

ESTTA Tracking number: **ESTTA285358**

Filing date: **05/21/2009**

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	Societe J.Laffort & Cie
Granted to Date of previous extension	05/30/2009
Address	126, Quai de la Souys Bordeaux Cedex, 33015 FRANCE

Attorney information	Julie B. Seyler Abelman Frayne & Schwab 666 Third Avenue New York, NY 10017 UNITED STATES JBSeyler@lawabel.com, Rdahl@lawabel.com Phone:212-949-9022
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Applicant Information

Application No	79059928	Publication date	03/31/2009
Opposition Filing Date	05/21/2009	Opposition Period Ends	05/30/2009
International Registration No.	0979760	International Registration Date	08/29/2008
Applicant	Suber Lefort Group Pty Ltd PO Box 571 NURIOOPTA SA 5355 AUSTRALIA		

Goods/Services Affected by Opposition

Class 001. All goods and services in the class are opposed, namely: Chemical preparations used in wine making, namely, oenological bactericides; enzyme preparations for use in the wine making industry; chemicals for use in the making of wine; chemicals and biochemicals used in the making for stabilizing wine, namely, wine fining agents; and wood alcohol
Class 030. All goods and services in the class are opposed, namely: Flavourings in the form of powder, solids and liquids for use in wine and wine making

Grounds for Opposition

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

U.S. Registration No.	2372150	Application Date	10/23/1998
Registration Date	08/01/2000	Foreign Priority Date	04/24/1998
Word Mark	LAFFORT		
Design Mark	LAFFORT		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1896/01/01 First Use In Commerce: 1988/08/10 chemicals used in oenology for wine-making and chemical substances for preserving foodstuffs Class 030. First use: First Use: 1896/01/01 First Use In Commerce: 1988/08/10 yeast for vinification		

Attachments	75574723#TMSN.gif (1 page)(bytes) suber lefort opp.pdf (9 pages)(316836 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Julie B. Seyler/
Name	Julie B. Seyler
Date	05/21/2009

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

In re Application No. 79/059928
Published March 31, 2009

<p>SOCIETE J. LAFFORT & CIE,</p> <p style="margin-left: 100px;"><i>Opposer,</i></p> <p>v.</p> <p>SUBER LEFORT GROUP PTY LTD.</p> <p style="margin-left: 100px;"><i>Applicant</i></p>
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Opposition No.

NOTICE OF OPPOSITION

Societe J. Laffort & Cie, a corporation organized under the laws of France with a business address at 126, Quai de la Souys, 33015 Bordeaux Cedex, France (“Opposer”), believes that it will be damaged by registration of Application No. 79/069928 for SUBER LEFORT INTERNATIONAL and hereby opposes registration of same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of Registration No. 2,372,150 for LAFFORT for chemicals used in oenology for wine-making and chemical substances for preserving foodstuffs in Class 1 and yeast for vinification in Class 30, (hereinafter collectively referred to as “Opposer’s Goods”).

2. Pursuant to 37 C.F.R. 1.122(d)(1) annexed hereto as Exhibit A is a printout from the electronic database records of the USPTO, namely TARR and the Assignment Records, that shows that the current status and title of Registration No. 2,372,150 is in the name of Opposer.

3. Opposer first used the mark LAFFORT on Opposer's Goods on January 1, 1896 and therefore the mark LAFFORT has been in use for over 110 years.

4. Opposer first used the mark LAFFORT on Opposer's Goods in commerce on August 8, 1998, and said use has been continuous.

5. Registration No. 2,372,150 for LAFFORT is incontestable.

6. The trademark LAFFORT is renowned and well-known in its field.

7. Opposer has priority.

8. Opposer has used the trademark LAFFORT in commerce long prior to the August 29, 2008 filing date of Applicant's intent to use Application No. 79/059928.

9. Applicant is seeking to register the mark SUBER LEFORT INTERNATIONAL for chemical preparations used in wine making, namely, oenological bactericides; enzyme preparations for use in the wine making industry; chemicals for use in the making of wine; chemicals and biochemicals used in the making for stabilizing wine, namely, wine fining agents; and wood alcohol, in Class 1; flavourings in the form of powder, solids and liquids for use in wine and wine making, in Class 30, (hereinafter collectively referred to as "Applicant's Goods").

