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

RE: U.S. Trademark Application Serial No. 78/580,107
Published in the *Official Gazette* on July 25, 2006

WATERFORD WEDGWOOD PLC,)
)
Opposer,)
)
-v-)
)
WATERFORD VINEYARDS, LLC)
)
Applicant)
)
Attorney Docket No. 1030775-000261)
)

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Commissioner:

In the matter of U.S. Trademark Application Serial No. 78/580,107, filed on March 4, 2005 by Waterford Vineyards, LLC ("Applicant"), to register the mark WATERFORD VINEYARDS ("Applicant's WATERFORD VINEYARDS Mark") in connection with "wines" in International Class 33 ("Applicant's Goods"), and published in the *Official Gazette* on July 25, 2006, Waterford Wedgwood plc ("Opposer") believes that it will be damaged by registration of Applicant's

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U.S. Patent & Trademark Office

WATERFORD VINEYARDS Mark and hereby opposes same. The grounds for this opposition are as follows:

1. Applicant is the record owner of Application Serial No. 78/580,107 for the mark WATERFORD VINEYARDS for Applicant's Goods.

2. Upon information and belief, Applicant did not use Applicant's WATERFORD VINEYARDS Mark in connection with Applicant's Goods prior to September 6, 2002, the date of first use anywhere alleged in Application Serial No. 78/580,107.

3. Upon information and belief, Applicant did not use Applicant's WATERFORD VINEYARDS Mark on or in connection with Applicant's Goods in commerce in the United States prior to September 6, 2002, the date of first use in commerce alleged in Application Serial No. 78/580,107.

4. Opposer is an Irish corporation located and doing business at Kilbarry, Waterford, Ireland.

5. Opposer is the owner of the following registrations for marks consisting of or comprising WATERFORD:

Reg. No.	Mark	Goods/Services
3071703	WATERFORD HOLIDAY HEIRLOOMS	FLOWERS, NAMELY, FRESH FLOWERS. DELIVERY OF FLOWERS.
3056140	WATERFORD	FRESH FLOWERS AND CUT FLOWERS. DELIVERY OF FLOWERS.
2993101	MARQUIS BY WATERFORD	FRESH FLOWERS AND CUT FLOWERS. DELIVERY OF FLOWERS.
2898833	WATERFORD IRELAND	CLOCKS.
3043212	WATERFORD	ARTICLES OF LIGHTINGWARE, NAMELY, CHANDELIERS, FREESTANDING LAMPS, TABLE

Reg. No.	Mark	Goods/Services
		<p>LAMPS, ELECTRIC LIGHTING FIXTURES, LAMP BASES FOR ELECTRIC LAMPS PICTURE FRAMES ARTICLES OF GLASSWARE, NAMELY, STEMWARE, TUMBLERS, ICED TEA GLASSES, GOBLETS, CHAMPAGNE GLASSES, LIQUEUR GLASSES, BRANDY GLASSES, WINE GLASSES, SHERBET GLASSES, SHOT GLASSES, HIGHBALL GLASSES, CARAFES, ICE BUCKETS, DECANTERS, VASES, PITCHERS, BOWLS, CANDLEHOLDERS, CANDLESTICKS, VANITY TRAYS, FINGER BOWLS, SALAD BOWLS, CAKE STANDS, CAKE SERVERS, SALAD- SERVING SPOONS AND FORKS, PILLARS MADE OF CRYSTAL FOR USE AS DECORATIONS, FIGURINES, COCKTAIL SHAKERS, SERVING TRAYS, PERFUME BOTTLES AND ATOMIZERS SOLD EMPTY, AND WINE COASTERS</p>
2788341	WATERFORD	<p>PICTURE FRAMES, BABY RATTLES AND TEETHING RINGS, ALL MADE OF SILVER CHILD AND BABY SETS MADE OF SILVER, CONSISTING PRIMARILY OF FEEDING SPOONS, FORKS AND CUPS</p>
2860652	MARQUIS BY WATERFORD	<p>PICTURE FRAMES JEWELRY; HOROLOGICAL AND CHRONOMETRIC INSTRUMENTS, NAMELY CLOCKS, TABLE CLOCKS, WALL CLOCKS, WATCHES, POCKET WATCHES, CHRONOMETERS, AND CHRONOGRAPHS FOR USE AS WATCHES PRINTED MATTER AND PUBLICATIONS, NAMELY BOOKS, BROCHURES, NEWSLETTERS, AND PAMPHLETS RELATED TO</p>

