

ESTTA Tracking number: **ESTTA419621**

Filing date: **07/13/2011**

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	Duckhorn Wine Company
Granted to Date of previous extension	07/13/2011
Address	1000 Lodi Lane St. Helena, CA 94574-9713 UNITED STATES

Attorney information	Ryan Bricker, Esq. Kilpatrick Townsend & Stockton LLP 2 Embarcadero Center 8th Floor San Francisco, CA 94111-3833 UNITED STATES rbricker@kilpatricktownsend.com, dhong-ye@kilpatricktownsend.com, litdocketinginbox@kilpatricktownsend.com Phone:415-576-0200
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Applicant Information

Application No	85177865	Publication date	03/15/2011
Opposition Filing Date	07/13/2011	Opposition Period Ends	07/13/2011
Applicant	Jeff Hill PO Box 2127 Yountville, CA 94599 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Grape wine

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1380695	Application Date	08/10/1984
Registration Date	01/28/1986	Foreign Priority Date	NONE
Word Mark	DUCKHORN VINEYARDS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1980/09/00 First Use In Commerce: 1980/11/00 WINES

U.S. Registration No.	2309011	Application Date	10/22/1998
Registration Date	01/18/2000	Foreign Priority Date	NONE
Word Mark	DUCKHORN VINEYARDS		
Design Mark	DUCKHORN VINEYARDS		
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1994/05/00 First Use In Commerce: 1997/11/00 Corkscrews		

U.S. Registration No.	2689807	Application Date	09/08/2000
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	DUCKHORN		
Design Mark	DUCKHORN		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1980/09/00 First Use In Commerce: 1980/11/00 Wines		

Attachments	75575028#TMSN.gif (1 page)(bytes) 76124853#TMSN.gif (1 page)(bytes) DUCK BLIND WINERY Notice of Opposition.pdf (18 pages)(1432679 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	/ryan bricker/
Name	Ryan Bricker, Esq.
Date	07/13/2011

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

In re: *Application Ser. No. 85/177,865*
Published: March 15, 2011 in the Official Gazette
Applicant: Jeff Hill
Mark: **DUCK BLIND WINERY**

DUCKHORN WINE COMPANY,

Opposer,

v.

JEFF HILL,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

DUCKHORN WINE COMPANY (“Duckhorn” or “Opposer”), a California corporation located and doing business at 1000 Lodi Lane, St. Helena, California 94574, believes that it will be damaged by the application for registration in International Class 33 of the mark **DUCK BLIND WINERY** shown in Application Serial No. 85/177,865, filed by Jeff Hill (“Applicant”), an individual whose business address is P.O. Box 2127, Yountville, California 94599, and published in the Official Gazette on March 15, 2011, and hereby opposes registration thereof.

As grounds for opposition, Duckhorn alleges:

1. By this application, Applicant is seeking to obtain, under the provision of the Trademark Act of 1946, as amended, registration upon the Principal Register of the **DUCK BLIND WINERY** mark for “grape wine,” in International Class 033 (“Applicant’s Mark”).

2. Since at least as early as 1980, Opposer has continually used in commerce the term **DUCKHORN** in relation to wine. Opposer owns the following trademark registrations (the “**DUCKHORN** Marks”):

<u>Mark</u>	<u>Filing Date</u>	<u>First Use</u>	<u>Registration No.</u>	<u>Goods/Services</u>
DUCKHORN VINEYARDS	8/10/1984	Sept. 1980	1,380,695	IC 033: Wines
DUCKHORN VINEYARDS	10/22/1998	May 1994	2,309,011	IC 021: Corkscrews
DUCKHORN	9/8/2000	Sept. 1980	2,689,807	IC 033: Wines

Copies of the foregoing Certificates of Registration are attached hereto as Exhibit A.

3. Applicant’s Mark, opposed herein, was filed on March 15, 2011, over thirty (30) years after Opposer began using its **DUCKHORN** Marks in commerce, and more than twenty-six (26) years after Opposer registered its first mark comprising the **DUCKHORN** term. Accordingly, Applicant’s use of the term **DUCK BLIND WINERY** is subsequent to the use in commerce by Opposer of its **DUCKHORN** Marks.

4. Applicant’s goods are identical to the Opposer’s goods, insofar as both parties produce, market, and sell wine.

5. Applicant’s Mark, which incorporates a substantial portion of Opposer’s **DUCKHORN** Marks, is substantially similar to Opposer’s Marks and is likely to cause

confusion, mistake or deception in the trade and among purchasers as to the source, origin or sponsorship of the parties' respective goods.

