

ESTTA Tracking number: **ESTTA691969**

Filing date: **08/26/2015**

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	Viña Concha y Toro
Granted to Date of previous extension	08/26/2015
Address	TORRE NORTE, PISO 15 Santiago, 481 CHILE
Attorney information	GEORGE W LEWIS WESTERMAN HATTORI DANIELS & ADRIAN 1250 CONNECTICUT AVENUE NW STE. 700 WASHINGTON, DC 20036 UNITED STATES trademarkmail@whda.com, glewis@whda.com, tjeffery@whda.com Phone:202.822.1100

Applicant Information

Application No	86460426	Publication date	04/28/2015
Opposition Filing Date	08/26/2015	Opposition Period Ends	08/26/2015
Applicant	Custom Tailored Brands 141 west 78th street New York, NY 10024 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: Grape wine; Red wine; Rose wine; Still wines; Table wines; White wine; Wine; Wines and fortified wines; Wines and sparkling wines

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.	2917361	Application Date	12/15/2003
Registration Date	01/11/2005	Foreign Priority Date	NONE
Word Mark	AMELIA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1996/01/22 First Use In Commerce: 1996/01/22 Wines and sparkling wines

Attachments	78340827#TMSN.png(bytes) 155154TMOPP Notice of Opposition.pdf(1340145 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	/george lewis/
Name	GEORGE W LEWIS
Date	08/26/2015

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

Viña Concha y Toro SA)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	U.S. S/N: 86/460,426
Custom Tailored Brands d/b/a CT Brands)	Mark: AMELIE
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 86/460,426 for the mark AMELIE (“Applicant’s Mark”) filed November 20, 2014, in the name of Custom Tailored Brands d/b/a CT Brands, published for opposition in the Official Gazette of April 28, 2015.

The Opposer, Viña Concha y Toro SA, believes that it is or will be damaged by registration of said Application Serial No. 86/460,426 in Class 33 and hereby opposes same. The grounds for opposition are as follows:

1. Opposer is a corporation of Chile, located at Torre Norte, Piso 15, Las Condes, Nueva Tajamar 481, Santiago, Chile (hereinafter Opposer).

2. Opposer is the owner of U.S. Trademark Registration No. 2917361 for the mark AMELIA; which issued to registration on January 11, 2005 in connection with wines and sparkling wines in Class 33. This registration is in full force and effect, and constitute *prima facie* evidence of Opposer's ownership of Opposer's Mark and its exclusive right to use Opposer's Mark in commerce under Section 7(b) of the Trademark Act, as amended, 15 U.S.C. §1057. A copy of this registration is attached as Exhibit A.

3. Notwithstanding Opposer's established prior rights Applicant, Custom Tailored Brands d/b/a CT Brands, filed on November 20, 2014 based upon intent-to-use Section 1(b) in the United States Patent and Trademark Office an application for trademark registration of the mark AMELIE, which, as published, identifies goods in Class 33 as "Grape wine; Red wine; Rose wine; Still wines; Table wines; White wine; Wine; Wines and fortified wines; Wines and sparkling wines."

4. Commencing at least as early as January 1996 and long prior to the November 20, 2014 date of filing of the opposed intent to use based application herein, Opposer has adopted and used and is now using the mark AMELIA ("Opposer's Mark") alone and in combination with design features in association with the sale, preparation, distribution and marketing of wines (Opposer's Goods").

5. The use of the mark sought to be registered by Applicant is likely to cause confusion or mistake in the minds of purchasers and lead purchasers and prospective purchasers to believe Applicant's goods are the goods of Opposer, or in some way backed by, sponsored by, franchised by, approved by, associated with, or otherwise connected with the good name and reputation of Opposer, to the damage and injury of the purchasing public, and to the damage and injury of Opposer and its goodwill in the AMELIA mark.

7. Applicant's AMELIE mark is a colorable imitation of, and so resembles Opposer's Mark, that when applied to the goods of the Applicant, the opposed mark would cause confusion, or cause mistake or to deceive consumers, resulting in damage and detriment to Opposer and its reputation.

