

ESTTA Tracking number: **ESTTA13728**

Filing date: **08/20/2004**

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

<b>Name</b>	E. REMY MARTIN & CO. S.A
<b>Granted to Date of previous extension</b>	08/22/2004
<b>Address</b>	E. REMY MARTIN & CO. S.A 20, rue de la Societe Vinicole Cognac, Cedex, 16102 FRANCE

<b>Attorney information</b>	Fred W. Hathaway BURNS, DOANE, SWECKER & MATHIS,LLP POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404 UNITED STATES fredh@burnsdoane.com,fwhtrademark@burnsdoane.com
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#### Applicant Information

<b>Application No</b>	78261242	<b>Publication date</b>	02/24/2004
<b>Opposition Filing Date</b>	08/20/2004	<b>Opposition Period Ends</b>	08/22/2004
<b>Applicant</b>	Thackrey, Sean, Haley		

### **Goods/Services Affected by Opposition**

Class 033. First Use: First Use In Commerce:  
All goods and services in the class are opposed, namely: wines

<b>Attachments</b>	78261242 Opposition.pdf ( 11 pages )
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<b>Signature</b>	/michael leonard/
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<b>Name</b>	Michael J. Leonard
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<b>Date</b>	08/20/2004
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 78/261,242  
For the mark: CENTAUR  
Published in the Official Gazette on: February 24, 2004

E. RÉMY MARTIN & C°,                     :  
  :  
                  Opposer,                     :  
  :  
  :  
                  v.                             :  
  :  
SEAN HALEY THACKREY,                   :  
  :  
  :  
                  Applicant.                 :

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

NOTICE OF OPPOSITION

E. RÉMY MARTIN & C°, a corporation organized and existing under the laws of France and having its place of business at 20, rue de la Societe Vinicole, 16102 Cognac, Cedex, France, ("Opposer") believes that it will be damaged by the registration of the mark shown in the above-identified application and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer and its related companies are engaged, directly and indirectly, in the production, distribution and/or sale of a wide variety of alcoholic beverages including but not limited to Cognacs, brandies, wines and sparkling wines and have been so engaged in the United States since at least as early as 1884 which is long prior to Applicant's application filing date of June 11, 2003.

2. Opposer's alcoholic beverages are, and have for many decades, and long prior to Applicant's filing date, been identified by trademarks consisting of the design of a Centaur.

3. In addition, Opposer has over many years, and long prior to Applicant's filing date, distributed numerous goods in addition to its alcoholic beverages, including but not limited to clothing, jewelry, watches, clocks, luggage, wallets, glassware, smoker's articles and the like, and these goods are associated with and identified by Opposer's Centaur Design trademark.

4. Opposer's products have been extensively promoted, sold and distributed under the Centaur Design mark throughout the United States and throughout much of the world. Over the past many decades and continuing through to the present, Opposer has enjoyed high volumes of sales of its products and Opposer has expended significant amounts for advertising and promoting its products. Opposer, its products and trademarks, including the Centaur Design marks, are very well known and famous in the United States and are used and recognized throughout the world.

5. Opposer has registered in the United States Patent and Trademark Office and currently owns the following trademarks and trademark registrations, among others:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
Centaur Design	1,017,095	July 29, 1975
Centaur Design	1,172,526	October 6, 1981
Centaur Design	1,259,597	November 29, 1983
E. RÉMY MARTIN & CO and Centaur Design	840,620	December 12, 1967
Bottle Shape with Centaur Design	1,258,807	November 22, 1983
RÉMY MARTIN VSOP FINE CHAMPAGNE COGNAC and Bottle Shape with Centaur Design	2,076,812	July 8, 1997

(Copies of these registrations are attached hereto respectively as Exhibits 1 through 7.)

6. The above-identified registrations are all valid and subsisting and are in full force and effect. Registration Nos. 840,620; 1,172,526; 1,017,095; 1,259,597; 1,258,087; and 2,076,812 are now incontestable.

7. Upon information and belief, Applicant is an individual residing in Bolinas, California and engaged in the production and sale of wines.

