

ESTTA Tracking number: **ESTTA117601**

Filing date: **01/03/2007**

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	MOLINOS RIO DE LA PLATA S.A.
Granted to Date of previous extension	01/03/2007
Address	Osvaldo Cruz Buenos Aires, 3350 ARGENTINA
Party who filed Extension of time to oppose	MOLINOS RIO DE LA PLATAS S.A., through merger with and as sucessor-in-interest to, BODEGAS NIETO SENETINER S.A.
Relationship to party who filed Extension of time to oppose	Recordation of Assignment

Domestic Representative	Norm J. Rich Attorney for Opposer Foley & Lardner LLP 3000 K Street, N.W. Suite 500 Washington, DC 20007-5143 UNITED STATES PTOMAILWashington@foley.com Phone:202-672-5300
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Applicant Information

Application No	78593412	Publication date	09/05/2006
Opposition Filing Date	01/03/2007	Opposition Period Ends	01/03/2007
Applicant	VINEDOS Y BODEGAS CORPORA S.A. AVENIDA ANDRES BELLO 2777 OF. 2801 PISO 28. LAS CONDES, SANTIAGO, CHILE		

Goods/Services Affected by Opposition

Class 033. All goods and seVICES in the class are opposed, namely: Wine
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Attachments	noticeofopposition.pdf (5 pages)(97425 bytes)
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Signature	/norm j. rich/
Name	Norm J. Rich

Date	01/03/2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MOLINOS RIO DE LA PLATA S.A.

Opposer,

v.

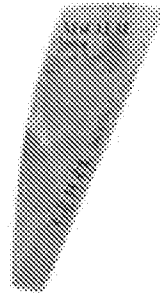
VINEDOS Y BODEGAS CORPORA S.A.

Applicant.

Opposition No. _____
Application No. 78/593,412

NOTICE OF OPPOSITION

This is in the matter of an application for registration of the expression "NOUVEAU
2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIA, DE CHILE
& Design":



for use with "Wine" in Int'l Class 33, as shown above and in U.S. Application Serial No.
78/593,412, filed on March 23, 2005, by Vinedos Y Bodegas Corpora S.A., located at

Avenida Andres Bello 2777 Of. 2801 Piso 28., Las Condes, Santiago, Chile (hereinafter “Applicant”), and published for opposition in the *Official Gazette* on September 5, 2006.

Molinos Rio de la Plata S.A., a corporation of Argentina with a place of business at Osvaldo Cruz, 3350 Buenos Aires, Argentina (hereinafter “Opposer”), believes that it would be damaged by registration as sought in the foregoing application and hereby opposes the same.

The grounds for the opposition are as follows:

1. By the application herein opposed, Applicant seeks to register “NOUVEAU 2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIÀ, DE CHILE & Design” as a trademark for “wine,” basing such application on an intent-to-use the mark in the United States under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b).

2. Opposer is the owner of all right, title and interest in and to the mark SANTA ISABEL[®] for wines; sparkling wines; and alcoholic beverages, namely, distilled spirits and prepared alcoholic cocktails. As used herein, “Opposer’s goods” and “Opposer’s business” as well as expressions to a similar effect, mean the goods and the business of Opposer and its predecessors.

3. Opposer is the owner of Incontestable U.S. Reg. No. 2,196,900, registered October 20, 1998, for the mark SANTA ISABEL for wines; sparkling wines; and alcoholic beverages, namely, distilled spirits and prepared alcoholic cocktails, which registration is still in full force and effect.

4. The SANTA ISABEL mark and name is of significant value to Opposer as an identification of source in connection with the promotion, sale and offering of the goods of Opposer, as well as in the conducting and identifying of the business of Opposer; and such mark and name distinguishes such goods and such business from those of others.

5. Opposer has been using the SANTA ISABEL mark and name in connection with its goods and business since prior to any date on which Applicant may rely in this proceeding.

6. Opposer's SANTA ISABEL mark and name for wines, sparkling wines, and alcoholic beverages, namely, distilled spirits and prepared alcoholic cocktails, on the one hand, and the "NOUVEAU 2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIÀ, DE CHILE & Design" mark as sought to be registered by Applicant for "wine," on the other hand, are similar in sound, spelling, appearance and overall commercial impression as to SANTA ISABEL. Thus, the mark sought to be registered by Applicant so resembles the mark and name of Opposer as to be likely to cause confusion, or to cause mistake, or to deceive.

7. Through use and promotion by Opposer of Opposer's SANTA ISABEL mark and name for Opposer's goods and business, purchasers and prospective purchasers of such goods and/or of goods of the same general kind, as well as customers and prospective customers of such businesses, associate such mark and name with the goods and business of Opposer.

8. Purchasers and prospective purchasers familiar with Opposer's goods and business identified by the SANTA ISABEL mark and name are likely to be misled into believing, contrary to fact, that Applicant's goods sold under the mark opposed herein emanate from or are in some way sponsored by Opposer or its affiliates, all to Opposer's irreparable

damage through loss and/or dilution of its good will as symbolized by Opposer's mark and name.

9. Granting of a registration as sought by Applicant through the Application herein opposed would inhibit Opposer its free use of its mark and name in selling its products and conducting its business, which would work manifest damage upon Opposer. Such registration would constitute prima facie evidence of an exclusive right to use the designation "NOUVEAU 2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIÀ, DE CHILE & Design" for the goods designated in the application herein opposed and for all confusingly similar uses, thereby enabling Applicant to occupy a position in the trade which would further compound confusion on the part of the purchasing public, all to the damage of Opposer.

10. For at least the above reasons, registration of Applicant's Serial No. 78/593,412 is herein opposed on the grounds that Applicant's proposed mark "NOUVEAU 2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIÀ, DE CHILE & Design" so resembles Opposer's SANTA ISABEL mark as to be likely to cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and under state statutory and common law.

WHEREFORE, Opposer requests that this opposition be sustained and the subject application Serial No. 78/593,412 to register the mark "NOUVEAU 2004 SANTA ISABEL VINEYARD ACONCACUA VALLEY CHILE GRACIÀ, DE CHILE & Design" be refused registration.

Submitted herewith is a credit card authorization in the amount of \$300.00 to cover the statutory filing fee.

Respectfully submitted,

MOLINOS RIO DE LA PLATA S.A.

Date: January 3, 2007

By:



Norm J. Rich
Diane K. Newman
Peter G. Mack
Counsels for Opposer

FOLEY & LARDNER LLP
3000 K Street, N.W., Suite 500
Washington, D.C. 20007
Tel: 202.672.5300
Fax: 202.672-5399