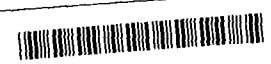


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*Reg Hayes*

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

Chatam International Incorporated,

Opposer,

v.

Les Vins Georges Duboeuf,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

In the matter of Trademark Application Serial No. 76/365,965 filed February 1, 2002 for "CHARMOND" for wines, and published for opposition in the Official Gazette dated January 14, 2003 at page TM 466.

Chatam International Incorporated, a corporation duly organized and existing under the laws of the State of Delaware, having a place of business at 103 Springer Building, 3411 Silverside Road, Wilmington, DE 19810 ("Opposer"), believing that it will be damaged by

the issuance of a registration for the trademark "CHARMOND", as applied for in Application Serial No. 76/365,965, hereby opposes same.

The grounds of opposition are as follows:

1. For many years and long prior to February 1, 2002, the filing date in the subject application, Opposer has used, and continues now using in interstate commerce the trademark "CHAMBORD" and its family of trademarks "CHAMBORD LIQUEUR ROYALE" and "CHAMBORD LIQUEUR ROYALE DE FRANCE" (hereinafter, collectively Opposer's CHAMBORD Marks) for liqueur.

2. Opposer owns, inter alia, and will rely herein, upon the following U.S. Trademark Registrations and the common law rights associated with use of the marks:

- a. Reg. No. 1,299,054, issued October 2, 1984 (and now incontestable) for the mark "CHAMBORD" for "Liqueur" in International Class 33, reflecting a date of first use in commerce of October 31, 1975;
- b. Reg. No. 1,230,190, issued March 8, 1983 (and now incontestable) for the mark "CHAMBORD LIQUEUR ROYALE" for "Liqueur" in International Class 33, reflecting a date of first use in commerce of December 18, 1975;
- c. Reg. No. 1,220,239, issued December 14, 1982 (and now incontestable) for the mark "CHAMBORD LIQUEUR ROYALE DE FRANCE" for "Liqueur" in International Class 33, reflecting a date of first use in commerce of November 7, 1979.

3. Opposer's said registrations are valid and subsisting and in full force and effect and are conclusive evidence of Opposer's exclusive right to use Opposer's CHAMBORD Marks, and in particular, Opposer's CHAMBORD trademark, in commerce on the goods specified in said registrations. Copies of the foregoing registrations are attached as Exhibit A.

4. Opposer, since at least as early as 1975, has made a substantial investment in advertising and promoting its goods under Opposer's CHAMBORD Marks, and, in particular, Opposer's CHAMBORD trademark. Opposer has extensively used, advertised, promoted and offered Opposer's goods bearing the Marks to the public through various channels of trade in commerce such that Opposer's CHAMBORD Marks, and particularly Opposer's Mark CHAMBORD is famous.

5. By virtue of the substantial promotion of Opposer's CHAMBORD Marks in connection with Opposer's goods, and in particular, Opposer's CHAMBORD trademark, persons familiar with Opposer's goods and the public in general have come to know and recognize Opposer's CHAMBORD Marks, and in particular, Opposer's CHAMBORD trademark, and associate same with Opposer and Opposer's famous French black raspberry liqueur, "CHAMBORD".

6. As a consequence, Opposer has established valuable goodwill in said CHAMBORD Marks, and in particular, Opposer's CHAMBORD trademark and Opposer's CHAMBORD trademark is so distinctive, unique and well known so as to create a deeper commercial impression more readily recognized by the general public than otherwise.

7. On February 1, 2002 Applicant filed the subject application to register the mark "CHARMOND" in International Class 33, which application was assigned Serial No.

76/365,965. The identification of goods in the application, as published for opposition on January 14, 2003, reads "wines" in International Class 33.

8. Opposer will be damaged by the registration of Applicant's mark "CHARMOND", as set forth in Applicant's Trademark Serial No. 76/365,965, in that the mark is substantially similar to Opposer's CHAMBORD Marks, in general, and Opposer's CHAMBORD trademark, in particular, and will be used in connection with goods closely related to the goods offered to the public by Opposer which are likely to be sold through the same or commercially related channels of trade to the same or overlapping classes of purchasers.

9. Based on the similarities in the marks, the substantially identical commercial impression conveyed by the mark "CHARMOND", and the closely related nature of the goods in issue, as well as the likely overlap in the channels of trade, the public is likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods to be marketed under Applicant's applied for "CHARMOND" trademark and misled into believing such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, or that there exists some affiliation or relationship between Applicant and Opposer.

10. Additionally, Applicant's mark, by reason of its confusing similarity to Opposer's CHAMBORD Marks, and in particular, Opposer's CHAMBORD trademark will be able to gain a foothold in Opposer's market or closely-related markets, by exploiting subliminal or subconscious association with Opposer's CHAMBORD Marks, in general, and Opposer's CHAMBORD trademark, in particular. Purchasers of Applicant's goods will thus improperly identify the properties and reputation of Applicant's goods with those of Opposer.

11. Based on the similarities in the marks, the substantially identical commercial impression conveyed by the mark “CHARMOND”, and the related nature of the goods in issue, as well as the likely overlap in the channels of trade, issuance of a registration for Applicant’s mark “CHARMOND”, as applied for in Applicant’s Trademark Application Serial No. 76/365,965, will likely cause confusion of the trade and public resulting in damage and injury to Opposer. Customers familiar with Opposer’s CHAMBORD Marks would be likely to purchase Applicant’s goods believing them to originate from or be sponsored by Opposer. Any defect, objection, fault or adverse publicity in connection with Applicant’s goods marketed under a mark confusingly similar to Opposer’s CHAMBORD Marks would necessarily reflect on and seriously injure the reputation which Opposer has established in Opposer’s CHAMBORD Marks, and in particular, Opposer’s CHAMBORD trademark.

