

ESTTA Tracking number: **ESTTA157993**

Filing date: **08/21/2007**

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	Grande Cheese Company
Granted to Date of previous extension	10/17/2007
Address	P.O. Box 67 Dairy Road Brownsville, WI 53006 UNITED STATES

Attorney information	Marta S. Levine Quarles & Brady LLP 411 East Wisconsin Avenue Milwaukee, WI 53202 UNITED STATES msl@quarles.com, drc@quarles.com Phone: 414 277 5000
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Applicant Information

Application No	76668710	Publication date	06/19/2007
Opposition Filing Date	08/21/2007	Opposition Period Ends	10/17/2007
Applicant	Windsor Quality Food Company, Ltd. 3355 West Alabama, Suite 730 Houston, TX 77098 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: RAVIOLI
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1318393	Application Date	12/19/1983
Registration Date	02/05/1985	Foreign Priority Date	NONE
Word Mark	GRANDE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 029. First use: First Use: 1941/03/22 First Use In Commerce: 1941/03/22 Cheese		
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U.S. Registration No.	1321000	Application Date	02/23/1984
Registration Date	02/19/1985	Foreign Priority Date	NONE
Word Mark	GRANDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1984/02/01 First Use In Commerce: 1984/02/08 Cheese		

Attachments	73466975#TMSN.gif (1 page)(bytes) NoticeOppositionGRAND_E_OLISGrandeWindsorFoods.pdf (4 pages)(108265 bytes)
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Signature	/MartaLevine/
Name	Marta S. Levine
Date	08/21/2007

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

In the Matter of Application Serial No. 76/668710
Mark: GRÁND-É-OLI'S
Published in the *Official Gazette* on June 19, 2007

GRANDE CHEESE COMPANY,

Opposer,

v.

Opposition No. _____

WINDSOR QUALITY FOOD COMPANY
LTD.,

Applicant.

NOTICE OF OPPOSITION

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

Opposer Grande Cheese Company ("Grande") believes that it would be damaged by registration of the mark shown in Application Serial No. 76/668710, and hereby opposes same. Grande has been granted an extension of time to oppose, to October 17, 2007.

As grounds of opposition, Grande alleges that:

1. Opposer Grande Cheese Company is an Illinois corporation with its principal place of business at P.O. Box 67, Dairy Road, Brownsville, Wisconsin 53006. Grande is, among other things, engaged in interstate commerce in the business of making and selling cheese, including fine Italian cheeses.

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Application Serial No.: 76/668710

2. Grande is the owner of the trademark GRANDE, which mark is registered with the U.S. Patent and Trademark Office (including U.S. Trademark Registration No. 1318393 for GRANDE, issued on February 5, 1985, and U.S. Trademark Registration No. 1321000 for GRANDE Stylized, issued on February 19, 1985). These registrations are valid, subsisting, and incontestable.

3. Application Serial No. 76/668710 is a trademark application filed by Applicant on November 8, 2006 under Section 1(b) of the Trademark Act of 1946, as amended (15 U.S.C. 1051(b)), for registration of the mark GRÁND-É-OLI'S for "ravioli" in International Class 030.

4. Since long prior to the date on which Applicant filed the above application and, upon information and belief, since long prior to any use by Applicant of its mark, Grande has used and continues to use its GRANDE marks in interstate commerce in connection with making and selling cheese, including fine Italian cheeses.

5. Since long prior to the date on which Applicant filed the above application and, upon information and belief, since long prior to any use by Applicant of its mark, Grande has used and continues to use GRANDE in Grande's corporate name, as a trade name, affixing said term on all product packages and marketing materials distributed and sold by Grande in interstate commerce.

6. Grande's GRANDE marks and trade name have been extensively used and advertised in interstate commerce to identify both Grande and Grande's products, and

Opposer: Grande Cheese Company
Applicant: Windsor Quality Food Company Ltd.
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thus Grande has developed and owns valuable property rights and goodwill in said marks and name.

7. Applicant's proposed mark GRÁND-É-OLI'S so resembles Grande's marks and trade name as to be likely, when used in connection with the Applicant's goods, to cause confusion and to cause mistake and to deceive. Specifically, and without limitation, members of the public seeing Applicant's mark are likely to believe or assume that the same identifies goods that are provided by or otherwise associated with or sponsored by Grande.

8. By reason of the foregoing, registration of Applicant's mark will result in irreparable injury to Grande and to its rights in its GRANDE marks and trade name.

Wherefore, Grande prays that this opposition be sustained and that registration of Applicant's mark be refused.

Dated: August 21, 2007

Respectfully submitted,

GRANDE CHEESE COMPANY

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Opposer: Grande Cheese Company
Applicant: Windsor Quality Food Company Ltd.
Application Serial No.: 76/668710

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Certificate of Transmittal: I hereby certify that this correspondence is being electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA) on the date indicated below:

Date: August 21, 2007



Marta S. Levine