



TTAB

Attorney Ref.: 201-066

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

In re the Matter of

Applicant: GOLDEN STATE VINTNERS

Application Serial No.: 76/508,229

Mark: HELENA RANCH

Filed: April 21, 2003

Official Gazette: December 9, 2003

Vina San Pedro S.A.,

Opposer,

v.

Golden State Vintners,

Applicant.

Opposition No.:

**NOTICE OF OPPOSITION**

Vina San Pedro S.A., a corporation of Chile, with an address at La Concepcion No. 351, Providencia, Santiago, Chile, believes that it will be damaged by registration of the mark HELENA RANCH shown in Application Serial No. 76/508,229 and hereby opposes same.

As grounds for the opposition, it is alleged that:

1. Opposer is now, and has for several years, been engaged in the sale of wine in the United States and abroad under the trademark SANTA HELENA.



02-09-2004

U.S. Patent & TMO/TM Mail Rpt Dt. #39

2. Opposer's use of SANTA HELENA long precedes the filing date of Applicant's intent to use application which is April 21, 2003.

3. By virtue of extensive advertising and sale and favorable reviews from Opposer's goods in the United States under the trademark SANTA HELENA, the mark has become and is well and favorably known for wine. SANTA HELENA is a valuable symbol of Opposer's goodwill.

4. Opposer is the owner of Registration No. 2,323,871 for the mark SANTA HELENA for "wines." Opposer relies on this registration in this proceeding. Opposer attaches hereto a TARR printout for Reg. No. 2,323,871.

5. The application herein opposed seeks to register the mark HELENA RANCH for "wine."

6. The goods in the opposed application are the same as Opposer's wines sold under its SANTA HELENA mark. Applicant's goods would be likely to be thought to have emanated from the same source as Opposer's goods, or to have been approved or sponsored by Opposer.

7. The trademark in the opposed application as applied to the goods set forth in that application is confusingly and deceptively similar to Opposer's previously used and registered SANTA HELENA mark.

8. Opposer believes and therefore alleges that the use and registration of the alleged trademark HELENA RANCH by Applicant will damage Opposer, for the reasons, among others:

a. That purchasers and persons in the trade will be deceived as to the source and origin of Applicant's goods sold under the mark HELENA RANCH; and

b. Purchasers, persons in the trade and others will assume, contrary to fact, that Applicant's goods are associated with, sponsored by or otherwise related to Opposer.


9. Registration of the mark sought by Applicant herein is barred by the provisions of Section 2(d) of the Trademark Act of 1946 for the reason that it consists of or comprises a mark which so resembles Opposer's previously used and registered trademark as to be likely, when applied to the goods of Applicant, to cause confusion, mistake or deception.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this Opposition be sustained.

Please charge the \$300 opposition fee to the undersigned's Deposit Account No. 19-4880.

Respectfully submitted,

VINA SAN PEDRO S.A.

By: 

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**This page was generated by the TARR system on 2004-02-09 14:04:23 ET**

**Serial Number:** 75625357

**Registration Number:** 2323871

**Mark (words only):** SANTA HELENA

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2000-02-29

**Filing Date:** 1999-01-21

**Transformed into a National Application:** No

**Registration Date:** 2000-02-29

**Register:** Principal

**Law Office Assigned:** TMO Law Office 111

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -Warehouse (Newington)

**Date In Location:** 2000-05-11

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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I. Vina San Pedro S.A.

**Address:**

Vina San Pedro S.A.  
La Concepcion No. 351  
Providencia, Santiago  
Chile

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Chile

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**GOODS AND/OR SERVICES**

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WINES

**International Class:** 033

**First Use Date:** 1983-01-21

**First Use in Commerce Date:** 1983-01-21

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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**Translation:** The English translation of "SANTA HELENA" is "SAINT HELEN".

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2000-02-29 - Registered - Principal Register

1999-12-07 - Published for opposition

1999-11-05 - Notice of publication

1999-09-15 - Approved for Pub - Principal Register (Initial exam)

1999-08-27 - Communication received from applicant

1999-06-01 - Non-final action mailed

1999-05-19 - Case file assigned to examining attorney

1999-05-04 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

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**Correspondent (Owner)**

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**Domestic Representative**

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