8. Applicant seeks registration of the mark CENTAUR for "wines." Applicant's CENTAUR mark is the equivalent of and confusingly similar to Opposer's federally registered and common law Centaur Design trademarks. In addition to the extensive use of the Centaur Design marks, Opposer and its customers use and refer to Opposer's marks as "the Centaur" or simply "Centaur", both in print and orally. Applicant's "wines" as identified in the application are overlapping with, complementary of and closely related to Opposer's goods. Applicant's goods as identified in the application and Opposer's goods are alcoholic beverages that are marketed in the same channel of trade, including the same distribution channels, to the same consumers.

9. For many years Opposer has used and is well recognized by its famous Centaur Design marks used in the United States in connection with its products and business.

10. The CENTAUR mark sought to be registered by Applicant is so similar to the Opposer's federally registered Centaur Design trademarks identified above as to be likely to cause confusion or to cause mistake or to deceive, and the registration of Applicant's mark would damage Opposer.

11. The CENTAUR mark sought to be registered by Applicant is so similar to Opposer's Centaur Design trademarks used by Opposer as to be likely when applied to Applicant's goods to cause confusion or to cause mistake or to deceive, and the registration of Applicant's mark would damage Opposer.

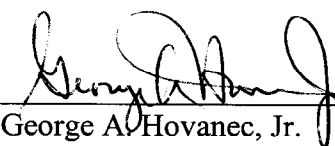
12. Because of the similarity of Applicant's mark to Opposer's aforementioned trademarks used by Opposer and as registered, persons familiar with Opposer and its business and goods will be misled into believing that Applicant's goods are sponsored by, affiliated with or otherwise associated with Opposer in some way, thereby damaging Opposer.

13. The required opposition fee of \$300.00 accompanies this Notice. The Commissioner is hereby authorized to charge any underpayment or credit any overpayment for filing this Notice of Opposition to our Deposit Account No. 02-4800.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of the mark set forth in Application Serial No. 78/261,242 filed June 11, 2003 be denied.

Respectfully submitted,

E. RÉMY MARTIN & C°

By:   
George A. Hovanec, Jr.  
Fred W. Hathaway  
Attorneys for Opposer

Burns, Doane, Swecker & Mathis, L.L.P.  
Post Office Box 1404  
Alexandria, Virginia 22313-1404  
Telephone: (703) 836-6620

Date: August 26, 2004

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office  
10 Year Renewal

Reg. No. 1,017,095

Registered July 29, 1975

Renewal Term Begins July 29, 1995

**TRADEMARK  
PRINCIPAL REGISTER**



E. REMY MARTIN & CO., SOCIETE AN-  
ONYME (FRANCE CORPORATION)  
20 RUE DE LA SOCIETE VINICOLE  
16100 COGNAC, FRANCE

OWNER OF U.S. REG. NOS. 779,584  
AND 840,620.

FOR: COGNAC BRANDY, IN CLASS  
33 (U.S. CLS. 47 AND 49).

FIRST USE 4-15-1963; IN COMMERCE  
4-15-1963.

SER. NO. 73-025,912, FILED 7-2-1974.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Sep. 19, 1995.*

COMMISSIONER OF PATENTS AND TRADEMARKS

**EXHIBIT 1**

Int. Cl.: 33

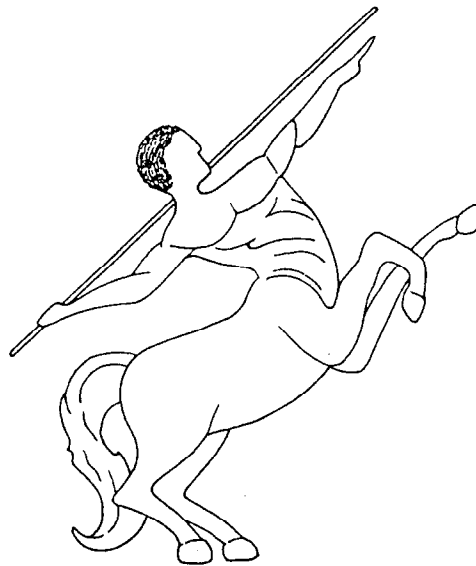
Prior U.S. Cl.: 49

Reg. No. 1,172,526

Registered Oct. 6, 1981

**United States Patent and Trademark Office**

**TRADEMARK**  
Principal Register



E. Remy Martin & Co., Societe Anonyme (France  
corporation)  
P.O. Box 37  
20, rue de la Societe Vinicole  
16102 Cognac, France

For: COGNAC BRANDY, in CLASS 33 (U.S.  
Cl. 49).

