

ESTTA Tracking number: **ESTTA507508**

Filing date: **11/26/2012**

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	Domaine Carneros. Ltd.
Granted to Date of previous extension	02/06/2013
Address	1240 Duhig Road Napa, CA 94558 UNITED STATES

Attorney information	Katja Loeffelholz Dickenson, Peatman & Fogarty 1455 FIRST STREET, STE. 301 NAPA, CA 94559 UNITED STATES tmdept@dpf-law.com, kloeffelholz@dpf-law.com
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Applicant Information

Application No	85621405	Publication date	10/09/2012
Opposition Filing Date	11/26/2012	Opposition Period Ends	02/06/2013
Applicant	Intercontinental Packaging Co. 1999 Shepard Road St. Paul, MN 55116 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages except beers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	common law

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2255988	Application Date	07/31/1997
Registration Date	06/22/1999	Foreign Priority Date	NONE
Word Mark	LE REVE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1998/02/00 First Use In Commerce: 1998/04/29 wines, sparkling wines

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LE REVE		
Goods/Services	wines and sparkling wines		

Attachments	Notice of Opposition.pdf (4 pages)(285612 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	11/26/2012

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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: 11/26/12

By Jaymie Kilgore
Jaymie Kilgore

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

Domaine Carneros, Ltd.

Opposer,

vs.

Intercontinental Packaging Co.,

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Domaine Carneros, Ltd. a limited liability company organized under the laws of the State of Delaware and located at 1240 Duhig Road, Napa, CA 94558 (“**Opposer**”), believes it will be damaged by registration of the mark BEAU RÉVE for alcoholic beverages except beers as shown in Application Serial No. 85621405, filed on May 10, 2012, by Intercontinental Packaging Co., a Minnesota corporation, (“**Applicant**”), and hereby opposes same.

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

1. Applicant seeks to register the mark BEAU RÉVE as a trademark for alcoholic beverages except beers in International Class 33, Application Serial No. 85621405. The application for such mark was filed with the USPTO on May 10, 2012.
2. The trademark LE REVE has been used on wines and sparkling wines in U.S. commerce by Opposer since April, 1998. The LE REVE mark was in use long before Applicant's intent-to-use trademark application was filed in May of 2012.
3. Opposer is the owner of U.S. Trademark Registration No. 2,255,988 issued on June 22, 1999 for the mark LE REVE for wines and sparkling wines in International Class 33, with a date of first use in U.S. commerce of April 29, 1998. The LE REVE mark precedes any known date of first use or constructive first-use date for Applicant's BEAU RÉVE mark for alcoholic beverages except beers.
4. Opposer alleges that Applicant's applied-for mark is likely to cause confusion, mistake or to deceive the public. Applicant's mark BEAU RÉVE for alcoholic beverages except beers is highly similar to Opposer's LE REVE mark for wine as the marks share the same dominant term – REVE. The respective goods on which the marks are used are virtually identical, substantially similar, or related, and said products are purchased by the same group of consumers. Accordingly, Applicant's mark is confusingly similar to Opposer's mark such that Applicant is not entitled to register its mark and Applicant's application should be denied in accordance with Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d).
5. Opposer avers that if Applicant is granted the registration herein opposed, it would interfere with Opposer's exclusive right to use its LE REVE mark herein relied upon, all to the detriment and damage of Opposer. Accordingly, Opposer avers that for the reasons aforesaid, it will be damaged by a grant of registration to Applicant of its trademark which is the subject of Serial No. 85621405.

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WHEREFORE, Opposer prays as follows:

1. That this Opposition be sustained;
2. That Application Serial No. 85621405 be rejected; and
3. That registration of the trademark BEAU RÊVE shown and specified in Application Serial No. 85621405 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: Nov. 26, 2012

Respectfully submitted,
DICKENSON, PEATMAN & FOGARTY

By: Katja Loeffelholz
Katja Loeffelholz
J. Scott Gerien

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Attorneys for Opposer
Domaine Carneros, Ltd.

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PROOF OF SERVICE

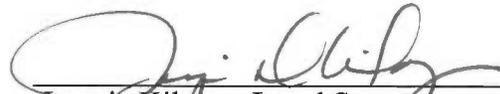
I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 1455 First Street, Suite 301, Napa, California 94559. On November 26, 2012, I served the attached **NOTICE OF OPPOSITION** on the person(s) listed below:

PAULETTE R. CAREY
BUCHMAN LAW FIRM, LLP
510 THORNALL ST. STE 200
EDISON, NEW JERSEY 08837-2204

by enclosing a true copy in a sealed envelope addressed as shown below 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 26, 2012, at Napa, California.


Jaymie Kilgore, Legal Secretary