

ESTTA Tracking number: **ESTTA417023**

Filing date: **06/29/2011**

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	The Patina Group, LLC
Granted to Date of previous extension	07/13/2011
Address	120 West 45th Street New York, NY 10036 UNITED STATES
Attorney information	DEBORAH K SQUIERS COWAN, LIEBOWITZ & LATMAN, P.C. 1133 SIXTH AVENUE NEW YORK, NY 10036 UNITED STATES dks@cll.com, trademark@cll.com Phone:212-790-9200

Applicant Information

Application No	85146737	Publication date	03/15/2011
Opposition Filing Date	06/29/2011	Opposition Period Ends	07/13/2011
Applicant	Mehta, Ravi 1215 K Street, 17th Floor Sacramento, CA 95814 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2010/10/05 First Use In Commerce: 2010/10/05
All goods and services in the class are opposed, namely: White wine

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2375467	Application Date	10/19/1999
Registration Date	08/08/2000	Foreign Priority Date	NONE
Word Mark	PATINA		

Design Mark	PATINA
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1989/08/00 First Use In Commerce: 1989/08/00 RESTAURANT, CATERING AND TAKE-OUT FOOD SERVICES

Attachments	75826830#TMSN.gif (1 page)(bytes) FINAL NOTICE PATINA OPPOSITION.pdf (11 pages)(209354 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	/Deborah K Squiers/
Name	DEBORAH K SQUIERS
Date	06/29/2011

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

In the Matter of Application Serial No. 85/146737
Published in the *Official Gazette* of March 15, 2011

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THE PATINA GROUP, LLC, :

Opposer, :

Opposition No.

- against - :

NOTICE OF OPPOSITION

RAVI MEHTA, :

Applicant. :

-----X

THE PATINA GROUP, LLC ("Patina Group") believes that it will be damaged by registration of the mark shown in Application Serial No. 85/146737 (the "Application"), and hereby opposes same.

As grounds of opposition, Opposer alleges as follows:

1. Patina Group is a Delaware limited liability company with an address at 120 West 45th Street, New York, NY 10036.
2. Upon information and belief, Ravi Mehta ("Applicant") is an individual with an address of 1215 K Street, 17th Floor, Sacramento, CA 95814.
3. For many years, Patina Group and its predecessors in interest and/or related companies (the "Patina Companies") have been engaged in the business of restaurant, bar, food and catering services.
4. Since prior to October 5, 2010, the claimed date of first use in the Application, the Patina Companies have used the mark PATINA, with and without other words and design

elements, (the “PATINA Marks”), as both a trademark and trade name on or in connection with restaurant, bar, food and catering services, and goods, including sparkling wines.

5. The restaurant, bar, food and catering services have been offered across the country, and the Patina Companies’ restaurants, including for example its PATINA restaurant in Los Angeles, California, have been visited by customers from around the United States and have been extensively advertised and promoted.

6. Further increasing the widespread recognition and fame of the PATINA Marks, the Patina Companies have used the mark on and in connection with sparkling wines.

7. As a result of the foregoing efforts, Patina Group has achieved a goodwill of tremendous value in the PATINA Marks, which are exclusively associated with the Patina Companies and its goods and services.

8. Patina Group is the owner of the U.S. Reg. No. 2375467 for the mark PATINA in Class 42 covering “restaurant, catering and take-out food services.” The registration is valid, subsisting, and in full force and effect, and copies of the TARR and TESS records are annexed hereto as Exhibit A.

9. On or about October 9, 2010, Applicant filed the Application in the United States Patent and Trademark Office, Serial No. 85/146737, for registration on the Principal Register of the mark PATINA for “white wine” in International Class 33.

10. Upon information and belief, goods for which Applicant seeks registration of the mark shown in the Application may be offered to the same purchasers as the goods and services offered by the Patina Companies.

11. Upon information and belief, Applicant did not use the PATINA mark in commerce in connection with white wine before October 5, 2010, the claimed date of first use in the Application.

12. Applicant's mark so resembles the PATINA Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake and to deceive because the public is likely to believe that Applicant's goods have their origin with Patina Group and/or that Applicant's goods are approved, endorsed or sponsored by Patina Group or associated with Patina Group in some other way, thereby causing injury to Patina Group, the trade and the public.

