

ESTTA Tracking number: **ESTTA685175**

Filing date: **07/22/2015**

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	Franciscan Vineyards, Inc.
Granted to Date of previous extension	07/22/2015
Address	1178 Galleron Road ST. HELENA, CA 94574 UNITED STATES

Attorney information	Stephen L. Baker Baker and Rannells PA 575 Route 28 Raritan, NJ 08869 UNITED STATES officeactions@br-tmlaw.com, K.Hnasko@br-tmlaw.com ,n.friedman@br-tmlaw.com,r.mcgonigle@br-tmlaw.com Phone:908-722-5640
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Applicant Information

Application No	86240115	Publication date	03/24/2015
Opposition Filing Date	07/22/2015	Opposition Period Ends	07/22/2015
Applicant	DAVIS ESTATES, LLC 15572 COMPUTER LANE HUNTINGTON BEACH, CA 92649 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Wine

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2888963	Application Date	03/14/2003
Registration Date	09/28/2004	Foreign Priority Date	NONE
Word Mark	RAVENS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1978/10/23 Wine

U.S. Registration No.	3134833	Application Date	02/02/2003
Registration Date	08/29/2006	Foreign Priority Date	NONE

Word Mark	RAVENS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1983/12/31 First Use In Commerce: 1983/12/31 [APRONS,] SHIRTS, T-SHIRTS, CAPS, JACKETS Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 WINES

U.S. Registration No.	2118152	Application Date	03/07/1997
Registration Date	12/02/1997	Foreign Priority Date	NONE

Word Mark	RAVENSWOOD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1990/06/30 First Use In Commerce: 1990/06/30 clothing, namely, aprons, bandanas, caps, gym shorts, hats, jeans jackets, polo-shirts, tank tops, T-shirts, and sweatshirts

U.S. Registration No.	2132719	Application Date	03/07/1997
Registration Date	01/27/1998	Foreign Priority Date	NONE

Word Mark	RAVENSWOOD
Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 wine

U.S. Registration No.	3457923	Application Date	12/20/2007
Registration Date	07/01/2008	Foreign Priority Date	NONE

Word Mark	RAVENSWOOD
Design Mark	RAVENSWOOD
Description of	NONE

Mark	
Goods/Services	Class 030. First use: First Use: 2004/08/00 First Use In Commerce: 2004/08/00 [Barbeque sauce;] Picante sauce; Ready-made sauces; Sauces; Sauces for barbecued meat

U.S. Registration No.	3954905	Application Date	09/07/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE

Word Mark	RAVENSWOOD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2010/04/01 First Use In Commerce: 2010/04/01 Buyers' club services; Customer loyalty services and customer club services, for commercial, promotional and/or advertising purposes; Retail gift shops; Retail-store and on-line retail store services featuring wines and wine accessories
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U.S. Registration No.	2130653	Application Date	03/07/1997
Registration Date	01/20/1998	Foreign Priority Date	NONE

Word Mark	NONE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1978/10/23 First Use In Commerce: 1980/02/29 wine

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Various Raven designs as alleged in Notice of Opposition, paragraph 2 thereof		
Goods/Services	Wine		

Related Proceedings	91218576
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Attachments	77356861#TMSN.png(bytes) 85123735#TMSN.png(bytes) 75253593#TMSN.png(bytes) doc03670920150722142736.pdf(2791759 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	/Stephen L. Baker/
Name	Stephen L. Baker
Date	07/22/2015

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

Franciscan Vineyards, Inc. Opposer v. Davis Family Estates, LLC Applicant	Mark: RAVISHING RAVEN Serial No.: 86240115 Filed: April 2, 2014
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NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C SECTION 1063

In the matter of trademark application Serial No. 86240115 filed by Applicant, Davis Family Estates, LLC (“Applicant”), for RAVISHING RAVEN as a trademark for Wine (“Applicant’s Goods”), published for opposition in the Official Gazette of March 24, 2015, the time to oppose having been extended, Opposer, Franciscan Vineyards, Inc. (“Opposer”) a corporation organized and existing under the laws of the Delaware and located and doing business at 1178 Galleron Road, St. Helena, California 94574, believes that it will be damaged by the registration of the alleged mark shown in Application Serial No. 86240115 and opposes the registration under the provisions of 15 U.S.C. §1063 (Trademark Act of 1946, Section 13).

