

TAB

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

In the Matter of Application Serial No. 78/120,533
Published in the Official Gazette of December 24, 2002

_____)
BRONCO WINE COMPANY)
)
	Opposer,)
)
vs.)
)
NATURAL WEST GROUP)
)
	Applicant,)
)
_____)

Opposition No.



02-13-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #7C

Assistant Commissioner For Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
Attn., Box TTAB

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T. J. ...

NOTICE OF OPPOSITION

Opposer, Bronco Wine Company, believes that it will be damaged by registration of the mark shown in Application Serial No. 78/120,533 and hereby opposes the same. As grounds for opposition, Opposer hereby alleges as follows,

1. Opposer is a corporation organized and existing under the laws of the State of California with a business address at 6342 Bystrum Road, Ceres, CA 95307.

2. Upon information and belief, applicant Natural West Group ("Applicant") is a corporation organized and existing under the laws of the State of California, with a business address at 1500 S. Milliken Ave., Suite D, Ontario, CA 91761.

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3. On April 9, 2002, Applicant filed Application Serial No. 78/120,533 (the "Opposed

Application") to register the alleged mark 50 ESTRELLAS for wine and sparkling wine on the basis of Applicant's alleged bona fide intent to use the mark in commerce.

4. For a long time prior to the filing date of the opposed application, Opposer has used the mark ESTRELLA in interstate commerce in connection with wine since at least as early as June 1996.

5. Applicant's applied-for mark 50 ESTRELLAS so resembles Opposer's mark ESTRELLA as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

6. Opposer will be damaged by Applicant's registration of the mark shown in the Opposed Application because registration would give Applicant *prima facie* evidence of its ownership of and exclusive right to use a mark that is confusingly similar to Opposer's mark, which rights could interfere with Opposer's continued use of its marks.

WHEREFORE, Opposer prays for a judgment sustaining this opposition and refusing registration of the mark shown in Application Serial No.78/120,533.

A duplicate copy of this Notice of Opposition and the fee required in § 2.6(a)(17) are enclosed herewith.

Dated: February 10, 2003

Respectfully submitted,

BUCHMAN & O'BRIEN, LLP
Attorneys for Opposer

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(732) 632-9463

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a).
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on February 11, 2003.....
(Date of deposit)
..... Lindsey Farina
(Print or type name of person signing Certificate x2)
..... Lindsey Farina
(Signature of person signing Certificate)

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February 10, 2003



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Box TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Va 22202-3513

Re: Bronco Wine Company v.
Natural West Group

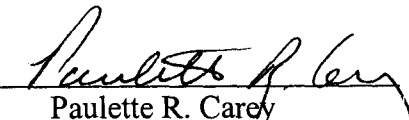
Dear Sir:

On behalf of Opposer, Bronco Wine Company, we submit the enclosed Notice of Opposition in duplicate. We also enclose a check in the sum of \$300.00 for the required filing fees.

Kindly acknowledge receipt of the document by stamping and returning the enclosed stamped self-addressed post card.

Cordially,

BUCHMAN & O'BRIEN, LLP

By: 
Paulette R. Carey

PRC/lfb

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