

ESTTA Tracking number: **ESTTA308202**

Filing date: **09/25/2009**

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	Tequila Don Julio, S.A. de C.V.
Granted to Date of previous extension	09/30/2009
Address	Porfirio Diaz No. 17, Colonia Chichimeco Atotonilco el Alto Jalisco, 47750 MEXICO

Attorney information	Rochelle D. Alpert Morgan, Lewis & Bockius LLP 1 Market St., Spear St. Tower San Francisco, CA 94105 UNITED STATES ralpert@morganlewis.com Phone:415.442.1326
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Applicant Information

Application No	77620828	Publication date	06/02/2009
Opposition Filing Date	09/25/2009	Opposition Period Ends	09/30/2009
Applicant	INULINA Y MIEL DE AGAVE SA DE CV RANCHO LAS PENITAS CAPILLA DE GUADALUPE, 47770 MEXICO		

Goods/Services Affected by Opposition

Class 030. All goods and services in the class are opposed, namely: Honey; Honey substitutes; Pancake syrup; Table syrup; Topping syrup
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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.	2088472	Application Date	11/01/1993
Registration Date	08/19/1997	Foreign Priority Date	NONE
Word Mark	DON JULIO		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 033. First use: tequila

U.S. Registration No.	3049490	Application Date	08/17/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE

Word Mark	DON JULIO 1942
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 033. First use: First Use: 2002/01/31 First Use In Commerce: 2002/01/31 Alcoholic beverages, namely tequila
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U.S. Registration No.	3208643	Application Date	04/13/2006
Registration Date	02/13/2007	Foreign Priority Date	NONE

Word Mark	DON JULIO REAL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 033. First use: First Use: 2003/11/00 First Use In Commerce: 2003/11/00 Alcoholic beverages, namely tequila
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U.S. Registration No.	3133436	Application Date	09/08/2003
Registration Date	08/22/2006	Foreign Priority Date	NONE

Word Mark	RESERVA DE DON JULIO
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Design Mark	RESERVA DE DON JULIO
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 BEVERAGE ALCOHOL, NAMELY DISTILLED SPIRITS

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DON JULIO		
Goods/Services	BEVERAGE ALCOHOL PRODUCTS; TEQUILA; DISTILLED SPIRITS		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DON JULIO 1942		
Goods/Services	BEVERAGE ALCOHOL PRODUCTS; TEQUILA; DISTILLED SPIRITS		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DON JULIO REAL		
Goods/Services	BEVERAGE ALCOHOL PRODUCTS; TEQUILA; DISTILLED SPIRITS		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RESERVA DE DON JULIO		
Goods/Services	BEVERAGE ALCOHOL PRODUCTS; TEQUILA; DISTILLED SPIRITS		

Attachments	78469129#TMSN.jpeg (1 page)(bytes) 78860890#TMSN.jpeg (1 page)(bytes) 76543414#TMSN.gif (1 page)(bytes) Notice of Opposition to DON JULIO Owned by Inulina Y Miel de Agave.pdf (23 pages)(764571 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	/RDA/
Name	Rochelle D. Alpert
Date	09/25/2009

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

In the matter of application Serial No. 77/620,828
Filed November 24, 2008
For the mark **DON JULIO**
Published in the OFFICIAL GAZETTE on June 2, 2009

TEQUILA DON JULIO, S.A. DE D C.V., a Mexico
Corporation,

Opposer,

v.

INULINA Y MIEL DE AGAVE SA DE CV, a Mexico
Corporation,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Tequila Don Julio, S.A. de C.V., a Mexico corporation, having its principal place of business at Porfirio Diaz No. 17, Colonia Chichimeco 47750, Atotonilco el Alto Jalisco, Mexico (“Opposer” or “Tequila Don Julio”), believes that it will be damaged by the registration of the mark shown in Serial No. 77/620,828, and hereby opposes same.

As grounds for the opposition, Tequila Don Julio alleges as follows:

OPPOSER AND ITS DON JULIO[®] FORMATIVE MARKS

1. Opposer is the owner of all right, title and interest in and to the mark DON JULIO[®], which has long been associated in Mexico, the United States and elsewhere

exclusively with Opposer's products. Indeed, Opposer uses the trade name Tequila Don Julio.