8. Opposer believes that it will be damaged by the issuance of a registration to Applicant for its asserted AMELIE mark, as set forth in the subject Application Serial No. 86/460,426, in that the mark is substantially similar to, and a colorable imitation of Opposer's Marks and, upon information and belief, is intended to be used in connection with the identified goods which are the same as and/or related to the goods of Opposer under Opposer's Marks.

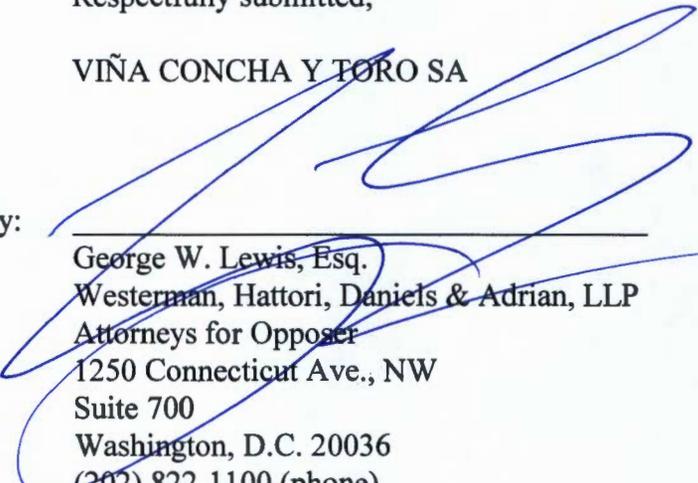
WHEREFORE, this Opposer, Viña Concha y Toro SA, believes and avers that it will be damaged by registration of the published AMELIE mark in Class 33, and respectfully requests that Application Serial No. 86/460,426 be rejected and that no registration issue thereon, and that this Opposition be sustained by issuance of judgment in favor of Opposer.

Respectfully submitted,

VIÑA CONCHA Y TORO SA

Date: August 26, 2015

By:

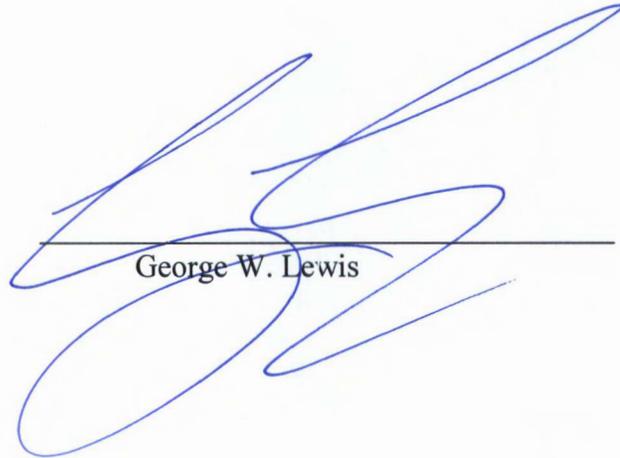

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Atty. Docket No.: 155154TMOPP

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **NOTICE OF OPPOSITION** was electronically filed in the Patent and Trademark Office on August 26, 2015, and was served on Applicant via first class mail, at their address of record in the USPTO, postage prepaid, on this 26th day of August, 2015 as follows:

Custom Tailored Brands
DBA CT Brands
141 west 78th street
New York, New York 10024



George W. Lewis

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,917,361

Registered Jan. 11, 2005

**TRADEMARK
PRINCIPAL REGISTER**

AMELIA

VIÑA CONCHA Y TORO S.A. (CHILE CORPORATION)
NUEVA TAJAMAR 481, TORRE NORTE, PISO 15
LAS CONDES
SANTIAGO, CHILE

FOR: WINES AND SPARKLING WINES, IN
CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 1-22-1996; IN COMMERCE 1-22-1996.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-340,827, FILED 12-15-2003.

KIMBERLY FRYE, EXAMINING ATTORNEY

EXHIBIT A