

ESTTA Tracking number: **ESTTA374833**

Filing date: **10/25/2010**

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	Paul Jaboulet Aine
Granted to Date of previous extension	10/24/2010
Address	Les Jalets - RN7, La Roche De Glun Tain L'Hermitage, 26600 FRANCE

Attorney information	Julie B. Seyler Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES jbseyler@lawabel.com, Rdahl@lawabel.com Phone:2129499022
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**Applicant Information**

Application No	77806650	Publication date	04/27/2010
Opposition Filing Date	10/25/2010	Opposition Period Ends	10/24/2010
Applicant	S.P. Grossnickle, LLC 1428 S. Freedom Parkway Winona Lake, IN 46590 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 033. First Use: 2008/03/15 First Use In Commerce: 2008/07/04  
All goods and services in the class are opposed, namely: Wine

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2682366	Application Date	10/12/2000
Registration Date	02/04/2003	Foreign Priority Date	NONE
Word Mark	PARALLELE 45		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 1978/00/00 First Use In Commerce: 1978/00/00 wines
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Attachments	PAUL JABOULET AINE V S P GROSSNICKLE LLC - NOTICE OF OPPOSITION.pdf ( 8 pages )(266695 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	/Julie B. Seyler/
Name	Julie B. Seyler
Date	10/25/2010

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

In re Application No. 77/806650  
Published April 27, 2010

<p style="text-align:center">PAUL JABOULET AINE</p> <p style="text-align:center"><i>Opposer,</i></p> <p style="text-align:center">v.</p> <p style="text-align:center">S.P. GROSSNICKLE, LLC</p> <p style="text-align:center"><i>Applicant</i></p>
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Opposition No.

**NOTICE OF OPPOSITION**

Paul Jaboulet Aine, a corporation organized and existing under the laws of France, with an office at Les Jalets – RN7, La Roche De Clun, 26600 Tain L’Hermitage, France, believes that it will be damaged by registration of the mark shown in Application Serial No. 77/806650 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark **45** for wine.
2. Opposer is the owner of all right, title and interest in and to the trademark **PARALLELE 45** for wines.
3. Opposer is the owner of Registration No. 2,682,366 for **PARALLELE 45** and said registration is incontestable.
4. Opposer has used its mark in commerce since at least as early as 1978.
5. Opposer has priority.

4. Pursuant to 37 C.F.R. 1.122(d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TARR and the Assignment Records, that shows that the current status and title of Registration No. 2,682,366 is in the name of Opposer.

5. As a result of Opposer's substantial, long term and continuous use of the trademark **PARALLELE 45** in commerce, the mark is renowned in its field.

6. Applicant's mark **45** is substantially similar to Opposer' mark **PARALLELE 45**.



7. Applicant is seeking to register the mark in the format ;

8. The stylized format of **45** is substantially similar to the manner in which Opposer uses **45**.

9. Applicant's goods are identical to Opposer's goods.

10. In view of the substantial similarity between the respective marks, the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 77/806650 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,

  
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JULIE B. SEYLER

*Attorney for Opposer*

**ABELMAN, FRAYNE & SCHWAB**  
666 Third Avenue  
New York, New York 10017  
(212) 949-9022

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid this 25th day of October, 2010 upon the following:

James D. Hall, Esq.  
BOTKIN & HALL, LLP  
105 E. Jefferson Blvd, Ste. 400  
South Bend, Indiana 46601-1913

  
\_\_\_\_\_  
JULIE B. SEYLER

## EXHIBIT A

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2010-10-11 14:57:42 ET**

**Serial Number:** 76146225 [Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** 2682366

**Mark (words only):** PARALLELE 45

**Standard Character claim:** No

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 2008-12-31

**Filing Date:** 2000-10-12

**Transformed into a National Application:** No

**Registration Date:** 2003-02-04

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 101

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2008-12-31

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Paul Jaboulet Aine

**Address:**

Paul Jaboulet Aine  
Les Jalets - RN7, La Roche De Glun  
26600 Tain L'Hermitage  
France

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** France

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**GOODS AND/OR SERVICES**

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**International Class:** 033

**Class Status:** Active

wines

**Basis:** 1(a), 44(e)

**First Use Date:** 1978-00-00

**First Use in Commerce Date:** 1978-00-00

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### ADDITIONAL INFORMATION

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**Translation:** The English translation of "PARALLELE" is "parallel".

**Foreign Registration Number:** 1240707

**Foreign Registration Date:** 1993-07-12

**Country:** France

**Foreign Expiration Date:** 2003-07-12

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2008-12-31 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-12-15 - Assigned To Paralegal

2008-12-09 - TEAS Section 8 & 15 Received

2008-03-23 - Counter claim opp. for Proceeding No.

2008-02-06 - Case File In TICRS

2006-09-02 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2003-02-04 - Registered - Principal Register

2002-11-12 - Published for opposition

2002-10-23 - Notice of publication

2002-07-11 - Approved for Pub - Principal Register (Initial exam)

2002-05-08 - Communication received from applicant

2002-05-08 - PAPER RECEIVED

2002-02-01 - Final refusal mailed

2001-08-23 - Communication received from applicant

2001-03-13 - Non-final action mailed

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Lawrence E. Abelman

**Correspondent**

Lawrence E. Abelman

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**Domestic Representative**

LAWRENCE E. ABELMAN

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**No assignment has been recorded at the USPTO**

**For Serial Number: 76146225**

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web interface last modified: October 18, 2008 v.2.0.2

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