2. Opposer is the owner of all right, title and interest in and to the following federal registrations for its DON JULIO® brands:

Mark	Registration Number	Registration Date	First Use Date	Goods
DON JULIO®	2088472	August 19, 1997	44(e)	Tequila
DON JULIO 1942®	3049490	January 24, 2006	January 31, 2002	Alcoholic beverages, namely tequila
DON JULIO REAL®	3208643	February 13, 2007	November 2003	Alcoholic beverages, namely tequila
RESERVA DE DON JULIO® (RESERVA Disclaimed)	3133436	August 22, 2006	January 1999	Beverage alcohol, namely distilled spirits

(collectively "DON JULIO® Marks"). These registrations owned by Opposer remain valid and in full force and effect. Registration No. 2088472 has become incontestable since it has been in use and registered in the United States for more than 5 years.

Attached hereto as Exhibit A are true and correct copies of printouts from the United States Patent and Trademark Office's TARR Database regarding the status of these registrations.

3. Tequila Don Julio sells its DON JULIO® branded products nationally in the United States. In the United States, the DON JULIO® brand has acquired a reputation for premium products.

4. Tequila Don Julio has extensively and prominently advertised its DON JULIO® products in a variety of media in the United States, including national and

regional publications. DON JULIO[®] branded products have garnered awards and industry recognition in the United States and elsewhere. Tequila Don Julio has marketed and promoted its products for over twenty years in the United States under its DON JULIO[®] formative brand.

5. As a result of Tequila Don Julio's use of its DON JULIO[®] Marks and its substantial sales, extensive advertising and promotional activities, and the receipt of national media attention, Tequila Don Julio's DON JULIO[®] Marks have become well known and are associated with Opposer.

**APPLICANT'S INTENT-TO USE APPLICATION FOR AN IDENTICAL
DON JULIO DESIGNATION FOR A DIRECTLY RELATED PRODUCT**

6. Inulina Y Miel De Agave SA De CV ("Applicant") seeks to register an identical DON JULIO designation, US Application Serial No. 77/620,828 for "honey; honey substitutes; pancake syrup; table syrup; topping syrup" in International Class 30 ("Applicant's Application"). Applicant filed its intent-to-use application for the DON JULIO designation on November 24, 2008, well after Opposer obtained its registrations and began using its DON JULIO[®] formative brand.

7. Applicant's Application covers goods which are derived from the agave plant, which is the same plant from which tequila is produced. Applicant's web site concedes that its products are derived from the agave plant as is tequila. Applicant's Application also covers goods which emanate in Mexico, just as Opposer's beverage alcohol products do.

8. Applicant's Application covers goods such as syrups and toppings, which can be flavored and are flavored with beverage alcohol products, including tequila.

Recipes for syrups and toppings often include beverage alcohol products, including tequila.

9. Applicant's Application was published for opposition in the *Official Gazette* on June 2, 2009. The Trademark Trial and Appeal Board extended the opposition period for Applicant's Application by granting Opposer's timely request for an extension until September 30, 2009. Opposer, therefore, has timely filed this Notice of Opposition.

10. The applied-for designation shown in Applicant's Application is identical to Tequila Don Julio's incontestable registration for the DON JULIO[®] Mark, Registration Number 2088472, and the opposed application consists of the identical dominant DON JULIO wording in Tequila Don Julio's registrations and brands of Opposer's DON JULIO 1942[®], DON JULIO REAL[®] and RESERVA DE DON JULIO[®] Marks.

11. The goods identified in Applicant's Application are related to the tequila offered by Opposer under its DON JULIO[®] Marks in that there are numerous examples of syrups and toppings, among other goods, that feature beverage alcohol brands, which alone could lead consumers to wrongfully believe that Applicant's products are approved by, or affiliated or associated with, Tequila Don Julio and its DON JULIO[®] branded products, when they are not.

12. Applicant's web site concedes that its products derive from the agave plant, which also is the source of Tequila Don Julio's DON JULIO[®] tequila.

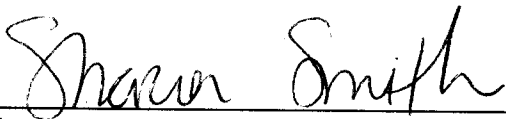
13. The applied-for designation of Applicant's Application is identical to Opposer's DON JULIO[®] Mark, and consists of the same dominant element of Opposer's

DON JULIO[®] formative Marks, that when used in connection with the goods identified in the application, is likely to cause confusion or mistake, or to deceive.