Reg. No.	Mark	Goods/Services
		GLASSWARE; DESK SETS; TERRESTRIAL GLOBES ARTICLES OF BEVERAGE GLASSWARE, NAMELY STEMWARE, TUMBLERS, ICED TEA GLASSES, HI-BALL GLASSES, GOBLETS, TUMBLERS, CHAMPAGNE GLASSES, LIQUEUR GLASSES, BRANDY GLASSES, WINE GLASSES, SHERBERT GLASSES, SHOT GLASSES, HIGH BALL GLASSES, CARAFES, ICE BUCKETS, DECANTERS, VASES, PITCHERS, BOWLS, CANDLE HOLDERS NOT OF PRECIOUS METAL, CANDLE STICKS NOT OF PRECIOUS METAL, FITTED VANITY CASES, FINGER BOWLS, SALAD BOWLS, CAKE STANDS, CAKE SERVERS, SALAD SERVING SPOONS AND FORKS, PILLARS MADE OF CRYSTAL FOR USE AS DECORATIONS, FIGURINES; COCKTAIL SHAKERS; SERVING TRAYS NOT OF PRECIOUS METAL; PERFUME BOTTLES AND ATOMIZERS SOLD EMPTY; CORKSCREWS; BOTTLE OPENERS; WINE COASTERS [NOT OF PAPER AND NOT BEING TABLE LINEN]; ICE BUCKETS; WINE COOLERS; GLASS STOPPERS; AND CUT CRYSTAL GLASSWARE
2355876	MARQUIS BY WATERFORD	WRITING INSTRUMENTS, NAMELY, PENS, ROLLER BALLS, BALL-POINT PENS, FOUNTAIN PENS AND PENCILS
2355690	WATERFORD	DINNERWARE; CUT CRYSTAL GLASSWARE; GLASSWARE, NAMELY, STEMWARE, TUMBLERS, ICED TEA GLASSES, HI-BALL GLASSES, GOBLETS, CHAMPAGNE GLASSES, LIQUEUR GLASSES, BRANDY GLASSES, CARAFES, ICE BUCKETS, DECANTERS, FINGER BOWLS, BOWLS,

Reg. No.	Mark	Goods/Services
		CANDLESTICKS, TABLEWARE, NAMELY, CAKE SERVERS, SALAD BOWLS, SALAD SERVING SPOONS AND FORKS; VASES; PERFUME BOTTLES AND ATOMIZERS SOLD EMPTY
2393891	WATERFORD	JEWELRY, CLOCKS, WATCHES, AND CHRONOMETERS
2402350	WATERFORD CRYSTAL	DINNERWARE; CUT CRYSTAL GLASSWARE; GLASSWARE, NAMELY, STEMWARE, TUMBLERS, ICED TEA GLASSES, HI-BALL GLASSES, GOBLETs, CHAMPAGNE GLASSES, LIQUEUR GLASSES, BRANDY GLASSES, CARAFES, ICE BUCKETS, DECANTERS, FINGER BOWLS, BOWLS, CANDLESTICKS, TABLEWARE, NAMELY, CAKE SERVERS, SALAD BOWLS, SALAD SERVING SPOONS AND FORKS; VASES; PERFUME BOTTLES AND ATOMIZERS SOLD EMPTY
2239473	WATERFORD HOLIDAY HEIRLOOMS	CHRISTMAS TREE ORNAMENTS (EXCEPT FOR CONFECTIONERY OR ILLUMINATION ARTICLES); CHRISTMAS TREE BALLS, REFLECTORS, TREE TOPPERS, FIGURINES, SCULPTURES, STATUES. ORNAMENTS, FIGURINES, SCULPTURES, STATUES, AND FESTIVE DECORATIONS ALL MADE OF GLASS, CHINA, CRYSTAL, EARTHENWARE, PORCELAIN, TERRA COTTA
2203274	WATERFORD CRYSTAL	TABLE LINENS MADE OF TEXTILE, NAMELY, TABLE CLOTHS, TABLE NAPKINS, TABLE RUNNERS AND PLACE MATS
2203273	WATERFORD	TABLE LINENS MADE OF TEXTILE, NAMELY, TABLE CLOTHS, TABLE NAPKINS, TABLE RUNNERS AND PLACE MATS

