

ESTTA Tracking number: **ESTTA428362**

Filing date: **09/01/2011**

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	Screaming Eagle Partners LLC		
Entity	limited liability company	Citizenship	California
Address	P.O. Box 12 Oakville, CA 94562 UNITED STATES		

Attorney information	Rod S. Berman Jeffer Mangels Butler & Mitchell LLP 1900 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 UNITED STATES trademarkdocket@jmbm.com Phone:310-203-8080		
----------------------	---	--	--

Applicant Information

Application No	85276302	Publication date	08/09/2011
Opposition Filing Date	09/01/2011	Opposition Period Ends	09/08/2011
Applicant	DALLACORP LLC P.O. BOX 447 Rutherford, CA 94573 UNITED STATES		

Goods/Services Affected by Opposition

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

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2925140	Application Date	11/14/2003
Registration Date	02/08/2005	Foreign Priority Date	NONE
Word Mark	SCREAMING EAGLE		

Design Mark	SCREAMING EAGLE
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1995/09/20 First Use In Commerce: 1995/10/01 Wine

U.S. Registration No.	3004349	Application Date	08/25/2004
Registration Date	10/04/2005	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a stylized soaring eagle.		
Goods/Services	Class 033. First use: First Use: 1995/09/20 First Use In Commerce: 1995/10/01 wine		

Attachments	78328097#TMSN.jpeg (1 page)(bytes) 78472987#TMSN.jpeg (1 page)(bytes) 0021 Notice of Opposition - STONE EAGLE - Dallacorp.pdf (4 pages)(45752 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	/rod s. berman/
Name	Rod S. Berman

Date	09/01/2011
------	------------

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

SCREAMING EAGLE PARTNERS, LLC, Opposer, v. DALLACORP, Applicant.	Opposition No.: _____ Application Serial No.: 85/276,302 Mark: STONE EAGLE Published for Opposition: August 9, 2011 Atty. Ref. No.: 68958-0021
--	--

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

NOTICE OF OPPOSITION

Opposer Screaming Eagle Partners, LLC, a California limited liability company, ("Opposer"), having an address of P.O. Box 12, Oakville, California 94562, believes that it will be damaged by the registration on the Principal Register of the STONE EAGLE mark ("Applicant's Mark") that is the subject of Federal trademark application Serial No. 85,276,302 (the "Application"), allegedly owned by Dallacorp ("Applicant"), in connection with wine in International Class 33 as identified in the Application, and Opposer hereby opposes registration thereof.

As grounds for this Opposition, it is alleged that:

1. Opposer is the owner of record of Registration No. 2,925,140, issued on February 8, 2005, for SCREAMING EAGLE ("the '140 Reg."), as well as of the goodwill connected therewith. Opposer has been using the '140 Reg. in commerce in connection with wine. Opposer's registration is unrevoked and incontestable.

2. Opposer is the owner of record of Registration No. 3,004,349, issued on October



4, 2005, for the design mark ("the '349 Reg."), as well as of the goodwill connected therewith. Opposer has been using the mark of the '349 Reg. in commerce in connection with wine. Opposer's registration is unrevoked and uncanceled.

3. On information and belief, Applicant is a Washington limited liability company with an address of P.O. Box 447, Rutherford, California 94573.

4. On information and belief, Applicant is the owner of record of the Application.

5. As set forth in Opposer's registrations identified above, Opposer has been using the mark of the '349 Reg. and the '140 Reg. in connection with wine since at least as early as 1995.

6. Since long prior to March 24, 2011, the filing date of the Application, Opposer has widely advertised and promoted the marks of the '349 Reg. and the '140 Reg. in connection with wine with the result that the marks of the '349 Reg. and the '140 Reg. have become well known and associated with Opposer in the United States. Because of these efforts, and by virtue of the excellence and success of the wine offered and provided by Opposer under the '349 Reg. and the '140 Reg., Opposer has built up a valuable reputation and tremendous goodwill in the '349 Reg. and the '140 Reg. belonging exclusively to Opposer.

7. Applicant's Mark so resembles the '349 Reg. and the '140 Reg. as to be likely, when used in connection with Applicant's goods as described in the Application, as to cause confusion, or mistake, or deception. Consumers will likely believe that Applicant's use of Applicant's Mark in connection with the goods identified in the Application is in some way associated or connected with or sponsored, authorized, approved or licensed by Opposer. Any objection or fault with the goods offered in connection with Applicant's Mark may reflect upon

and seriously injure Opposer's reputation in connection with the wine offered in connection with '349 Reg. and the '140 Reg.

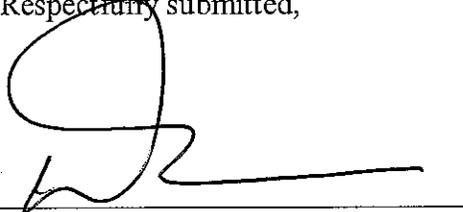
8. Opposer's Mark is a famous mark as defined by U.S.C.A. §1125(c)(1).

9. Applicant's Mark so resembles Opposer's Mark as to be likely, when used in connection with Applicant's Goods, as to cause dilution of Opposer's Mark.

10. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to use of Applicant's Mark in connection with the goods identified in the Application. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. § 1063), Opposer prays that this Opposition be sustained and that Application Serial No. 85,276,302 be refused.

Respectfully submitted,



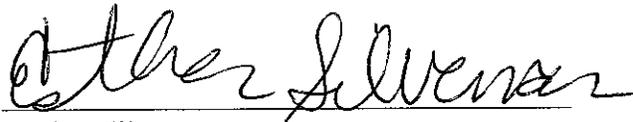
Dated: September 1, 2011

Rod S. Berman
JEFFER, MANGELS, BUTLER & MITCHELL LLP
1900 Avenue of the Stars, Seventh Floor
Los Angeles, CA 90067
(310) 203-8080
E-mail: trademarkdocket@jmbm.com
Attorneys for Opposer Screaming Eagle Partners, LLC

CERTIFICATE OF SERVICE

It is hereby certified that on **September 1, 2011**, a copy of the foregoing NOTICE OF OPPOSITION has been sent by first class mail, postage prepaid to Opposer at the correspondence address of record in the Patent and Trademark Office:

Bruce T. Goto
Riddell Williams P.S.
1001 4th Ave., Ste 4500
Seattle, WA 98154-1065

A handwritten signature in black ink, appearing to read "Esther Silverman", written in a cursive style.

Esther Silverman