

ESTTA Tracking number: **ESTTA532920**

Filing date: **04/17/2013**

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	C. Mondavi & Sons		
Entity	Corporation	Citizenship	California
Address	P.O. Box 191 St. Helena, CA 94574 UNITED STATES		

Attorney information	Sophie Cohen Cobalt LLP 918 Parker Street, Bldg. A21 Berkeley, CA 94710 UNITED STATES trademarks@cobaltlaw.com, sophie@cobaltlaw.com Phone:510-841-9800		
----------------------	--	--	--

### Applicant Information

Application No	85839837	Publication date	04/16/2013
Opposition Filing Date	04/17/2013	Opposition Period Ends	05/16/2013
Applicant	Quintessential, LLC 1310 Second Street Napa, CA 94559 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. First Use: 2012/02/24 First Use In Commerce: 2012/02/24  
All goods and services in the class are opposed, namely: Wines

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2236517	Application Date	08/20/1997
Registration Date	04/06/1999	Foreign Priority Date	NONE
Word Mark	GENERATIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1996/04/25 First Use In Commerce: 1996/04/25		

	wine
--	------

Attachments	Opposition NINE GENERATIONS.pdf ( 4 pages )(83905 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	/Sophie Cohen/
Name	Sophie Cohen
Date	04/17/2013

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

In the matter of Application Serial No. 85839837  
For the Trademark:  
NINE GENERATIONS  
Published in the Official Gazette on April 16, 2013

C. Mondavi & Sons	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
Quintessential, LLC	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Opposer, C. Mondavi & Sons (“C. Mondavi & Sons” or “Opposer”), a California corporation, having its principal place of business at P.O. Box 191, St. Helena, California, 94574, United States, believes it will be damaged by the issuance of a registration for the mark NINE GENERATIONS (“Applicant’s Mark” or “NINE GENERATIONS Mark”), as applied for in Application Serial No. 85839837, filed on February 4, 2013 by Applicant, Quintessential, LLC, a California limited liability company, located at 1310 Second Street, Napa, California, 94559, United States (“Applicant”). C. Mondavi & Sons hereby opposes Applicant’s application and requests that registration to Applicant be refused.

As grounds for opposition, C. Mondavi & Sons alleges:

1. C. Mondavi & Sons, founded in 1947, is a leading producer of California wines.
2. C. Mondavi & Sons owns an incontestable United States trademark registration for the mark GENERATIONS, Reg. No. 2236517 (Ser. No. 75344136), for “wine,” in Class 33 (the “GENERATIONS Mark”).
3. C. Mondavi & Sons, doing business as Charles Krug Winery, has consistently and continually marketed wine under the GENERATIONS Mark, itself or through its licensees, since

at least as early as April 25, 1996. By virtue of its marketing, the excellence of the underlying product, and awards and industry press recognition, the public has come to know, rely on, and recognize the GENERATIONS Mark as a source identifier for C. Mondavi & Sons' award-winning wine.

4. On February 4, 2013, Applicant filed an application to register the mark NINE GENERATIONS, for "wines," in Class 33.

5. Applicant's Mark is confusingly similar in sight and sound to C. Mondavi & Sons' GENERATIONS Mark. Applicant's Mark and C. Mondavi & Sons' GENERATIONS Mark share the identical and dominant "GENERATIONS" mark component.

6. Opposer's mark is identical or substantially identical in commercial impression to Applicant's mark.

7. Applicant's goods are commercially related to, or identical to, Opposer's wine products.

8. Opposer has priority. C. Mondavi & Sons started using the mark at least as early as April 25, 1996, filed its application for the GENERATIONS mark on August 20, 1997 and obtained a registration on April 6, 1999, which was before Applicant's application filing date of February 4, 2013 and Applicant's alleged first use date of February 24, 2012.

9. Applicant's targeted customer and consumer base overlaps with the customers and consumers of C. Mondavi & Sons' wine products.

10. Applicant's goods description contains no restrictions or limitation as to Applicant's channels of trade, thus C. Mondavi & Sons may assume that Applicant's Mark, like C. Mondavi & Sons' own GENERATIONS Mark, will be used in all accepted channels of trade. Therefore, in addition to overlapping consumer bases, Applicant's channels of trade for its wine products overlaps with the channels of trade used by, or exist within the natural sphere of expansion available to, C. Mondavi & Sons for marketing, selling, and otherwise distributing its GENERATIONS wines.

11. If Applicant is permitted to register its NINE GENERATIONS Mark for the goods specified in the Application herein opposed, confusion resulting in damage and injury to C. Mondavi & Sons would likely occur. Persons familiar with C. Mondavi & Sons' GENERATIONS Mark would likely perceive Applicant's products as associated, affiliated with,

or sponsored by C. Mondavi & Sons. Such confusion would inevitably result in damage to C. Mondavi & Sons.

12. C. Mondavi & Sons' customers and the relevant public are likely to misperceive Applicant's Mark as C. Mondavi & Sons' mark rather than as a mark of Quintessential, LLC and/or believe in error that goods offered under the Applicant's Mark are offered by, in association with, or under license from C. Mondavi & Sons.

13. Any defect, objection to, or fault found with Applicant's goods marketed under its NINE GENERATIONS Mark would necessarily reflect on and seriously injure the reputation that C. Mondavi & Sons has established for its premium wine products.

14. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use its NINE GENERATIONS Mark, all to the detriment of C. Mondavi & Sons.

15. In view of the substantial similarity between the respective marks and the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers 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. 85839837 and respectfully requests that registration be refused and this opposition be sustained.

Please deduct the opposition fee in the sum of \$300.00, pursuant to 37 C.F.R. §2.6(a)(17) from the Cobalt LLP deposit account, No. 503214.

COBALT LLP

Date: April 17, 2013

By: /Sophie Cohen/

Sophie Cohen, Esq.  
Tsan Abrahamson, Esq.  
Shabnam Malek, Esq.  
Attorneys for Opposer  
Cobalt LLP  
918 Parker Street, Building A21  
Berkeley, California, 94170-2596  
(510) 841-9800

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 17th day of April 2013, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by U.S. First Class Mail in an envelope, postage pre-paid, addressed as follows:

Bernard W. Gerdelman, Esq.  
Paule, Camazine & Blumenthal, P.C.  
165 N Meramec Ave Ste 110  
Saint Louis, Missouri 63105-3789

/Sophie Cohen/  
Sophie Cohen