14. Opposer believes it will be damaged by registration of Applicant's Application under Section 13 of the Lanham Act, 15 U.S.C. § 1063, because consumers are likely to believe, mistakenly, that Applicant or its goods emanate from, are sponsored or authorized by, or are otherwise associated or affiliated with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Tequila Don Julio prays that Application Serial No. 77/620,828 for related products "honey; honey substitutes; pancake syrup; table syrup; topping syrup" in International Class 30, be refused, that no registration be issued thereon to Applicant, that this opposition be sustained in favor of Tequila Don Julio and that such other appropriate and proper relief be entered.

Dated: September 24, 2009 Respectfully submitted,

By: 
Sharon R. Smith
Attorney for Tequila Don Julio, S.A. de C.V.

Rochelle D. Alpert
Sharon R. Smith
Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1326
Facsimile: (415) 442-1001
Email: ralpert@morganlewis.com
srsmith@morganlewis.com

EXHIBIT A

to Notice of Opposition

EXHIBIT A
PAGE 1 OF 17

TEQUILA DON JULIO, S.A. DE D C.V. vs INULINA Y MIEL DE AGAVE SA DE CV

Serial No. 77/620,828

Submitted by: TEQUILA DON JULIO, S.A. DE D C.V. (Opposer)

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

This page was generated by the TARR system on 2009-09-22 18:26:54 ET

Serial Number: 74452910 Assignment Information Trademark Document Retrieval

Registration Number: 2088472

Mark (words only): DON JULIO

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2006-11-15

Filing Date: 1993-11-01

Transformed into a National Application: No

Registration Date: 1997-08-19

Register: Principal

Law Office Assigned: LAW OFFICE 101

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: 40S -Scanning On Demand

Date In Location: 2007-03-01

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

1. TEQUILA DON JULIO S.A. DE C.V.

Address:

TEQUILA DON JULIO S.A. DE C.V.
ATOTONILCO EL ALTO PORFIRIO DIAZ 17 COL. CHICHIMECO, C.P.
JALISCO
Mexico

Legal Entity Type: Corporation

State or Country of Incorporation: Mexico

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PAGE 2 OF 17**

GOODS AND/OR SERVICES

International Class: 033**Class Status:** Active

tequila

Basis: 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Name Portrait Consent: "DON JULIO" does not identify a particular living individual.**Foreign Registration Number:** 340341**Foreign Registration Date:** 1987-02-03**Country:** Mexico**Foreign Expiration Date:** 1997-02-03

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.

2007-03-01 - Case File In TICRS

2006-11-15 - First renewal 10 year

2006-11-15 - Section 8 (10-year) accepted/ Section 9 granted

2006-11-02 - Assigned To Paralegal

2006-09-05 - Combined Section 8 (10-year)/Section 9 filed

2006-09-05 - TEAS Section 8 & 9 Received

2006-01-17 - TEAS Change Of Correspondence Received

2003-09-30 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-08-19 - Section 8 (6-year) and Section 15 Filed

2003-08-19 - PAPER RECEIVED

EXHIBIT A
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1997-08-19 - Registered - Principal Register
1997-01-28 - Opposition terminated for Proceeding
1997-01-28 - Opposition dismissed for Proceeding
1996-03-04 - Opposition instituted for Proceeding
1996-02-16 - Extension Of Time To Oppose Received
1996-01-16 - Published for opposition
1995-12-15 - Notice of publication
1995-11-03 - Approved for Pub - Principal Register (Initial exam)
1995-10-30 - Examiner's amendment mailed
1995-09-27 - Non-final action mailed
1995-08-30 - Previous allowance count withdrawn
1995-08-29 - Approved for Pub - Principal Register (Initial exam)
1995-07-03 - Communication received from applicant
1995-01-11 - Non-final action mailed
1994-08-01 - Communication received from applicant
1994-03-08 - Non-final action mailed
1994-03-01 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

STEVEN ROSENTHAL

Correspondent

STEVEN ROSENTHAL
DIAGEO NORTH AMERICA, INC.
801 MAIN AVENUE
NORWALK CT 06851

Domestic Representative

STEVEN ROSENTHAL

**EXHIBIT A
PAGE 4 OF 17**



Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: 74452910 **Filing Dt:** 11/01/1993 **Reg #:** 2088472 **Reg. Dt:** 08/19/1997
Registrant: TEQUILA TRES MAGUEYES, S.A. DE C.V.
Mark: DON JULIO