12. For all of the above reasons, the issuance of registration to Applicant for the mark “CHARMOND” and any use of the mark “CHARMOND” on or in connection with the goods of Applicant is likely to cause confusion, or to cause mistake, or to deceive the public, or to cause the public to believe that the goods sold under the “CHARMOND” mark emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

13. If Applicant is granted a registration for the mark “CHARMOND” for the goods identified in Application Serial No. 76/365,965, it would obtain thereby at least prima facie exclusive right to use such mark. Such registration would be a source of damage and injury to Opposer, Opposer’s customers, and the general public.

WHEREFORE, Opposer prays that this Opposition be sustained in favor of

Opposer; that Application Serial No. 76/365,965 be rejected; and that registration of the mark therein sought be denied and refused.

A duplicate copy of this Notice of Opposition is enclosed.

The Commissioner is hereby authorized to charge the fee for this Notice of Opposition to Deposit Account No. 50-1700 and to charge any additional fees which may be required to said Deposit Account.

Respectfully submitted,

CHATAM INTERNATIONAL INCORPORATED

Dated: 4/10/03

By: 

Paul M. Lewis  
Charles Jacquin et Cie., Inc.  
2633 Trenton Avenue  
Philadelphia, PA 19125  
Tel. No. (215) 425-9300  
Fax No. (215) 425-9438  
Attorney for Opposer

Int. Cl.: 33

Prior U.S. Cl.: 49

**United States Patent and Trademark Office**

**Reg. No. 1,299,054**  
Registered Oct. 2, 1984

**TRADEMARK**  
Principal Register

**CHAMBORD**

Chatam International Incorporated (Delaware  
corporation)  
2633 Trenton Ave.  
Philadelphia, Pa. 19125

For: LIQUEUR, in CLASS 33 (U.S. Cl. 49).  
First use Oct. 31, 1975; in commerce Oct. 31, 1975.  
Owner of U.S. Reg. Nos. 1,058,675, 1,220,239 and  
1,230,190.

Ser. No. 448,522, filed Oct. 17, 1983.

ROGER KATZ, Examining Attorney

REGISTERED FOR A TERM OF 20 YEARS FROM Oct. 2, 1984

COMB. AFF. SEC. 8 & 15

CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION  
WHICH IS IN FULL FORCE AND EFFECT WITH NOTATION  
OF ALL STATUTORY ACTIONS TAKEN THEREON, AS DIS-  
CLOSED BY THE RECORDS OF THE UNITED STATES PATENT  
AND TRADEMARK OFFICE. SAID RECORDS SHOW TITLE  
TO BE IN: Registrant

Attest

EXHIBIT A

NOV 10 1992

*m.m. Brewer*

*Ray C. B. Loney*



Int. Cl.: 33

Prior U.S. Cl.: 49

United States Patent and Trademark Office

Reg. No. 1,230,190

Registered Mar. 8, 1983

TRADEMARK  
Principal Register  
Under Section 2 (f)

CHAMBORD LIQUEUR ROYALE

Chatam International Incorporated (Pennsylvania corporation)  
2633 Trenton Ave.  
Philadelphia, Pa. 19125, assignee of  
Charles Jacquin et Cie, Inc. (Pennsylvania corporation), d.b.a. World Wide Distillers Co.  
Philadelphia, Pa.

For: LIQUEUR, in CLASS 33 (U.S. Cl. 49).  
First use Dec. 18, 1975; in commerce Dec. 18, 1975.

Owner of U.S. Reg. Nos. 1,026,931 and 1,058,675.  
No claim is made to the exclusive right to use "Liqueur", apart from the mark as shown.  
Sec. 2(f) as to "Chambord".

Ser. No. 274,739, filed Aug. 18, 1980.

JAMES H. JOHNSON, Examining Attorney

REGISTERED FOR A TERM OF 20 YEARS FROM Mar. 8, 1983

COMB. AFF. SEC. 8 & 15

CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION WHICH IS IN FULL FORCE AND EFFECT WITH NOTATION OF ALL STATUTORY ACTIONS TAKEN THEREON, AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE. SAID RECORDS SHOW TITLE TO BE IN: Chatam International Incorporated, a DE Corp.

Attest





Int. Cl.: 33

Prior U.S. Cl.: 49

**United States Patent and Trademark Office**

**Reg. No. 1,220,239**

Registered Dec. 14, 1982

**TRADEMARK**  
Principal Register

**CHAMBORD LIQUEUR ROYALE DE FRANCE**

Chatam International Incorporated (Pennsylvania  
corporation)  
2633 Trenton Ave.  
Philadelphia, Pa. 19125, assignee of  
Charles Jacquin et Cie., Inc. (Pennsylvania  
corporation)  
Philadelphia, Pa.

For: LIQUEUR, in CLASS 33 (U.S. Cl. 49).  
First use Nov. 7, 1979; in commerce Nov. 7, 1979.  
Owner of U.S. Reg. Nos. 1,026,931 and 1,058,675.  
Applicant disclaims "Liqueur" and "De France"  
apart from the mark as shown without waiving any of  
its common law rights therein.  
Sec. 2(f) as to "Chambord".

Ser. No. 240,310, filed Nov. 23, 1979.

MICHAEL J. HYNAC, Examining Attorney