

ESTTA Tracking number: **ESTTA552662**

Filing date: **08/07/2013**

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	Saddleback Farm, Winery, Vineyards and Stables, LLC
Granted to Date of previous extension	08/14/2013
Address	151 Veritas Lane Afton, VA 22920 UNITED STATES

Attorney information	Heather Balmat Balmat Law, PLLC 977 Seminole Trail, #342 Charlottesville, VA 22901 UNITED STATES hbalmat@balmatlaw.com Phone:(434) 260-1837
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**Applicant Information**

Application No	85768364	Publication date	04/16/2013
Opposition Filing Date	08/07/2013	Opposition Period Ends	08/14/2013
Applicant	Port Brewing, LLC 155 MATA WAY STE 104 San Marcos, CA 92069 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 032. First Use: 2006/11/01 First Use In Commerce: 2006/11/01 All goods and services in the class are opposed, namely: Beer
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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.	1006979	Application Date	10/04/1973
Registration Date	03/18/1975	Foreign Priority Date	NONE
Word Mark	VERITAS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 033. First use: First Use: 1973/09/20 First Use In Commerce: 1973/09/20 WINES
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Attachments	VERITASNoticeOpp.pdf(1894897 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	/Heather E. Balmat/
Name	Heather Balmat
Date	08/07/2013

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

In re: Serial No. 85/768,364  
Mark: VERITAS  
Published: April 16, 2013

<b>Saddleback Family Winery,</b>	)	
<b>Vineyards and Stables, LLC,</b>	)	
	)	<b>Opposition No.:</b>
<b>Opposer,</b>	)	
	)	<b>Mark: VERITAS</b>
v.	)	
	)	
<b>Port Brewing, LLC,</b>	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**NOTICE OF OPPOSITION**

Saddleback Family Farm, Winery, Vineyards and Stables, LLC, a limited liability company organized under the laws of the Commonwealth of Virginia and located at 151 Veritas Lane, Afton, VA 22920 ("**Opposer**"), believes it will be damaged by registration of the mark VERITAS as shown in Application Serial No. 85/768,364, filed on October 31, 2012, by Port Brewing, LLC, which is, on information and belief, a limited liability company organized under the laws of California and located at 155 Mata Way, Suite 104, San Marcos, CA 92069 ("**Applicant**"), and hereby opposes the issuance of such registration. The application was published in the *Official Gazette* of the United States Patent and Trademark Office on April 16, 2013; the time to oppose was extended by Opposer by means of a timely-filed request for extension of time in which to file this opposition.

The grounds for the opposition are as follows:

1. Applicant seeks to register the mark VERITAS as a trademark for use in connection with "beer" in International Class 33, Application Serial No. 85/768,364.
2. The application for this mark was filed with the United States Patent & Trademark Office ("USPTO") on October 31, 2012.
3. The application for this mark claims a date of first use of the mark by Applicant in interstate commerce of November 1, 2006.
4. Opposer is the owner, via valid and lawful assignment duly recorded with the USPTO, of U.S. Trademark Registration No. 1,006,979 issued on March 18, 1975 for the mark VERITAS for use in connection with "wines" in Class 33 (the "Registration").
5. Opposer, via its predecessor(s)-in-interest, first used the VERITAS trademark in interstate commerce in connection with wine at least as early as September 20, 1973.
6. Opposer acquired all right, title and interest in the VERITAS trademark and the Registration for same from the prior owner by means of a written assignment agreement executed and effective as of April 4, 2001 and recorded in the Assignment Branch of the United States Patent & Trademark Office on January 17, 2002 at reel/frame number 2399/0595.
7. Corrective recordation documents related to this assignment were later filed on July 7, 2011 at reel/frame numbers 4577/0314 and 4577/0443.
8. Opposer's Registration for the VERITAS mark is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065.
9. Opposer itself has used the VERITAS mark in connection with its wines in United States commerce continuously since at least as early as June 1, 2002.

10. Opposer's adoption and use of its VERITAS mark predates any known date of first use or constructive first-use date for Applicant's VERITAS mark for beer.
11. Applicant's registration and use of its mark is likely to cause confusion or mistake or to deceive the public as to the source of the goods offered under such mark.
12. Applicant's VERITAS mark for beer is identical to Opposer's VERITAS mark for wine.
13. The respective goods on which the marks are used are substantially similar or related, and said products are purchased by the same group of consumers.
14. 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).
15. Opposer avers that if Applicant is granted the registration herein opposed, it would interfere with Opposer's exclusive right to use its VERITAS mark, to the detriment of Opposer and the consuming public.
16. Accordingly, Opposer avers that for the reasons stated in this Notice of Opposition, Opposer will be damaged by a grant of registration to Applicant for its trademark, which is the subject of Application Serial No. 85/768,364.

WHEREFORE, Opposer files this Notice of Opposition and prays that Application Serial No. 85/768,364 be rejected, that no registration be issued

for it to Applicant, and for such other and further relief as may be deemed just and proper.

August 7, 2013

Respectfully submitted,

By:   
Heather E. Balmat

Heather E. Balmat  
Balmat Law, PLLC  
977 Seminole Tr., #342  
Charlottesville, VA 22901  
Tel.: (434) 260-1837  
[hbalmat@balmatlaw.com](mailto:hbalmat@balmatlaw.com)

Sean C. Ploen  
Ploen Law Firm, PC  
Fifth Street Towers  
100 South Fifth Street, Suite 1900  
Minneapolis, MN 55402-1267  
Tel.: (651) 894-6800  
[sploen@ploen.com](mailto:sploen@ploen.com)

COUNSEL FOR OPPOSER SADDLEBACK FAMILY FARM, WINERY, VINEYARDS  
AND STABLES, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Pollie Gautsch, Esq., G&A Legal, APC, 2033 San Elijo Ave., #201, Cardiff, CA 92007-1726.

Heather E. Balmat  
Signature

Heather E. Balmat  
Name

Aug. 7, 2013  
Date of Signature