

ESTTA Tracking number: **ESTTA122018**

Filing date: **01/29/2007**

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	Baron Henri de Cressac
Granted to Date of previous extension	01/31/2007
Address	90 Rue de Vincennes Bordeaux, 33000 FRANCE

Attorney information	Antonio Borrelli Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES axb@cll.com, trademark@cll.com Phone:(212) 790-9200
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Applicant Information

Application No	78550279	Publication date	10/03/2006
Opposition Filing Date	01/29/2007	Opposition Period Ends	01/31/2007
Applicant	D & M New World Management, Inc. 50 Hempstead Gardens Dr. W. Hempstead, NY 11552 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2004/11/02 First Use In Commerce: 2004/11/02
All goods and services in the class are opposed, namely: wines and distilled spirits

Applicant Information

Application No	78550292	Publication date	10/10/2006
Opposition Filing Date	01/29/2007	Opposition Period Ends	
Applicant	D & M New World Management, Inc. 50 Hempstead Gardens Dr. W. Hempstead, NY 11552 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 2004/11/02 First Use In Commerce: 2004/11/02
All goods and services in the class are opposed, namely: wines and distilled spirits

Related Proceedings	D & M New World Management, Inc. d/b/a Apollo Fine Spirits v. CSI International, Matter No. 50 155 T 00263 06, International Center for Dispute Resolution, American Arbitration Association
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Attachments	baronlet.pdf (2 pages)(87590 bytes) baronnoo.pdf (4 pages)(39678 bytes)
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Signature	/Antonio Borrelli/
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Name	Antonio Borrelli
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Date	01/29/2007
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Cowan, Liebowitz & Latman, P.C.

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January 29, 2007

By Electronic Filing

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

Attention: Trademark Trial and Appeal Board

Re: Baron Henri de Cressac
Consolidated Notice of Opposition Against
D & M New World Management, Inc.'s
Applications to Register BARON HENRI DE CRESSAC and BARON HENRI
DE CRESSAC PETITE CHAMPAGNE CONTROLLED 1ST GROWTH PETITE
CHAMPAGNE V.S VERY SPECIAL COGNAC PRODUCT OF FRANCE 750
ML EMB 16089E 40% ALC./VOL. and Design
Attorney Ref. No. 27271.000

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Numbers 78/550,279 and 78/550,292, published in the Official Gazettes of October 3, 2006 and October 10, 2006, respectively. Contemporaneously with the electronic filing of this Consolidated Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Cowan, Liebowitz & Latman, P.C.

Commissioner for Trademarks

January 29, 2007

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Please address all future correspondence to the attention of the undersigned.

Respectfully submitted,

/Antonio Borrelli/

Antonio Borrelli

Enclosures

cc: Robert W. Clarida, Esq. (w/encs.)
Jason D. Sanders, Esq. (w/encs.)

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

In re Application Serial Nos. 78/550,279 and 78/550,292

Filed: January 19, 2005

For Marks: BARON HENRI DE CRESSAC and BARON HENRI DE CRESSAC PETITE
CHAMPAGNE CONTROLLED 1ST GROWTH PETITE CHAMPAGNE V.S VERY SPECIAL
COGNAC PRODUCT OF FRANCE 750 ML EMB 16089E 40% ALC./VOL. and Design

Published in the Official Gazette: October 3, 2006 and October 10, 2006

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BARON HENRI DE CRESSAC, :
:
 Opposer, :
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 v. :
:
 :
D & M NEW WORLD MANAGEMENT, :
INC., :
:
 Applicant. :
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CONSOLIDATED NOTICE OF
OPPOSITION

Opposition No.

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Opposer, Baron Henri de Cressac ("Opposer"), a French individual with an address at 90 Rue de Vincennes, 33000 Bordeaux, France, believes that he will be damaged by registration of the word mark BARON HENRI DE CRESSAC and the mark BARON HENRI DE CRESSAC PETITE CHAMPAGNE CONTROLLED 1ST GROWTH PETITE CHAMPAGNE V.S VERY SPECIAL COGNAC PRODUCT OF FRANCE 750 ML EMB 16089E 40% ALC./VOL. and



Design shown here: (collectively, the “BARON HENRI DE CRESSAC Marks”), for “wines and distilled spirits” in International Class 33 as shown in Application Serial Numbers 78/550,279 and 78/550,292 (collectively, the “Applications”), and having been granted extensions of time to oppose up to and including January 31, 2007 and February 7, 2007, respectively, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is a living individual whose personal name is BARON HENRI DE CRESSAC.

2. On January 19, 2005, Applicant D & M New World Management, Inc. (“Applicant”) filed two applications to register the BARON HENRI DE CRESSAC Marks, both claiming a first use date of November 2, 2004 in connection with “wines and distilled spirits” in International Class 33. The applications included a statement that Applicant “believes the applicant to be the owner of the trademark/service mark sought to be registered.”

3. In response to the Examining Attorney’s request for proof of Opposer’s consent to register the BARON HENRI DE CRESSAC Marks, which comprise or contain Opposer’s personal name, Applicant submitted a copy of a document titled “Assignment of Trademark.” Opposer is challenging the validity and extent of the Assignment of Trademark in an arbitration pending before the American Arbitration Association’s International Center for Dispute Resolution, captioned D & M New World Management, Inc. d/b/a Apollo Fine Spirits v. CSI

International. In fact, Opposer does not consent to Applicant's registration of his personal name BARON HENRI DE CRESSAC.

4. Opposer owns the copyright in the design mark shown in Application Serial No. 78/550,292 for the mark BARON HENRI DE CRESSAC PETITE CHAMPAGNE CONTROLLED 1ST GROWTH PETITE CHAMPAGNE V.S VERY SPECIAL COGNAC PRODUCT OF FRANCE 750 ML EMB 16089E 40% ALC./VOL. and Design.

5. Upon information and belief, Applicant has sought registration of the BARON HENRI DE CRESSAC Marks, comprising or containing Opposer's personal name BARON HENRI DE CRESSAC to create the impression that Applicant's goods are affiliated with Opposer, when in fact they are not.

6. Upon information and belief, Applicant's statement that it "believes the applicant to be the owner of the trademark/service mark sought to be registered" when Applicant filed the Applications was fraudulent because Applicant did not have Opposer's consent to register his personal name BARON HENRI DE CRESSAC.

7. Upon information and belief, Applicant fraudulently stated in the prosecution of the Applications that Opposer consented to Applicant's registration of his personal name BARON HENRI DE CRESSAC when in fact Opposer did not so consent.

8. Upon information and belief, said false statements were made with the intent to induce the Patent and Trademark Office to grant registration to Applicant for the BARON HENRI DE CRESSAC Marks, when Applicant is not entitled to said registrations.

9. Upon information and belief, Applicant knew at the time they were made that the statements regarding Opposer's consent were false.

10. The granting of certificates of registration to Applicant for the BARON HENRI DE CRESSAC Marks would injure Opposer because the marks comprise or contains Opposer's identical personal name BARON HENRI DE CRESSAC and thus identify Opposer without his consent.

11. The granting of certificates of registration to Applicant would also injure Opposer because the BARON HENRI DE CRESSAC Marks would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of the BARON HENRI DE CRESSAC Marks and requests that the consolidated opposition be sustained and said registrations be denied.

Please recognize as attorneys for Opposer in this proceeding Robert W. Clarida, Jason D. Sanders and Antonio Borrelli (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036-6799.

Please address all communications to Antonio Borrelli, Esq. at the address listed below.

Dated: New York, New York
January 29, 2007

Respectfully submitted,

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Antonio Borrelli/
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