As grounds of opposition, it is alleged that:

1. Opposer is the owner of numerous trademarks in a variety and constantly expanding number of classes that contain the word RAVEN and/or ravens designs and variations thereof (“Opposer’s Marks”) as trademarks, trade names, and as service marks. Examples of Opposer’s Marks are as follows:

Trademark	Serial No.	Application Date	Registration No.	Registration Date	Class	Trademark
RAVENS*	78225748	3/14/03	2888963	9/28/04	33	Registered
RAVENS*	78209897	2/2/03	3134833	8/29/06	25,33	Registered

RAVENSWOOD*	75253704	3/7/97	2118152	12/2/97	25	Registered
RAVENSWOOD*	75253709	3/7/97	2132719	1/27/98	33	Registered
RAVENSWOOD*	77356861	12/20/07	3457923	7/1/08	30	Pending
RAVENSWOOD	85123735	0/7/10	3954905	5/3/11	35	Registered
Mark Consists of the design of 3 Black Ravens In a Circle *						
	75253593	3/7/97	2130653	1/20/98	33	Registered

* designates an incontestable registration

2. In addition to the above, Opposer uses a wide variety of raven designs on its web site and elsewhere to promote its goods and service – see <http://www.ravenswoodwinery.com/#home> and the various pages connected thereto, copies of which are attached thereto.

3. Opposer is now and for many years has been trading as and known by the Opposer's Marks, identifying Opposer as the source of a wide variety of goods, including wine, the latter being identical to Applicant's Goods intended to be offered under its alleged mark RAVISHING RAVEN.

4. Because Applicant's mark is RAVISHING RAVEN for wine, confusion is enhanced where Opposer uses the design mark of Three Black Ravens and word marks RAVENS and/or RAVENSWOOD for wine in class 33 and related goods and services in class 25, 30 and 35.

5. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Mark for wine.

6. The use by Opposer of the Opposer's Mark for the Opposer's goods alleged herein is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.

7. Upon information and belief, Applicant intends to distribute and sell its goods through the same channels of trade as Opposer, and direct its respective goods to the same ultimate consumer as Opposer.

8. The Opposer's Marks and Applicant's RAVISHING RAVEN mark are confusingly similar when applied to the goods of the parties.

9. The goods of Applicant and Opposer are identical, and Applicant's intended use of RAVISHING RAVEN in connection with its goods is without the consent or permission of Opposer.

10. Since Opposer owns the Opposer's Mark by virtue of prior use, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Opposer and its goodwill.

11. The registration of the mark RAVISHING RAVEN to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Opposer, all to Opposer's irreparable damage.

12. As a result of long use, widespread advertising and promotion, and successful sales for nearly Thirty years, Opposer's Marks have become distinctive and famous, (being well-known and highly regarded throughout the United States), long prior to the date Applicant filed its application to registrar Applicant's Mark.

13. The registration of the mark RAVISHING RAVEN to Applicant will cause and/or is likely to cause dilution by the blurring of the distinctive quality of Opposer's Mark, all to Opposers irreparable damage.

14. Opposer believes that it is and will be damaged by registration of the mark applied by Applicant.

15. Upon information and belief, Applicant intends to use the design of one or more ravens on its intended label for its intended goods or otherwise in association with its alleged RAVISHING RAVEN mark, which would exacerbate the damage likely to be suffered by Opposer and would be indicative of Applicant's intent to cause confusion as between its alleged mark and the Opposer's Marks.

WHEREFORE, Opposer prays that the application for registration of Davis Family Estates, LLC . Serial No.: 86240115, filed on April 2, 2014 be denied and that this Opposition be sustained.

Respectfully submitted for Opposer
Franciscan Vineyards, Inc.

By: /Stephen L. Baker/
Stephen L. Baker
BAKER & RANNELLS
575 Route 28
Suite 102
Raritan, NJ 08869
(908) 722-5640

Dated: July 22, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Notice of Opposition, in re Franciscan Vineyards, Inc. v. Davis Family Estates, LLC was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 22h day of July, 2015 to the attorney for Applicant at the following address:

DANIEL A. REIDY
LAW OFFICE OF DANIEL REIDY
1230 SPRING ST STE B
SAINT HELENA, CALIFORNIA 94574-2070

/Stephen L. Baker/
Stephen L. Baker

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Ravenswood's "No Wimpy Wines" credo says it all – embrace the bold, abhor the bland. From our flock of **Single Vineyard Designate** wines, as unique as the individual vineyards they're from and the people who farm them, to the **County Series** wines that capture the spirit of California's best growing regions and the popular **Vintners Blend** bottlings sourced from vineyards throughout California, we strive to put what we pick from the fields right into the bottle. Unadulterated, unapologetic, unfussy, unwimpy.

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JOEL *Joel Peterson*

Affectionately known as the “Godfather of Zin”, Joel is both an articulate spokesman and a gutsy trendsetter who helped make Zinfandel the phenomenon that it is today. From a garage operation to the #1 producer of Zinfandel worldwide, Joel has been there for every bottle.

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