First use Apr. 15, 1963; in commerce Apr. 15,  
1963.

Owner of U.S. Reg. Nos. 779,584, 840,620 and  
1,017,095.

Ser. No. 250,843, filed Feb. 20, 1980.

L. STRICKMAN, Primary Examiner



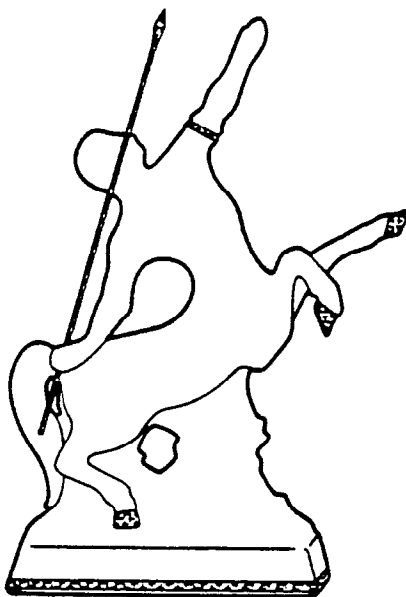
Int. Cl.: 33

Prior U.S. Cl.: 49

United States Patent and Trademark Office

Reg. No. 1,259,597  
Registered Nov. 29, 1983

TRADEMARK  
Principal Register



E. Remy Martin & Co., S.A. (France corporation)  
20, rue de la Societe Vinicole  
Cognac, France 16102

For: COGNAC, in CLASS 33 (U.S. Cl. 49).  
First use Mar. 1981; in commerce Mar. 1981.  
Owner of U.S. Reg. Nos. 779,584, 840,620 and  
1,017,095.

The lining in the mark on the drawing represents  
the color gold.

The mark consists of a conformation of a bottle  
container in the shape of a centaur holding a spear.

Ser. No. 360,072, filed Apr. 16, 1982.

BARBARA SUNDBERG, Examining Attorney

EXHIBIT 3

PRINCIPAL REGISTER  
Trademark

Scr. No. 261,956, filed Jan. 5, 1967



Maison E. Remy Martin & Co. (French corporation)  
Boite Postale No. 37  
Cognac, France

For: COGNAC, in CLASS 49.  
First use at least as early as Apr. 15, 1963; in commerce  
at least as early as Apr. 15, 1963; at least as early as 1884  
in a different form.  
Owner of U.S. Reg. No. 749,501.

L. STRICKMAN, Examiner.

Amendment

Registered December 12, 1967

Registration No. 840,620

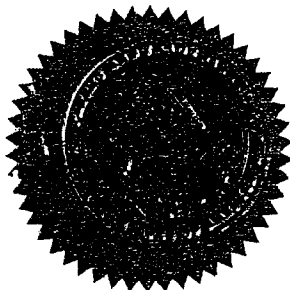
Maison E. Remy Martin & Co.

Application to amend having been made by E. Remy Martin & Co., S.A.,  
owner of the registration above identified, the drawing is amended to appear as  
follows:



Such amendment has been entered upon the records of the Patent and  
Trademark Office and the said original registration should be read as so amend-  
ed.

Signed and sealed this 20th day of May 1980.



Attest:  
*Jane Cooksey*  
JANIE COOKSEY,  
Attesting Officer.

*Sidney A. Diamond*

SIDNEY A. DIAMOND,  
Commissioner.

Int. Cl.: 33

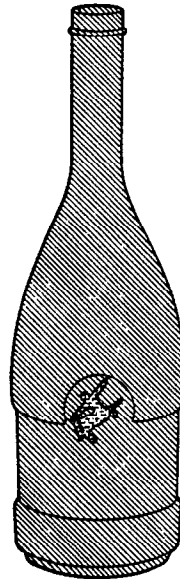
Prior U.S. Cl.: 49

**United States Patent and Trademark Office**

Reg. No. 1,258,807

Registered Nov. 22, 1983

**TRADEMARK**  
Principal Register



E. Remy Martin & Co., S.A. (France corporation)  
20, rue de la Societe Vinicole  
Cognac, France 16102

For: COGNAC, in CLASS 33 (U.S. Cl. 49).  
First use Mar. 1981; in commerce Mar. 1981.  
Owner of U.S. Reg. Nos. 779,584, 840,620 and  
others.