13. Patina Group's PATINA Marks are distinctive and famous and have enjoyed distinctiveness and fame since long prior to the filing date or the claimed first use date of the Application.

14. Applicant's use of the mark shown in the Application in connection with Applicant's goods would dilute Patina Group's famous PATINA Marks by rendering them less distinctive.

15. Patina Group would be injured by the granting to Applicant of the registration sought because Applicant's mark so resembles the PATINA Marks as to be likely, when used in connection with Applicant's services:

- (a) to cause confusion, or to cause mistake, or to deceive;
- (b) to falsely suggest a connection with Patina Group;
- (c) to damage Patina Group's valuable goodwill in the PATINA Marks;
- (d) to interfere with Patina Group's sale of its own goods and services under the PATINA Marks; and
- (e) to dilute Patina Group's PATINA Marks by rendering them less distinctive.

WHEREFORE, Patina Group, by its attorneys, respectfully requests that its opposition be sustained and that the registration sought by Applicant be denied.

Dated: New York, New York
June 29, 2011

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Deborah K. Squiers/
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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 2011-06-28 19:21:29 ET

Serial Number: 75826830 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2375467

Mark (words only): PATINA

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-02-18

Filing Date: 1999-10-19

Transformed into a National Application: No

Registration Date: 2000-08-08

Register: Principal

Law Office Assigned: LAW OFFICE 105

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

Current Location: (NOT AVAILABLE)

Date In Location: 2010-02-18

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

1. THE PATINA GROUP, LLC

Address:

THE PATINA GROUP, LLC
120 WEST 45TH STREET 16TH FLOOR
NEW YORK, NY 10036
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 042

Class Status: Active

RESTAURANT, CATERING AND TAKE-OUT FOOD SERVICES

Basis: 1(a)**First Use Date:** 1989-08-00**First Use in Commerce Date:** 1989-08-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

2010-02-18 - First renewal 10 year

2010-02-18 - Section 8 (10-year) accepted/ Section 9 granted

2010-02-17 - TEAS Section 8 & 9 Received

2009-02-25 - Automatic Update Of Assignment Of Ownership

2009-02-19 - Attorney Revoked And/Or Appointed

2009-02-19 - TEAS Revoke/Appoint Attorney Received

2006-03-06 - Case File In TICRS

2005-11-25 - Section 8 (6-year) accepted & Section 15 acknowledged

2005-11-21 - Assigned To Paralegal

2005-10-06 - Section 8 (6-year) and Section 15 Filed

2005-10-06 - TEAS Section 8 & 15 Received

2005-10-06 - TEAS Change Of Correspondence Received

2005-10-06 - TEAS Change Of Owner Address Received

2000-08-08 - Registered - Principal Register

2000-05-16 - Published for opposition

2000-04-14 - Notice of publication

2000-02-22 - Approved for Pub - Principal Register (Initial exam)

2000-02-17 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Deborah K. Squiers

Correspondent

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Record 1 out of 1

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Typed Drawing

Word Mark PATINA
Goods and Services IC 042. US 100 101. G & S: RESTAURANT, CATERING AND TAKE-OUT FOOD SERVICES. FIRST USE: 19890800. FIRST USE IN COMMERCE: 19890800
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75826830
Filing Date October 19, 1999
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 16, 2000
Registration Number 2375467
Registration Date August 8, 2000
Owner (REGISTRANT) Patina Group, LLC, The LIMITED-LIABILITY COMPANY CALIFORNIA 400 South Hope Street ATTN: CFO Los Angeles CALIFORNIA 90071

(LAST LISTED OWNER) THE PATINA GROUP, LLC CORPORATION DELAWARE 120 WEST 45TH STREET 16TH FLOOR NEW YORK NEW YORK 10036
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Deborah K. Squiers
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100218.
Renewal 1ST RENEWAL 20100218
Live/Dead Indicator LIVE

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Certificate of Service

A copy of the foregoing Notice of Opposition was served upon Applicant by sending a copy by first-class mail, postage prepaid, addressed to Applicant's Attorneys of Record, Law Offices of Ira Siegel, Attn: Ira Siegel, Esq., 433 N. Camden Dr., Ste 970, Beverly Hills, CA 90210-4413, on June 29, 2011.

/Deborah K. Squiers/

Deborah K. Squiers