6. Because Applicant's Mark and Opposer's **DUCKHORN** Marks are similar, are used on identical goods, and Applicant offers its goods to purchasers or prospective purchasers of Opposer's goods, the public is likely to believe that Applicant's goods originate from Opposer, or that Applicant's goods are in some way associated with or sponsored by Opposer, resulting in damage and detriment to Opposer, its reputation, and the substantial goodwill that it has built in the **DUCKHORN** Marks.

7. Pursuant to the allegations stated above, registration of Applicant's Mark shown in the opposed application will result in damage to Opposer under the provisions of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), pursuant to the allegations stated above.

WHEREFORE, Duckhorn prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 85/177,865 be denied.

The opposition fee in the amount of \$1,500 for an opposition in 1 class is submitted herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 11-0860 be charged with any deficiency. This paper is filed electronically.

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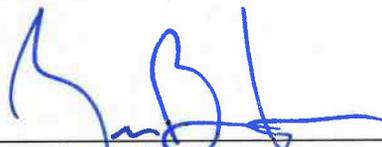
Please direct all notices, pleadings and process regarding this matter to:

R. Gwen Peterson
Ryan Bricker
KILPATRICK TOWNSEND & STOCKTON LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: rpeterson@kilpatricktownsend.com;
rbricker@kilpatricktownsend.com

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

Date: 7.13.11

By: 

R. Gwen Peterson
Ryan Bricker
Attorneys for Opposer

Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Telephone: (415) 576-0200
Facsimile: (415) 576-0300
Email: rpeterson@kilpatricktownsend.com; rbricker@kilpatricktownsend.com

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CERTIFICATE OF SERVICE

On July 13, 2011, I served the foregoing **NOTICE OF OPPOSITION** on the party(ies) in said action by depositing a true copy thereof with the United States Postal Service as first class mail, postage prepaid, at San Francisco, California, enclosed in a sealed envelope addressed as follows:

Jeff Hill
P.O. Box 2127
Yountville, CA 94599

Dated: July 13, 2011



Dena T. Hong-Yee

EXHIBIT A

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,380,695

Registered Jan. 28, 1986

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN VINEYARDS

ST. HELENA WINE COMPANY, INC. (CALI-
FORNIA CORPORATION), DBA DUCKHORN
VINEYARDS
3027 SILVERADO TRAIL
ST. HELENA, CA 94574

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "VINEYARDS", APART FROM
THE MARK AS SHOWN.

SER. NO. 494,138, FILED 8-10-1984.

FOR: WINES, IN CLASS 33 (U.S. CL. 47).
FIRST USE 9-0-1980; IN COMMERCE
11-0-1980.

AMANDA LAURA NYE, EXAMINING ATTOR-
NEY

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2011-07-13 17:07:06 ET

Serial Number: 73494138 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1380695

Mark (words only): DUCKHORN VINEYARDS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2007-02-21

Filing Date: 1984-08-10

Transformed into a National Application: No

Registration Date: 1986-01-28

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 40S -Scanning On Demand

Date In Location: 2011-06-29

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

1. DUCKHORN WINE COMPANY

Address:

DUCKHORN WINE COMPANY
1000 LODI LANE
ST. HELENA, CA 94574
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 033

Class Status: Active

WINES

Basis: 1(a)

First Use Date: 1980-09-00

First Use in Commerce Date: 1980-11-00

ADDITIONAL INFORMATION

Disclaimer: "VINEYARDS"

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.

2011-06-29 - Case File In TICRS

2011-06-23 - Case File In TICRS

2007-02-21 - First renewal 10 year

2007-02-21 - Section 8 (10-year) accepted/ Section 9 granted

2007-02-21 - Assigned To Paralegal

2006-01-12 - Combined Section 8 (10-year)/Section 9 filed

2006-01-12 - PAPER RECEIVED

2004-09-24 - PAPER RECEIVED

1991-06-26 - Section 8 (6-year) accepted & Section 15 acknowledged

1991-02-19 - Section 8 (6-year) and Section 15 Filed

1986-01-28 - Registered - Principal Register

1985-11-29 - Examiner's amendment mailed

1985-11-05 - Published for opposition

1985-10-06 - Notice of publication

1985-08-22 - Approved for Pub - Principal Register (Initial exam)

1985-07-23 - Assigned To Examiner

1985-07-08 - Communication received from applicant

1985-01-03 - Non-final action mailed

1984-12-08 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

R. GWEN PETERSON

Correspondent

R. GWEN PETERSON

TOWNSEND AND TOWNSEND AND CREW LLP

2 EMBARCADERO CTR FL 8

SAN FRANCISCO, CA 94111-3833

Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40 and 50

Reg. No. 2,309,011

United States Patent and Trademark Office

Registered Jan. 18, 2000

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN VINEYARDS

ST. HELENA WINE COMPANY, INC. (CALI-
FORNIA CORPORATION), DBA DUCKHORN
VINEYARDS
1000 LODI LANE
ST. HELENA, CA 94576

OWNER OF U.S. REG. NO. 1,380,695.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "VINEYARDS", APART FROM
THE MARK AS SHOWN.

