

Voluntary Amendment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	86841550
LAW OFFICE ASSIGNED	LAW OFFICE 111
MARK SECTION	
MARK	https://tmng-al.uspto.gov/resting2/api/img/86841550/large
LITERAL ELEMENT	NOTABLE
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	033
DESCRIPTION	Alcoholic beverages except beers; Wine
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	033
TRACKED TEXT DESCRIPTION	
Alcoholic beverages except beers ; Wine	
FINAL DESCRIPTION	Wine
FILING BASIS	Section 1(b)
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	Attached please find a co-existence agreement and consent to register between the Applicant and the Owner of the cited registration for GRANADO, Destileria Serralles, for Examiner's consideration. Please review the attached agreement, accept it, withdraw the 2(d) objection, and approve the application for publication.
MISCELLANEOUS FILE NAME(S)	
ORIGINAL PDF FILE	mis-6911890159-20170710150413966305_ . Signed Co-Existence Agreement-Notable.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT17\IMAGEOUT17\868\415\86841550\xml7\PRA0002.JPG
	\\TICRS\EXPORT17\IMAGEOUT17\868\415\86841550\xml7\PRA0003.JPG
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Stephen L. Baker/
SIGNATORY'S NAME	Stephen L. Baker

SIGNATORY'S POSITION	Attorney of Record, NY Bar Member
DATE SIGNED	07/10/2017
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Jul 10 15:09:36 EDT 2017
TEAS STAMP	USPTO/PRA-XX.XXX.XX.XXX-2 0170710150936845478-86841 550-590b577c07998849fa773 3fecad1ba8449fa5a64ff95ed f4e7ec2af347c27a3f1ce-N/A -N/A-20170710150413966305

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PTO Form 1966 (Rev 10/2011)
OMB No. 0651-0050 (Exp 07/31/2017)

Voluntary Amendment

To the Commissioner for Trademarks:

Application serial no. **86841550** NOTABLE(Standard Characters, see <https://tmng-al.uspto.gov/resting2/api/img/86841550/large>) has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 033 for Alcoholic beverages except beers; Wine

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

Proposed:

Tracked Text Description: ~~Alcoholic beverages except beers~~; Wine

Class 033 for Wine

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

ADDITIONAL STATEMENTS

Miscellaneous Statement

Attached please find a co-existence agreement and consent to register between the Applicant and the Owner of the cited registration for GRANADO, Destileria Serralles, for Examiner's consideration. Please review the attached agreement, accept it, withdraw the 2(d) objection, and

approve the application for publication.

Original PDF file:

[mis-6911890159-20170710150413966305_._Signed_Co-Existence_Agreement-Notable.pdf](#)

Converted PDF file(s) (2 pages)

[Miscellaneous File1](#)

[Miscellaneous File2](#)

SIGNATURE(S)

Voluntary Amendment Signature

Signature: /Stephen L. Baker/ Date: 07/10/2017

Signatory's Name: Stephen L. Baker

Signatory's Position: Attorney of Record, NY Bar Member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 86841550

Internet Transmission Date: Mon Jul 10 15:09:36 EDT 2017

TEAS Stamp: USPTO/PRA-XX.XXX.XX.XXX-2017071015093684

5478-86841550-590b577c07998849fa7733feca

d1ba8449fa5a64ff95edf4e7ec2af347c27a3f1c

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COEXISTENCE AGREEMENT

This Agreement is entered into this 10th day of July, 2017, between the parties, CONSTELLATION BRANDS U.S. OPERATIONS, INC., a N.Y. corporation with offices at 235 N. Bloomfield Rd, Canandaigua, NY 14424, ("CBUSO") and DESTILERIA SERRALLES, INC., a Puerto Rican corporation with offices at Central Mercedita, Ponce, P. R. ("Serralles"). CBUSO and Serralles may be referred to as "Party" and as "the Parties".

RECITALS

A. Serralles has long used the mark GRANADO for rum and owns U.S. Reg. No. 0910200 for GRANADO, ("Serralles Trademark") for "alcoholic beverages – namely, rum" ("Serralles Goods").

B. CBUSO has used the mark NOTABLE for wine in the U.S. The NOTABLE mark is a play on the word NOTE given CBUSO's use of musical note designs in close association with the mark. CBUSO also owns a U.S. application Ser. No. 86/841,550 for the NOTABLE (the "CBUSO Application"), for the goods "alcoholic beverages except beers; wine" (the "CBUSO Goods"), which application was rejected by the USPTO as being confusingly similar to the Serralles Trademark.

C. The Parties, as business persons well-acquainted with the alcoholic beverage business believe the marks NOTABLE and GRANADO as used by the respective parties in the marketplace will not cause confusion.

IN CONSIDERATION of the foregoing expressed and mutual recitals contained herein, the Parties agree as follows:

1. Serralles consents to the use and registration in the U.S.A. by CBUSO of NOTABLE for wine.
2. CBUSO consents to the use or registration in the U.S.A. by Serralles of the mark GRANADO for rum.
3. CBUSO will not use the word mark GRANADO for any goods and will only use the mark NOTABLE for wine. CBUSO will not use the NOTABLE mark in any manner that is likely to be confused with the Serralles GRANADO mark.
4. CBUSO shall delete "alcoholic beverages except beers;" from the CBUSO Goods in the CBUSO Application.
5. In the event either Party learns of any likelihood of confusion from the use of the Parties' respective marks, the Parties agree to use reasonable efforts to resolve such matters and to avoid any such likelihood of confusion.
6. To enable CBUSO to register its NOTABLE Trademark, Serralles consents to the submission of this Agreement to the U.S. Patent and Trademark Office as evidence of its consent.
7. This Agreement shall be binding on the assigns, successors in interest and subsidiaries, direct or indirect, of both Parties.
8. This Agreement, which may not be changed by either Party without the consent of the other contains the entire agreement of the Parties and all prior representations, negotiations, and agreements (whether oral or written) relating to the subject matter of this Agreement as merged herein and extinguished. This Agreement may be executed in two or more counterparts.

Signature, whether original or scanned will be deemed to be original, valid, binding, and enforceable.

9. Notice related to this Agreement shall be in writing by mail and also by email where disclosed:

To CBUSO: At the address set forth above,
Attn.: General Counsel

Copy to: Stephen L. Baker
Baker & Rannells PA
92 East Main Street, Suite 302
Somerville, New Jersey 08876
Tel: (908) 722-5640
Email: s.baker@br-tmlaw.com

To Serralles: At the address set forth above,
Attn.: Legal Department

Copy to: Deborah K. Squiers
Cowan, Liebowitz & Latman, PC
114 West 47th Street
New York, New York 10036
Tel: (212) 790-9200
Email: dks@cli.com

10. The failure of either Party to enforce any provision of this Agreement shall not be construed as a waiver of such provision or waiver of the right of either Party to thereafter enforce such provision.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the date first written above.

Constellation Brands U.S. Operations, Inc.

By: 

Name: Lonette Merriman
Title: Assistant Secretary

Destileria Serralles, Inc.

By: 

Name: Jorge A. Vazquez
Title: Chief Financial Officer