Reg. No.	Mark	Goods/Services
2339499	WATERFORD HOME ACCENTS	PERFUMERY PRODUCTS, NAMELY, PERFUME, EAU DE TOILETTE, BODY SPRAY, COLOGNES; BATH PRODUCTS, NAMELY, BATH OILS, BATH POWDER, BODY SHAMPOO, BODY CREAM, BATH GELS AND NON-MEDICATED BATH SALTS; BODY OIL, MASSAGE OIL, AND ESSENTIAL OILS FOR PERSONAL USE; SOAPS FOR THE HAND, BODY AND FACE; POTPOURRI, SCENTED AROMATHERAPY OILS, SCENTED CANDLES AND FRAGRANCE SACHETS
2166133	WATERFORD	WRITING INSTRUMENTS, NAMELY, PENS, ROLLER BALLS, BALL-POINT PENS, FOUNTAIN PENS AND PENCILS
1744890	WATERFORD WEDGWOOD	RETAIL OUTLET SERVICES IN THE FIELD OF GALSSWARE, PORCELAIN AND CHINA
1577340	WATERFORD CRYSTAL	CUTLERY - NAMELY, PIE SERVER, CAKE SERVER, KNIVES, FORKS, SPOONS, BUTTER KNIVES, CHEESE KNIVES, SALAD SERVER, CARVING SERVER MADE OF STAINLESS STEEL; AND RAZORS.
1566992	WATERFORD CRYSTAL	ELECTRIC TABLE-LAMPS, CHANDELIERS AND LIGHTING FIXTURES AND LAMP BASES (FOR ELECTRIC LAMPS).
1598644	WATERFORD CRYSTAL	CUT CRYSTAL GLASSWARE
1562487	WATERFORD CRYSTAL	ASHTRAYS, TOBACCO JARS, CIGARETTE HOLDERS AND CIGARETTE LIGHTERS
1562118	WATERFORD CRYSTAL	DESK-SETS, LETTER OPENERS, PAPER WEIGHTS, PEN HOLDERS, TERRESTRIAL GLOBES, BROCHURES, NEWS LETTERS AND BOOKS RELATING TO GLASSWARE
1562086	WATERFORD CRYSTAL	JEWELRY, CLOCKS, WATCHES, CHRONOMETERS, AND

Reg. No.	Mark	Goods/Services
		CHRONOGRAPHS
1459373	WATERFORD	CHESS SETS
1459173	WATERFORD	CLOCKS
1417635	WATERFORD	ASHTRAYS, TOBACCO JARS, CIGARETTE HOLDERS ALL MADE FROM CUT CRYSTAL GLASS
1414135	WATERFORD	ELECTRICAL CHANDELIERS, WALL FIXTURES, LAMP BASES AND TABLE LAMPS AND LIGHT FIXTURES, ALL MADE FROM CRYSTAL GLASSWARE
1309956	WATERFORD	LETTER OPENERS, DESK SETS, PAMPHLETS ON THE SUBJECT OF GLASS, PAPERBACK BOOKS ON THE SUBJECT OF GLASS, PHOTOGRAPHS, WRITING PAPER AND ENVELOPES, AND PLAYING CARDS
1309714	WATERFORD	CUTLERY-NAMELY, PIE SERVER, CAKE SERVER, KNIFE, FORK, SPOON, BUTTER KNIFE, CHEESE KNIFE, SALAD SERVER AND CARVING SERVER MADE OF STAINLESS STEEL
1098077	WATERFORD	JEWELRY
0951941	WATERFORD	JEWELRY

These marks are hereinafter collectively referred to as "Opposer's WATERFORD Marks." The goods and services listed in these registrations are hereinafter referred to as "Opposer's Goods and Services."

