

ESTTA Tracking number: **ESTTA493968**

Filing date: **09/12/2012**

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	Etablissements Jean-Pierre Moueix
Granted to Date of previous extension	09/12/2012
Address	54 Quai du Priourat Libourne, 33500 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	85483341	Publication date	05/15/2012
Opposition Filing Date	09/12/2012	Opposition Period Ends	09/12/2012
Applicant	Mayfair Brands (Ireland) Ltd Unit 35 Docklands Innovation Park Dublin 3, IRELAND		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages except beers; Rum
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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.	3506355	Application Date	04/22/2003
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	PROVIDENCE		

Design Mark	PROVIDENCE
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 wines

Attachments	78240668#TMSN.jpeg (1 page)(bytes) ETABLISSEMENTS JEAN-PIERRE MOUEIX V MAYFAIR BRANDS - NOT OF OPPOSITION - 9-12-12.pdf (8 pages)(298754 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	09/12/2012

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

In re Application No. 85/483341
Published May 15, 2012

Etablissements Jean-Pierre Moueix <i>Opposer,</i> v. Mayfair Brands (Ireland) Ltd <i>Applicant</i>
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Opposition No.

NOTICE OF OPPOSITION

Etablissements Jean-Pierre Moueix, a corporation organized and existing under the laws of France, with an office at 54 Quai du Priourat, 33500 Libourne, France, believes that it will be damaged by registration of the mark shown in Application Serial No. 85/483341 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark **PROVIDENCIA** for alcoholic beverages except beers; rum.
2. Opposer is the owner of all right, title and interest in and to the trademark **PROVIDENCE**.
3. Opposer is the owner of all right, title and interest in and to Registration No. 3,506,355 for **PROVIDENCE** for wines.

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 TSDR that shows that the current status and title of Registration No. 3,506,355 is in the name of Opposer.

5. Opposer has used the trademark **PROVIDENCE** in commerce since September, 2007, long prior to the filing date of Applicant's Application No. 85/483341.

6. Opposer has priority.

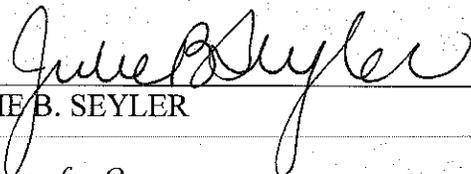
7. Applicant's mark **PROVIDENCIA** is substantially similar to Opposer' mark **PROVIDENCE**.

8. Applicant's goods are commercially related to Opposer's goods.

8. 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. 85/483341 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,



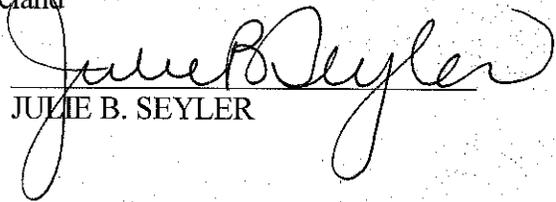
JULIE B. SEYLER
Attorney for Opposer

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 12th day of September, 2012 upon the following:

Roger Hatfield
MAYFAIR BRANDS (IRELAND) LTD.
Unit 35 Docklands Innovation Park
Dublin 3 Ireland



JULIE B. SEYLER

EXHIBIT A

Generated on: This page was generated by TSDR on 2012-09-12 11:07:15 EST

Mark: PROVIDENCE

PROVIDENCE

US Serial Number: 78240668

Application Filing Date: Apr. 22, 2003

US Registration Number: 3506355

Registration Date: Sep. 23, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Sep. 23, 2008

Publication Date: Aug. 24, 2004

Notice of Allowance Date: Nov. 16, 2004

Mark Information

Mark Literal Elements: PROVIDENCE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: wines

International Class: 033 - Primary Class **U.S Class:** 047, 049
Class Status: ACTIVE
Basis: 1(a)
First Use: Sep. 2007 **Use in Commerce:** Sep. 2007

Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

Current Owner(s) Information

Owner Name: Etablissements Jean-Pierre Moueix
54 Quai du Priourat
Owner Address: 33500 Libourne
FRANCE

Legal Entity Type: CORPORATION **State or Country Where Organized:** FRANCE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: LAWRENCE E ABELMAN **Docket Number:** 869159

Correspondent

LAWRENCE E ABELMAN
ABELMAN FRAYNE & SCHWAB
Correspondent Name/Address: 666 3RD AVE 10TH FL
NEW YORK, NEW YORK 10017
UNITED STATES

Phone: 212-949-9022 **Fax:** 212-949-9190

Domestic Representative

**Domestic
Representative
Name:**

Lawrence E. Abelman

Phone: 212-949-9022

Fax: 212-949-9190

Prosecution History

Date	Description	Proceeding Number
Sep. 23, 2008	REGISTERED-PRINCIPAL REGISTER	
Aug. 21, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	74215
Aug. 21, 2008	ASSIGNED TO LIE	74215
Aug. 14, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 01, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 01, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 01, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 09, 2008	NON-FINAL ACTION MAILED	
Jan. 08, 2008	SU - NON-FINAL ACTION - WRITTEN	76833
Dec. 06, 2007	STATEMENT OF USE PROCESSING COMPLETE	76538
Nov. 16, 2007	USE AMENDMENT FILED	76538
Nov. 16, 2007	AMENDMENT AFTER NOA NOT ENTERED	76538
Nov. 16, 2007	TEAS STATEMENT OF USE RECEIVED	
Nov. 16, 2007	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 01, 2007	EXTENSION 5 GRANTED	98765
May 01, 2007	EXTENSION 5 FILED	98765
May 01, 2007	TEAS EXTENSION RECEIVED	
Nov. 09, 2006	EXTENSION 4 GRANTED	98765
Nov. 09, 2006	EXTENSION 4 FILED	98765
Nov. 09, 2006	TEAS EXTENSION RECEIVED	
Apr. 27, 2006	EXTENSION 3 GRANTED	98765
Apr. 27, 2006	EXTENSION 3 FILED	98765
Apr. 27, 2006	TEAS EXTENSION RECEIVED	
Apr. 05, 2006	APPLICANT/CORRESPONDENCE CHANGES (NON-	66530

	RESPONSIVE) ENTERED	
Feb. 07, 2006	PAPER RECEIVED	
Nov. 06, 2005	EXTENSION 2 GRANTED	98765
Nov. 06, 2005	EXTENSION 2 FILED	98765
Nov. 06, 2005	TEAS EXTENSION RECEIVED	
Apr. 28, 2005	EXTENSION 1 GRANTED	98765
Apr. 28, 2005	EXTENSION 1 FILED	98765
Apr. 28, 2005	TEAS EXTENSION RECEIVED	
Nov. 16, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Aug. 24, 2004	PUBLISHED FOR OPPOSITION	
Aug. 04, 2004	NOTICE OF PUBLICATION	
Apr. 16, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 15, 2004	PAPER RECEIVED	
Oct. 14, 2003	NON-FINAL ACTION MAILED	
Sep. 25, 2003	ASSIGNED TO EXAMINER	76833

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION **Date in Location:** Aug. 21, 2008