10. On information and belief the word SUBER refers to "oak cork".

11. On information and belief, oak, oak cork, or oak cork, or other oak adjuncts are used in connection with Applicant's Goods.

12. Because of the descriptive significance of the word SUBER vis-a-vis Applicant's Goods, it is not a source-identifying element.

13. Applicant has disclaimed exclusive rights in the word INTERNATIONAL.

14. The significant source-identifying element of Applicant's mark is the word LEFORT.

15. The LEFORT element is applicant's mark is visually, verbally, and connotatively similar to Opposer's mark LAFFORT.

16. Applicant's mark in its entirety evokes a substantially similar commercial impression to Opposer's mark.

17. Applicant's Goods are identical to, or otherwise commercially related to Opposer's Goods.

18. In view of the substantial similarity between the marks and the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's Goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer requests the opposition be sustained and that registration of Application Serial No. 79/059928 be denied.

Respectfully submitted,



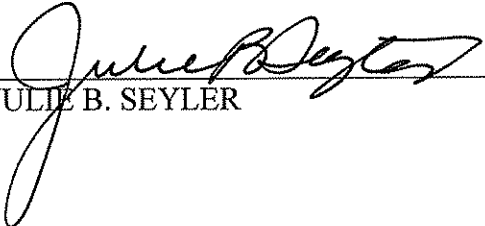
JULIE B. SEYLER
Attorney for Opposer

ABELMAN, FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
(212) 949-9022

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid on this 21st day of May, 2009 upon the following:

MacMillian Trade Marks Attorneys
P.O. Box 405
Blackburn VIC 3130
Australia



JULIE B. SEYLER

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-05-14 10:50:00 ET

Serial Number: 75574723 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2372150

Mark (words only): LAFFORT

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2007-04-19

Filing Date: 1998-10-23

Transformed into a National Application: No

Registration Date: 2000-08-01

Register: Principal

Law Office Assigned: LAW OFFICE 115

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2007-04-19

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. SOCIETE J. LAFFORT & CIE

Address:

SOCIETE J. LAFFORT & CIE
126, QUAI DE LA SOUYS
33015 BORDEAUX CEDEX
France

Legal Entity Type: Corporation

State or Country of Incorporation: France

GOODS AND/OR SERVICES

International Class: 001

Class Status: Active

chemicals used in oenology for wine-making and chemical substances for preserving foodstuffs

Basis: 44(e)

First Use Date: 1896-01-01

First Use in Commerce Date: 1988-08-10

International Class: 030

Class Status: Active

yeast for vinification

Basis: 44(e)

First Use Date: 1896-01-01

First Use in Commerce Date: 1988-08-10

ADDITIONAL INFORMATION

Foreign Application Number: 98730492

Foreign Registration Number: 98/730492

Foreign Registration Date: 1998-04-24

Country: France

Foreign Filing Date: 1998-04-24

Foreign Expiration Date: 2008-04-24

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-04-19 - Section 8 (6-year) accepted & Section 15 acknowledged

2007-02-05 - Response received to Post Registration action - Sections 8 & 15

2007-02-05 - PAPER RECEIVED

2006-12-01 - Post Registration action mailed Section 8 & 15

2006-12-01 - Assigned To Paralegal

2006-07-28 - TEAS Section 8 & 15 Received

2006-03-13 - Case File In TICRS

2000-08-01 - Registered - Principal Register

2000-05-09 - Published for opposition

2000-04-08 - Notice of publication

2000-01-04 - Approved for Pub - Principal Register (Initial exam)

1999-11-19 - Communication received from applicant

1999-05-19 - Non-final action mailed

1999-05-14 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Mark MutterperL

Correspondent

MARK MUTTERPERL
FULBRIGHT & JAWORSKI LL.P.
801 PENNSYLVANIA AVENUE, 5TH FLOOR
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United States Patent and Trademark Office

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No assignment has been recorded at the USPTO

For Serial Number: 75574723

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web Interface last modified: October 18, 2008 v.2.0.2

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