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

<b>Proceeding</b>	91160956
<b>Party</b>	Plaintiff Tequila Centinela, S.A. de C.V. ,
<b>Correspondence Address</b>	Jeffrey H. Kaufman Oblon, Spivak, McClelland, Maier & Neustadt, P.C. 1940 Duke Street Alexandria, VA 22314 UNITED STATES tmdocket@oblon.com
<b>Submission</b>	Opposer's Response to Applicant's Supplemental Paper Re Applicant's Renewed Motion to Dismiss
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<b>Date</b>	12/21/2004
<b>Attachments</b>	238444-248111us-resp.PDF ( 4 pages )

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

_____	)	
TEQUILA CENTINELA, S.A. de C.V.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: 91/160,956
	)	Appln. Serial No. 78/149,334
BACARDI & COMPANY LIMITED,	)	
	)	
Applicant.	)	
_____	)	

**OPPOSER’S RESPONSE TO APPLICANT’S SUPPLEMENTAL PAPER RE APPLICANT’S RENEWED MOTION TO DISMISS**

Opposer, Tequila Centinela, S.A. de C.V. (“Centinela”), herein responds to Applicant’s paper entitled “Supplement to Applicant’s Renewed Motion to Dismiss”, filed on November 19, 2004,<sup>1</sup> regarding Applicant’s motion renewed motion to dismiss the Opposition, filed on September 2, 2004.

**Facts**

On July 31, 2002, Applicant filed Application Serial No. 78/149,334 for the mark TEQUILA CAZADORES RESPOSADO ETC. & Design for “alcoholic beverages, namely tequila”. In a related proceeding, Opposition No. 91/123,436, Applicant opposed Centinela’s Application Serial No. 76/112,825 for the mark CABRITO & Design for alcoholic beverages, based in part on likelihood of confusion with, and dilution of, Applicant’s mark TEQUILA CAZADORES RESPOSADO ETC. & Design.

<sup>1</sup> On December 9, 2004, Centinela moved for an extension of time to respond to Applicant’s Supplemental paper filed on November 19, 2004. Applicant opposed Centinela’s motion to extend time on December 13, 2004.

In Opposition No. 91/123,436, the Opposer (Applicant herein) relied, at least in part, on the registration issuing from Application Serial No. 78/149,334 as part of its grounds for Opposition. In Opposition No. 91/123,436, Centinela challenged Applicant's ownership of the mark TEQUILA CAZADORES RESPOSADO ETC. & Design of Application Serial No. 78/149,334, as well as Applicant's ownership of the mark CAZADORES of Registration No. 1,863,882.

In the captioned Opposition, Centinela filed its Notice of Opposition on June 21, 2004. On July 29, 2004, Applicant moved to dismiss Centinela's Notice of Opposition for its failure to properly assert grounds for relief. On August 18, 2004, Centinela responded to Applicant's motion to dismiss, and simultaneously moved to amend its Notice of Opposition. Centinela attached a proposed Amended Notice of Opposition to its papers. On September 2, 2004, Applicant renewed its motion to dismiss, attacking the adequacy of Centinela's Amended Notice of Opposition. On September 22, 2004, Centinela responded, supporting the legal adequacy of its Amended Notice of Opposition.

In Opposition No. 91/123,436, on March 5, 2003, February 24, 2004 and October 19, 2004, the Board issued a series of Decisions and Orders, denying Centinela's motion for summary judgment of no likelihood of confusion and no dilution, holding on summary judgment that Centinela's Application Serial No. 76/112,825 for the mark CABRITO & Design was fraudulently filed, and holding that the Opposer (which is the Applicant in the captioned Opposition) had standing to maintain the Opposition.

On November 19, 2004, Applicant filed a paper in the captioned Opposition entitled "Supplement to Applicant's Renewed Motion to Dismiss". Applicant's Supplemental paper (at

pp. 1-2) states: "Applicant's related opposition (i.e., Opposition No. 91/125,436) has now been sustained. ... Therefore, the prior proceeding has no bearing on the present proceeding."


**Opposition No. 91/125,436 Remains Relevant to the Captioned Opposition**

Centinela has filed a civil action in the U.S. District Court for the District of Columbia, seeking review of the Board's March 5, 2003, February 24, 2004 and October 19, 2004 Decisions and Orders in Opposition No. 91/125,436, to the extent that they were adverse to Centinela.<sup>2</sup> Therefore, Opposition No. 91/125,436 remains relevant to, and has a bearing on, the captioned Opposition. This is an additional reason why Applicant's renewed motion herein to dismiss the Amended Notice of Opposition should be denied.

WHEREFORE, Opposer, Tequila Centinela, S.A. de C.V., reiterates that Applicant's renewed motion to dismiss the Amended Notice of Opposition should be denied.

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

By:



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Date: December 21, 2004

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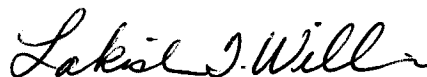
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<sup>2</sup> See Centinela's Notice of Filing of Civil Action, TTABVue Entry # 53, in Opposition No. 91/125,436.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **OPPOSER'S RESPONSE TO APPLICANT'S SUPPLEMENTAL PAPER RE APPLICANT'S SUPPLEMENTAL MOTION TO DISMISS** was served on counsel for Applicant, this 21<sup>st</sup> day of December, 2004, by sending same via First Class mail, postage prepaid, to:

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