6. Opposer has used Opposer's WATERFORD Marks in connection with Opposer's Goods and Services since at least as early as 1951, and has used Opposer's WATERFORD Marks in connection with Opposer's Goods and in Services commerce in the United States since at least as early as 1951.

7. Commencing long prior to both the filing date of Application Serial No. 78/580,107 and the date of first use alleged in Application Serial No. 78/580,107, Opposer has been and is now engaged in the business of advertising, offering for sale and selling Opposer's Goods and Services under Opposer's WATERFORD Marks.

8. Commencing long prior to both the filing date of Application Serial No. 78/580,107 and the date of first use alleged in Application Serial No. 78/580,107, Opposer has used and is now using Opposer's WATERFORD Marks in connection with the advertising, offering for sale and selling of Opposer's Goods and Services in commerce in the United States.

9. Due to Opposer's longstanding and continuous use of Opposer's WATERFORD Marks in connection with Opposer's Goods and Services, Opposer's WATERFORD Marks have become extremely well known as designating Opposer's Goods and Services throughout the United States. At least one or more of Opposer's WATERFORD Marks have also become famous prior to any filing date or date of first use associated with Applicant WATERFORD VINEYARDS Mark.

10. Opposer enjoys substantial and exclusive goodwill and a fine reputation throughout the United States in connection with Opposer's WATERFORD Marks.

11. Applicant's WATERFORD VINEYARDS Mark in Application Serial No. 78/580,107 is at least highly similar to and virtually identical to Opposer's WATERFORD Marks, collectively and/or individually, in sight, sound, and commercial impression. The term VINEYARDS in Applicant's mark is disclaimed.

12. Applicant's Goods and Opposer's Goods and Services are closely related and are sold or will be sold to identical or highly similar types of consumers through identical or highly similar channels of trade.

13. Applicant's WATERFORD VINEYARDS Mark in Application Serial No. 78/580,107 so resembles Opposer's previously registered and used WATERFORD Marks, collectively and/or individually, as to be likely, when applied to Applicant's Goods, to cause confusion, to cause mistake, or to deceive, by creating the erroneous impression that Applicant's Goods originate from or are associated with Opposer, or that Applicant's Goods are authorized, endorsed or sponsored by Opposer.

14. Applicant's WATERFORD VINEYARDS Mark in Application Serial No. 78/580,107 has caused dilution of Opposer's famous WATERFORD Marks and is likely to continue to cause dilution of Opposer's famous WATERFORD Marks by blurring the distinctive qualities of Opposer's famous WATERFORD Marks

15. Applicant's filing of Application Serial No. 78/580,107 for Applicant's WATERFORD VINEYARDS Mark was without consent, license, authorization or permission from Opposer.

16. The granting of a trademark registration for Applicant's WATERFORD VINEYARDS Mark would violate and diminish the prior and superior rights of Opposer in Opposer's WATERFORD Marks and would be in violation of 15 U.S.C. §§ 1052(d) and 1125(c).

17. Opposer would be damaged if Application Serial No. 78/580,107 is allowed to register because Applicant will obtain statutory rights in Applicant's WATERFORD VINEYARDS

Mark in violation and derogation of the established prior rights of Opposer in Opposer's WATERFORD Marks.

WHEREFORE, Opposer requests that its Opposition be sustained, that Application Serial No. 78/580,107 be rejected and that the registration of WATERFORD VINEYARDS as a trademark to Applicant be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

WATERFORD WEDGWOOD PLC



Bassam N. Ibrahim
Fred W. Hathaway
Bryce J. Maynard
Buchanan Ingersoll & Rooney PC
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Attorneys for Opposer

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