FOR: CORKSCREWS, IN CLASS 21 (U.S. CLS.
2, 13, 23, 29, 30, 33, 40 AND 50).
FIRST USE 5-0-1994; IN COMMERCE
11-0-1997.

SER. NO. 75-575,028, FILED 10-22-1998.

SCOTT OSLICK, EXAMINING ATTORNEY

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

This page was generated by the TARR system on 2011-07-13 17:07:21 ET

Serial Number: 75575028 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2309011

Mark (words only): DUCKHORN VINEYARDS

Standard Character claim: No

Current Status: The registration has been renewed.

Date of Status: 2010-01-31

Filing Date: 1998-10-22

Transformed into a National Application: No

Registration Date: 2000-01-18

Register: Principal

Law Office Assigned: LAW OFFICE 108

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: 2010-01-31

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

1. DUCKHORN WINE COMPANY

Address:

DUCKHORN WINE COMPANY
1000 LODI LANE
ST. HELENA, CA 94574
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 021

Class Status: Active

Corkscrews

Basis: 1(a)

First Use Date: 1994-05-00

First Use in Commerce Date: 1997-11-00

ADDITIONAL INFORMATION

Disclaimer: "Vineyards"

Prior Registration Number(s):
1380695

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.

2010-01-31 - First renewal 10 year

2010-01-31 - Section 8 (10-year) accepted/ Section 9 granted

2010-01-25 - Combined Section 8 (10-year)/Section 9 filed

2010-01-25 - PAPER RECEIVED

2006-05-24 - Case File In TICRS

2006-04-18 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-04-14 - Assigned To Paralegal

2006-01-12 - Section 8 (6-year) and Section 15 Filed

2006-01-12 - Section 8 (6-year) and Section 15 Filed

2006-01-12 - PAPER RECEIVED

2004-09-24 - PAPER RECEIVED

2000-01-18 - Registered - Principal Register

1999-10-26 - Published for opposition

1999-09-24 - Notice of publication

1999-06-15 - Approved for Pub - Principal Register (Initial exam)

1999-06-03 - Examiner's amendment mailed

1999-05-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

R. GWEN PETERSON,

Correspondent

R. GWEN PETERSON,
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARACADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CA 94111-3834

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,689,807

Registered Feb. 25, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DUCKHORN

DUCKHORN WINE COMPANY (CALIFORNIA
CORPORATION)
1000 LODI LANE
ST. HELENA, CA 94574

OWNER OF U.S. REG. NOS. 1,380,695 AND
2,309,011.

SEC. 2(F).

FOR: WINES, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 76-124,853, FILED 9-8-2000.

FIRST USE 9-0-1980; IN COMMERCE 11-0-1980.

GEORGIA CARTY, EXAMINING ATTORNEY

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

This page was generated by the TARR system on 2011-07-13 17:07:36 ET

Serial Number: 76124853 Assignment Information Trademark Document Retrieval

Registration Number: 2689807

Mark (words only): DUCKHORN

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2008-08-21

Filing Date: 2000-09-08

Transformed into a National Application: No

Registration Date: 2003-02-25

Register: Principal

Law Office Assigned: LAW OFFICE 111

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: 830 -Post Registration

Date In Location: 2008-08-21

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

1. Duckhorn Wine Company

Address:

Duckhorn Wine Company
1000 Lodi Lane
St. Helena, CA 94574
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 033

Class Status: Active

Wines

Basis: 1(a)

First Use Date: 1980-09-00

First Use in Commerce Date: 1980-11-00

ADDITIONAL INFORMATION

Section 2(f)**Prior Registration Number(s):**

1380695

2309011

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.

2008-08-21 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-04-30 - Assigned To Paralegal

2008-04-18 - Section 8 (6-year) and Section 15 Filed

2008-04-18 - PAPER RECEIVED

2008-01-31 - Case File In TICRS

2006-09-15 - Review Of Correspondence Complete

2004-09-24 - PAPER RECEIVED

2003-02-25 - Registered - Principal Register

2002-12-03 - Published for opposition

2002-11-13 - Notice of publication

2001-11-09 - Approved for Pub - Principal Register (Initial exam)

2001-09-06 - Communication received from applicant

2001-03-06 - Non-final action mailed

2001-02-21 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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