Assignment: 1

Reel/Frame: 1833/0763 **Received:** 12/31/1998 **Recorded:** 12/28/1998 **Pages:** 5
Conveyance: ASSIGNS THE ENTIRE INTEREST
Assignor: TEQUILA TRES MAGUEYES S.A. DE C.V. **Exec Dt:** 12/16/1998

Assignee: TEQUILA DON JULIO, S.A. DE C.V.
PORFIRIO DIAZ NO. 17, ATOTONILCO EL ALTO
JALISCO, MEXICO

Entity Type: CORPORATION
Citizenship: MEXICO
Entity Type: CORPORATION
Citizenship: MEXICO

Correspondent: OBLON, SPIVAK, MCLELLAND, MAIER ET AL.
BRIAN D. ANDERSON, ESQUIRE
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202

Search Results as of: 09/25/2009 12:29 PM

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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This page was generated by the TARR system on 2009-09-22 18:27:26 ET

Serial Number: 78469129 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3049490

Mark

DON JULIO 1942

(words only): DON JULIO 1942

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-01-24

Filing Date: 2004-08-17

Transformed into a National Application: No

Registration Date: 2006-01-24

Register: Principal

Law Office Assigned: LAW OFFICE 101

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: 650 -Publication And Issue Section

Date In Location: 2006-01-24

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

1. Tequila Don Julio, S.A. de C.V.

**EXHIBIT A
PAGE 6 OF 17**

Address:

Tequila Don Julio, S.A. de C.V.
Porfirio Diaz No. 17, Colonia Chichimeco Atotonilco el Alto
Jalisco 47750
Mexico

Legal Entity Type: Corporation**State or Country of Incorporation:** Mexico**Phone Number:** 203.359.7269**Fax Number:** 203.359.7192

GOODS AND/OR SERVICES

International Class: 033**Class Status:** Active

Alcoholic beverages, namely tequila

Basis: 1(a)**First Use Date:** 2002-01-31**First Use in Commerce Date:** 2002-01-31

ADDITIONAL INFORMATION

Disclaimer: "1942"**Prior Registration Number(s):**

2088472

2178997

2486787

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.

2006-01-24 - Registered - Principal Register

2006-01-17 - TEAS Change Of Correspondence Received

2005-11-01 - Published for opposition

2005-10-12 - Notice of publication

2005-08-12 - Law Office Publication Review Completed

EXHIBIT A
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2005-08-05 - Assigned To LIE

2005-08-04 - Approved for Pub - Principal Register (Initial exam)

2005-08-03 - Teas/Email Correspondence Entered

2005-07-26 - Communication received from applicant

2005-07-26 - TEAS Response to Office Action Received

2005-03-19 - Non-final action e-mailed

2005-03-19 - Non-Final Action Written

2005-03-19 - Assigned To Examiner

2004-08-25 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Steven Rosenthal, Esq.

Correspondent

Steven Rosenthal
Diageo North America, Inc.
801 Main Avenue
Norwalk CT 06851

Domestic Representative

Steven Rosenthal, Esq. and Dana M. Gilla
nd, Esq.
Phone Number: 203.359.7269
Fax Number: 203.359.7192



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No assignment has been recorded at the USPTO

For Serial Number: 78469129

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Web interface last modified: October 18, 2008 v.2.0.2

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This page was generated by the TARR system on 2009-09-22 18:27:48 ET

Serial Number: 78860890 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3208643

Mark

DON JULIO REAL

(words only): DON JULIO REAL

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-02-13

Filing Date: 2006-04-13

Transformed into a National Application: No

Registration Date: 2007-02-13

Register: Principal

Law Office Assigned: LAW OFFICE 108

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: 650 -Publication And Issue Section

Date In Location: 2007-02-13

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

1. Tequila Don Julio, S.A. de C.V.

**EXHIBIT A
PAGE 10 OF 17**

Address:

Tequila Don Julio, S.A. de C.V.
Atotonilco el Alto Porfirio Diaz 17, Col. Chichimeco, C.P.
Jalisco
Mexico

Legal Entity Type: Corporation**State or Country of Incorporation:** Mexico

GOODS AND/OR SERVICES

International Class: 033**Class Status:** Active

Alcoholic beverages, namely tequila

Basis: 1(a)**First Use Date:** 2003-11-00**First Use in Commerce Date:** 2003-11-00

ADDITIONAL INFORMATION

Name Portrait Consent: The name Don Julio Gonzalez Estrada identifies a living individual whose consent is of record.

Prior Registration Number(s):

2088472

2939218

3049490

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.