The diagonal lining in the mark on the drawing  
represents a smoky dark green color and the lining of  
the centaur design represents a golden color.

The mark consists of the conformation of a bottle  
container for the goods, the container having the

conformation of a bottle comprising an elongated  
neck portion, a main cylindrical body, a base portion,  
and a sloping shoulder portion joining the neck  
portion to the main body portion, such bottle  
conformation being characterized in having in the  
main body portion a stepped-down annulus of  
reduced diameter which forms a recess around the  
bottle periphery intermediate its base and shoulder  
portions, and in having the design of a centaur  
impressed thereon.

Ser. No. 360,052, filed Apr. 16, 1982.

BARBARA SUNDBERG, Examining Attorney

Int. Cl.: 33

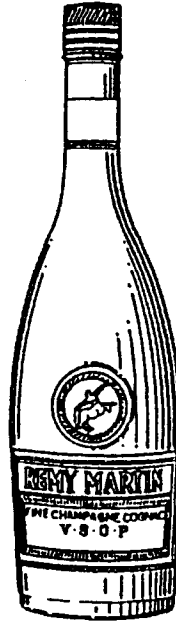
Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,076,812

Registered July 8, 1997

TRADEMARK  
PRINCIPAL REGISTER



E. REMY MARTIN & CIE., S.A. (FRANCE CORPORATION)  
20 RUE DE LA SOCIETE VINICOLE  
16100 COGNAC, FRANCE

FOR: COGNAC, IN CLASS 33 (U.S. CLS. 47 AND 49).

PRIORITY CLAIMED UNDER SEC. 44(D) ON FRANCE APPLICATION NO. 95/560169, FILED 2-24-1995, REG. NO. 95560169, DATED 2-25-1995, EXPIRES 2-25-2005.

OWNER OF U.S. REG. NOS. 749,501, 840,620, AND 1,735,139.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINE CHAMPAGNE COGNAC VSOP", APART FROM THE MARK AS SHOWN.

THE LINING SHOWN IS FOR SHADING PURPOSES ONLY.

SER. NO. 74-719,424, FILED 8-23-1995.

ANGELA BISHOP WILSON, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,484,088

Registered Sep. 4, 2001

TRADEMARK  
PRINCIPAL REGISTER



E. REMY MARTIN & CIE., S.A. (FRANCE CORPORATION)  
20, RUE DE LA SOCIETE VINICOLE  
16102 COGNAC, CEDEX, FRANCE

FOR: COGNAC, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 2-0-1997; IN COMMERCE 2-0-1997.

OWNER OF U.S. REG. NOS. 749,501, 840,620, AND 1,027,514.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FINE CHAMPAGNE COGNAC" AND THE REPRESENTATION OF THE SHAPE OF THE BOTTLE AND FLAT TOP STOPPER, APART FROM THE MARK AS SHOWN.

THE LINING SHOWN IN THE DRAWING OF THE MARK IS NOT INTENDED TO INDICATE COLOR BUT RATHER TO ILLUSTRATE THE FEATURES OF THE MARK.

"REMY MARTIN" DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

THE MARK CONSISTS OF THE CONFIGURATION OF A SMOOTH, ROUNDED AND NARROW DEPTH BOTTLE WITH A RIBBED BAND AROUND A SHORT NECK AND A FLAT TOPPED GOLD STOPPER; ON ONE SIDE OF THE BOTTLE THERE APPEARS A DESIGN OF A CENTAUR PREPARING TO THROW A SPEAR WITH THE WORDING "REMY MARTIN FINE CHAMPAGNE COGNAC EXTRA" APPEARING BELOW THE CENTAUR DESIGN.

SEC. 2(F).

SER. NO. 75-288,182, FILED 5-7-1997.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY