

ESTTA Tracking number: **ESTTA237892**

Filing date: **09/19/2008**

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.		
Entity	Corporation	Citizenship	Chile
Address	Avenida Andres Bello 2777, Floor 28 of 2801, Las Condes Santiago, CHILE		

Attorney information	Ralph H. Cathcart Ladas & Parry LLP 26 West 61st Street New York, NY 10023 UNITED STATES rcathcart@ladas.com, rroa@ladas.com, ssilverstein@ladas.com
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Applicant Information

Application No	77075872	Publication date	09/02/2008
Opposition Filing Date	09/19/2008	Opposition Period Ends	10/02/2008
Applicant	Bodegas Portia, S.L. C/Nueva 3. Polig. Industrial Allendueduero Aranda de Duero, Burgos, 09400 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	78519278#TMSN.jpeg (1 page)(bytes) 74415252#TMSN.gif (1 page)(bytes) Notice of Opposition.pdf (3 pages)(88871 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	/RHC/
Name	Ralph H. Cathcart
Date	09/19/2008

(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 PORTIA PRIMA 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 PRIMA 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 PRIMA and Design. Moreover, the goods covered by Applicant's PORTIA PRIMA 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 PRIMA and Design mark also originate with or are authorized by Opposer.

WHEREFORE, Opposer hereby requests that Application No. 77/075,872 for the mark PORTIA PRIMA and Design be refused registration.

Respectfully submitted,

LADAS & PARRY LLP
Attorneys for Opposer

Dated: September 19, 2008

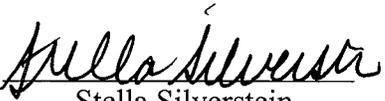
By:


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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: September 19, 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 e-mail as well as First-Class mail, postage prepaid, as follows:

Laurel V. Dineff
Dineff Trademark Law Limited
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tmlaw@dineff.com

Dated: September 19, 2008


Stella Silverstein