------	---

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	/Randy Springer/
Name	Randel S. Springer
Date	07/23/2008

Puddings; Table syrup; Taco chips; Tamales; Pastries; Rice; Salt; Tapioca; Yeast; Prepared meals consisting primarily of pasta or rice; Treacle; Marinades; Corn meal; Frozen confections; Wine vinegar; Tortillas” (“Applicant’s Mark”) in International Class 30, and hereby opposes same. As grounds for the opposition, it is alleged that:

1. Opposer is now, and its predecessors in interest have been, engaged in the manufacture, distribution, and sale of coffee.

2. Since at least 1969, and prior to the filing date of Applicant’s application to register Applicant’s Mark, Opposer and its predecessors in interest have used the mark BRAVO in connection with coffee in commerce in the United States.

3. BRAVO is inherently distinctive as applied to coffee.

4. Opposer owns common law rights to the mark BRAVO for use in connection with coffee.

5. Opposer is the owner of U.S. Trademark Registration No. 1,170,459 issued on September 22, 1981 for the mark BRAVO for use in connection with “coffee.” The registration is valid and subsisting on the Principal Register.

6. By virtue of its use and registration of the BRAVO mark in connection with the promotion of its goods, the BRAVO mark has attained public recognition as a source identifier for Opposer’s goods.

7. By the application herein opposed, Applicant seeks to register the mark BRAVO SUPERMARKETS FOR SAVINGS for “Salad dressings; Hot pepper powder; Hot sauce; Ketchup; Salsa; Tomato sauce; Alimentary paste; Bakery goods; Barbecue sauce; Biscuits; Hominy; Breadcrumbs; Burritos; Candy; Capers; Cereal based snack food; Coffee; Cookies; Corn chips; Custards; Tortilla chips; Crackers; Seasonings; Spices; Chocolate; Empanadas;

Enchiladas; Extracts used as flavoring; Fajitas; Flavoring syrup; Flour; Frozen entrees consisting primarily of pasta or rice; Grain-based food beverages; Noodles; Picante sauce; Flavored, sweetened gelatin desserts; Food starch; Honey; Chili sauce; Cocoa; Puddings; Table syrup; Taco chips; Tamales; Pastries; Rice; Salt; Tapioca; Yeast; Prepared meals consisting primarily of pasta or rice; Treacle; Marinades; Corn meal; Frozen confections; Wine vinegar; Tortillas,” in International Class 30. Such goods are identical or closely related to the goods for which Opposer uses the BRAVO trademark.

8. Applicant’s Mark so resembles Opposer’s BRAVO trademark as to be likely to cause confusion and mistake and to deceive, with consequent injury to Opposer, the consuming public, and the trade.

9. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant’s Mark sought to be registered, and will give color and exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Opposer.

WHEREFORE, Opposer believes it will be damaged by registration of Applicant's Mark and prays that registration be refused.

This the 23rd day of July, 2008.

Respectfully submitted,



Randel S. Springer

Anne C. Fleeson

Melissa G. Ferrario

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

One West Fourth Street

Winston-Salem, NC 27101

Tel: (336) 721-3747

Fax: (336) 726-6991

Attorneys for Sara Lee Coffee and Tea Hellas Viomichania

Kafe Kai Tsagiou Anonymos Etairia

d/b/a Bravo A.E. (S.A.)

CERTIFICATE OF MAILING

I do hereby certify that on July 23, 2008, I filed via electronic means (ESTTA) this NOTICE OF OPPOSITION with the:

U. S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451


Victoria Thomas Sharpe

CERTIFICATE OF SERVICE BY MAIL

I do hereby certify that on July 23, 2008, I mailed by United States mail, first class postage prepaid, a true and correct copy of this NOTICE OF OPPOSITION to the last address known by the undersigned and the last address displayed on the United States Patent and Trademark Office TARR database, as follows:

Stephen L. Baker
Baker and Rannells PA
575 Route 28, Suite 102
Raritan, New Jersey 08869-1354


Victoria Thomas Sharpe