

ESTTA Tracking number: **ESTTA10420**

Filing date: **06/21/2004**

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	Tequila Centinela, S.A. de C.V.
Granted to Date of previous extension	06/20/2004
Address	Tequila Centinela, S.A. de C.V. Kilmometro 2.5 Carretera Arandas-Tepatitlan Arandas Jalisco, 47180 MEXICO

Attorney information	JEFFREY H. KAUFMAN Oblon, Spivak, McClelland, Maier & Neustadt, P.C. 1940 Duke Street Alexandria, VA 22314 UNITED STATES tmdocket@oblon.com Phone:703-413-3000
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Applicant Information

Application No	78149334	Publication date	12/23/2003
Opposition Filing Date	06/21/2004	Opposition Period Ends	06/20/2004
Applicant	BACARDI & COMPANY LIMITED		

Goods/Services Affected by Opposition

Class 033. First Use: 19860000 First Use In Commerce: 19860000
All goods and services in the class are opposed, namely: alcoholic beverages, namely tequila

Opposition No. 91/125,436

Attachments	238444-248111us-nop.pdf (4 pages)
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Signature	/Jeffrey H. Kaufman/
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Name	JEFFREY H. KAUFMAN
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Date	06/21/2004
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_____)	
TEQUILA CENTINELA, S.A. de C.V.,)	
)	
Opposer,)	
)	
v.)	Opposition No.: _____
)	Appln. Serial No. 78/149,334
BACARDI & COMPANY LIMITED,)	
)	
Applicant.)	
_____)	

The Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

TEQUILA CENTINELA, S.A. de C.V., a corporation duly organized and existing under the laws of Mexico, located and doing business at Kilometro 2.5, Carretera Arandas-Tepatitlan Arandas, Jalisco, Mexico 47180 (hereinafter "Opposer"), believing that it will be damaged by registration, hereby opposes Application Serial No. 78/149,334, filed July 31, 2002, under the Trademark Act of 1946, in the name of BACARDI & COMPANY LIMITED, published for opposition in the *Official Gazette* of December 23, 2003, Vol. 1277, No. 4, at Page TM 483, for the mark TEQUILA CAZADORES REPOSADO ETC. & Design.

The grounds of Opposition are as follows:

1. Opposer, TEQUILA CENTINELA, S.A. de C.V., is a corporation duly organized and existing under the laws of Mexico, having its principal place of business at Kilometro 2.5, Carretera Arandas-Tepatitlan Arandas, Jalisco, Mexico 47180.

2. Opposer has engaged, and is now engaged in the manufacture, distribution, sale, advertising and promotion in commerce of tequila and other alcoholic beverages.

3. Opposer has used, and is now using Opposer's CABRITO & Design trademark (hereinafter sometimes referred to as "Opposer's Mark") in connection with tequila and other alcoholic beverages distributed and sold by Opposer in commerce.

4. Since at least as early as 1996, Opposer has used in commerce Opposer's CABRITO & Design mark for tequila and other alcoholic beverages. Since its initial use of the aforementioned mark, Opposer has made investments in promoting its goods under its CABRITO & Design trademark. Opposer has used, promoted and offered Opposer's goods bearing the mark to the public through channels of trade in commerce, with the result that Opposer's customers and the relevant purchasing public have come to know and recognize Opposer's Mark and associate same with Opposer and/or goods sold by Opposer. Opposer has acquired goodwill in connection with the sales of products under its mark.

5. Upon information and belief, on July 31, 2002, Applicant filed an application for registration of the alleged TEQUILA CAZADORES REPOSADO ETC. & Design trademark for "alcoholic beverages, namely tequila". Said application was assigned Serial No. 78/149,334, and was published for Opposition in the *Official Gazette* of December 23, 2003 at Page TM 483.

6. In Opposition No. 91/125,436, Applicant has asserted, *inter alia*, that Opposer's aforesaid CABRITO & Design trademark, presently the subject of Application Serial No. 76/112,825, when used in connection with Opposer's goods, is likely to cause confusion with, and is likely to dilute, Applicant's TEQUILA CAZADORES REPOSADO ETC. & Design mark when used in connection with Applicant's goods.

7. In Opposition No. 91/125,436, Applicant's ownership rights in its alleged TEQUILA CAZADORES REPOSADO ETC. & Design mark, as well as the CAZADORES

mark of U. S. Trademark Registration No. 1,863,882, have been called into question. Applicant's purported rights ownership rights in these marks remain unresolved.

8. Should the instant application for TEQUILA CAZADORES REPOSADO ETC. & Design issue as a registration, Applicant can use it in Opposition No. 91/125,436 as evidence of its asserted rights in its mark, to the damage of Opposer.

9. WHEREFORE, this Opposer, TEQUILA CENTINELA, S.A. de C.V., believes and avers that it is being and will continue to be damaged by registration of the TEQUILA CAZADORES REPOSADO ETC. & Design trademark as aforesaid, and prays that said Application Serial No. 78/149,334 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

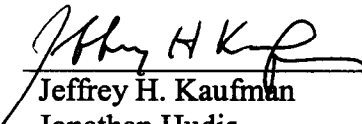
Opposer has appointed JEFFREY H. KAUFMAN and JONATHAN HUDIS, members of the law firm of OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C., and members of the Bar of the Commonwealth of Virginia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Jeffrey H. Kaufman, Esquire
OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
1940 Duke Street
Alexandria, Virginia 22314

We enclose our credit card payment form or check for the required filing fee for this Opposition. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 50-2014.

Respectfully submitted,

TEQUILA CENTINELA, S.A. de C.V.

By: 

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Date: June 21, 2004

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