2007-02-13 - Registered - Principal Register

2006-11-28 - Published for opposition

2006-11-08 - Notice of publication

2006-10-05 - Law Office Publication Review Completed

2006-09-29 - Assigned To LIE

EXHIBIT A
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2006-09-22 - Approved for Pub - Principal Register (Initial exam)

2006-09-21 - Assigned To Examiner

2006-04-19 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Steven Rosenthal

Correspondent

STEVEN ROSENTHAL
DIAGEO NORTH AMERICA, INC.
801 MAIN AVE
NORWALK, CT 06851-1127

Domestic Representative

Steven Rosenthal



Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 78860890

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Web interface last modified: October 18, 2008 v.2.0.2

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This page was generated by the TARR system on 2009-09-22 18:28:14 ET

Serial Number: 76543414 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3133436

Mark (words only): RESERVA DE DON JULIO

Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-08-22

Filing Date: 2003-09-08

Transformed into a National Application: No

Registration Date: 2006-08-22

Register: Principal

Law Office Assigned: LAW OFFICE 113

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: 650 -Publication And Issue Section

Date In Location: 2006-07-13

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

1. Tequila Don Julio, S.A. de C.V.

Address:

Tequila Don Julio, S.A. de C.V.
Porfirio Diaz No. 17 Colonia Chichimeco, 47750
Atotonilco el Alto, Jalisco
Mexico

Legal Entity Type: Corporation

State or Country of Incorporation: Mexico

GOODS AND/OR SERVICES

International Class: 033
Class Status: Active
BEVERAGE ALCOHOL, NAMELY DISTILLED SPIRITS
Basis: 1(a)
First Use Date: 1999-01-00
First Use in Commerce Date: 1999-01-00

ADDITIONAL INFORMATION

Disclaimer: "RESERVA"

Translation: The foreign wording in the mark translates into English as RESERVE OF.

Prior Registration Number(s):

2088472
2178997
2486787

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.

2006-08-22 - Registered - Principal Register
2006-07-06 - Law Office Registration Review Completed
2006-06-27 - Assigned To LIE
2006-06-08 - Allowed for Registration - Principal Register (SOU accepted)
2006-05-18 - Statement of use processing complete
2006-04-10 - Amendment to Use filed
2006-04-10 - TEAS Statement of Use Received
2006-01-17 - TEAS Change Of Correspondence Received
2005-10-12 - Extension 1 granted

EXHIBIT A
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2005-10-12 - Extension 1 filed
2005-10-12 - TEAS Extension Received
2005-04-12 - Noa Mailed - SOU Required From Applicant
2005-01-18 - Published for opposition
2004-12-29 - Notice of publication
2004-11-17 - Law Office Publication Review Completed
2004-11-12 - Assigned To LIE
2004-11-02 - Approved for Pub - Principal Register (Initial exam)
2004-10-14 - Teas/Email Correspondence Entered
2004-09-30 - Communication received from applicant
2004-09-30 - TEAS Response to Office Action Received
2004-03-31 - Non-final action mailed
2004-03-28 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Steven Rosenthal

Correspondent

STEVEN ROSENTHAL
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801 MAIN AVENUE
NORWALK CT 06851

Domestic Representative

DANA M. GILLAND
Phone Number: (203) 359-7269

EXHIBIT A
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Assignments on the Web > Trademark Query

No assignment has been recorded at the USPTO

For Serial Number: 76543414

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Web interface last modified: October 18, 2008 v.2.0.2

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CERTIFICATE OF SERVICE

I, Yelena Lolua, declare that I am and was at the time of the service mentioned in this declaration, employed in the County of San Francisco, California. I am over the age of 18 years and not a party to this cause. My business address is Spear Street Tower, One Market, San Francisco, CA 94105.

On **September 25, 2009**, I served a copy(ies) of the following document(s)

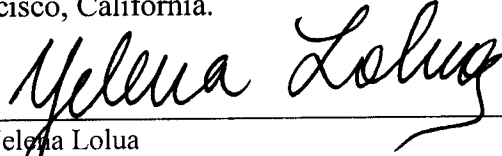
NOTICE OF OPPOSITION and EXHIBIT A (Serial No. 77/620,828)



by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at **San Francisco**, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**ALEJANDRO R. MALACARA
82 CHAPEL HILL CIRCLE
SAN ANTONIO, TX 78240**

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on **September 25, 2009**, at San Francisco, California.



Yelena Lolua