

ESTTA Tracking number: **ESTTA503251**

Filing date: **11/01/2012**

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	Ste. Michelle Wine Estates LTD.
Granted to Date of previous extension	11/07/2012
Address	14111 NE 145th Street Woodinville, WA 98072 UNITED STATES

Attorney information	J. Scott Gerien Dickenson, Peatman & Fogarty 1455 First Street, Ste. 301 Napa, CA 94559 UNITED STATES tmdept@dpf-law.com
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Applicant Information

Application No	85539125	Publication date	07/10/2012
Opposition Filing Date	11/01/2012	Opposition Period Ends	11/07/2012
Applicant	CJS Beverage Corp. LaSasso Griesmeyer Law Group PLLC 80 Maiden Lane, Suite 2205 New York, NY 10038 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages except beer, alcoholic carbonated beverages except beer and alcoholic cocktail mixes

Grounds for Opposition

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

U.S. Registration No.	3056032	Application Date	07/19/2004
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	14 HANDS		

Design Mark	14 HANDS
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2005/03/14 First Use In Commerce: 2005/03/14 Wine

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	14 HANDS		
Goods/Services	WINE		

Attachments	76602859#TMSN.gif (1 page)(bytes) Notice_of_Opposition-17_HANDS.pdf (4 pages)(336867 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.

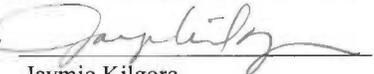
Signature	/Jaymie Kilgore/
Name	Jaymie Kilgore
Date	11/01/2012

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Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <<http://estta.uspto.gov>>.

Dated: 11/1/12

By 
Jaymie Kilgore

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

Ste. Michelle Wine Estates, Ltd.

Opposer,

vs.

CJS Beverage Corp.

Applicant

OPPOSITION NO.

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Ste. Michelle Wine Estates, Ltd., a corporation organized under the laws of the State of Washington and located at 14111 NE 145th St., Woodinville, Washington 98072 (“Opposer”), believes it will be damaged by registration of the mark 17 HANDS for alcoholic beverages except beer, alcoholic carbonated beverages except beer and alcoholic cocktail mixes in class 33 as shown in application Serial No. 85/539,125 filed on February 10, 2012, by CJS Beverage Corp., a corporation organized under the laws of the State of New York (“Applicant”), and hereby opposes same.

Solely for the purpose of this proceeding, Opposer alleges the following as grounds for opposition:

- 1 1. Applicant seeks to register 17 HANDS as a trademark for alcoholic beverages
2 except beer, alcoholic carbonated beverages except beer and alcoholic cocktail
3 mixes in class 33, based on intended use, as evidenced by the publication of such
4 mark on July 10, 2012. The application for such mark was filed with the USPTO
5 on February 10, 2012.

- 6 2. Opposer is the owner of incontestable U.S. Trademark Registration No. 3,056,032
7 issued on January 31, 2006, for the mark 14 HANDS for wine in International
8 Class 33 with a first use date of March 14, 2005, and a filing date of July 19, 2004,
9 both of which precede any known date of first use or constructive filing date for
10 Applicant's 17 HANDS mark for alcoholic beverages except beer, alcoholic
11 carbonated beverages except beer and alcoholic cocktail mixes in class 33.

- 12 3. Opposer alleges that Applicant's applied-for mark is likely to cause confusion,
13 mistake or to deceive the public. Applicant's 17 HANDS mark for alcoholic
14 beverages except beer, alcoholic carbonated beverages except beer and alcoholic
15 cocktail mixes in class 33 is nearly identical to Opposer's 14 HANDS mark for
16 wine and the respective goods on which the marks are used are identical,
17 substantially similar or related and said products are purchased by the same group
18 of consumers. Accordingly, Applicant's mark is confusingly similar to Opposer's
19 mark such that Applicant is not entitled to register its mark and Applicant's
20 application should be denied in accordance with Section 2(d) of the Trademark
21 Act of 1946, 15 U.S.C. §1052(d).

- 22 4. Opposer avers that if Applicant is granted the registration herein opposed, it would
23 interfere with Opposer's exclusive right to use its 14 HANDS mark herein relied
24 upon, all to the detriment and damage of Opposer. Accordingly, Opposer avers
25 that for the reasons aforesaid, it will be damaged by a grant of registration to
26 Applicant of its trademark which is the subject of Serial No. 85/539,125.

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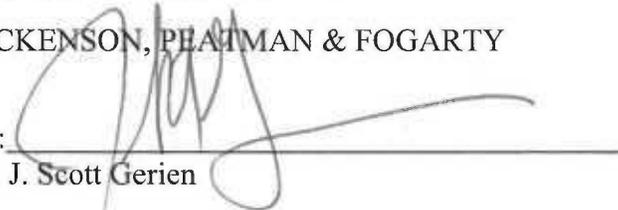
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WHEREFORE, Opposer prays as follows:

1. That this Opposition be sustained;
2. That Application Serial No. 85/539,125 be rejected; and
3. That registration of the trademark 17 HANDS shown and specified in Application Serial No. 85/539,125 be refused and denied.

Please charge Opposer's counsel's Deposit Account #503564 the \$300 filing fee for the Opposition, and any other fees which may be necessary to effect the filing of this opposition.

Dated: 11/1/12

Respectfully submitted,
DICKENSON, PEATMAN & FOGARTY
By: 
J. Scott Gerien

1455 First Street, Ste. 301
Napa, California 94559
Telephone: (707) 252-7122
Facsimile: (707) 255-6876

Attorneys for Petitioner
Ste. Michelle Wine Estates, Ltd.

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PROOF OF SERVICE

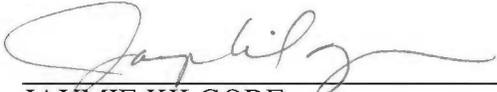
I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 1455 First Street, Ste. 301, Napa, California 94559. On November 1, 2012, I served the attached **NOTICE OF OPPOSITION** on the person(s) listed below:

**Roger J. Griesmeyer
Lasasso Griesmeyer Law Group Pllc
80 Maiden Lane, Rm 2205
New York, NY 10038-4817**

by enclosing a true copy in a sealed envelope addressed as shown above and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed November 1, 2012, at Napa, California.



JAYMIE KILGORE
Legal Secretary