

ESTTA Tracking number: **ESTTA347163**

Filing date: **05/12/2010**

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	Wheelhouse Investment Real Estate Brokerage, Inc.
Granted to Date of previous extension	05/12/2010
Address	300 Brannan Street, Suite 504 San Francisco, CA 94107 UNITED STATES
Correspondence information	E. Russell Tarleton Seed IP Law Group PLLC 701 Fifth Avenue, Suite 5400 Seattle, WA 98104 UNITED STATES russt@seedip.com, hayleys@seedip.com, litcal@seedip.com Phone:206-622-4900

Applicant Information

Application No	77844251	Publication date	01/12/2010
Opposition Filing Date	05/12/2010	Opposition Period Ends	05/12/2010
Applicant	Sonoma Wine Company, LLC 9119 Graton Rd. Graton, CA 95444 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Advertising and promotional services

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. Application No.	77936979	Application Date	02/16/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WHEELHOUSE		

Design Mark	WHEELHOUSE
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2007/05/10 First Use In Commerce: 2007/05/10 real estate services, namely, marketing, advertising, and promoting properties of others; real estate investment brokerage services, namely, operating on-line and in-person marketplaces for buyers and sellers of real estate; providing an interactive real-estate website that promotes property by offering prospective buyers property descriptions, text, price, location, maps, and other information

Attachments	77936979#TMSN.jpeg (1 page)(bytes) Opp.pdf (5 pages)(469964 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	/Hayley J. Stevens/
Name	Hayley J. Stevens
Date	05/12/2010

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

WHEELHOUSE INVESTMENT REAL ESTATE BROKERAGE, INC.,)	Opposition No. _____
)	
Opposer,)	Serial No. 77/844251
)	
v.)	
)	
SONOMA WINE COMPANY, LLC,)	Docket No. 950120.801
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Wheelhouse Investment Real Estate Brokerage, Inc. (hereinafter "Opposer"), which has a principal place of business in San Francisco, California, believes that it would be damaged by registration of the mark WHEELHOUSE shown in United States Trademark Application Serial No. 77/844251, filed by Sonoma Wine Company, LLC (hereinafter "Applicant"), and therefore opposes that registration. The application as published is summarized as follows:

Serial No.: 77/844251
Filed: October 8, 2009
Applicant: Sonoma Wine Company, LLC
Mark: WHEELHOUSE
For: Advertising and promotional services, in class 35;
Published: January 12, 2010

The grounds for opposition are as follows:

1. Opposer is a corporation organized under the laws of the State of Delaware with an address of 300 Brannan Street, San Francisco, California, 94107. Opposer is engaged in the service of brokering the sale of investment real estate.

2. Opposer has continuously used the mark WHEELHOUSE in the United States as a mark in connection with its real estate services, including the marketing, advertising, and promoting properties of others and operating on-line and in-person marketplaces for buyers and sellers of real estate since 2007.

3. Opposer has applied to register its WHEELHOUSE mark asserting a first use date of May 10, 2007 for real estate services, namely, marketing, advertising, and promoting properties of others; real estate investment brokerage services, namely, operating on-line and in-person marketplaces for buyers and sellers of real estate; providing an interactive real-estate website that promotes property by offering prospective buyers property descriptions, text, price, location, maps, and other information, which is pending United States Trademark Application No. 77/936979.

4. Opposer has continuously conducted business in the United States under the trade name WHEELHOUSE since at least as early as May 10, 2007, well prior to the October 8, 2009 filing date of Applicant's intent-to-use application. Opposer's WHEELHOUSE mark and trade name are hereafter referred to as the "WHEELHOUSE Mark and Name."

5. Opposer's WHEELHOUSE Mark and Name symbolize extensive goodwill and consumer recognition, which have been developed by substantial real estate services under the WHEELHOUSE Mark and Name and through substantial and extensive advertising, promoting and popularizing of the mark and trade name in the United States.

6. As a result of such use and advertising of Opposer's WHEELHOUSE Mark and Name, the mark and trade name are well known in the United States and are recognized as identifying the high-quality services of Opposer. The WHEELHOUSE Mark and Name, and the goodwill associated with them, are valuable assets of Opposer.

7. Applicant has filed to register the mark WHEELHOUSE for advertising and promotional services. Applicant's recited services are closely related to Opposer's services which include advertising and promotional services in the field of real estate. The mark WHEELHOUSE as used for the advertising and promotional services described in Applicant's application is confusingly and deceptively similar to Opposer's WHEELHOUSE Mark and Name as used for the services rendered by Opposer in connection with its business, such that the trade and purchasing public are likely to be confused by and deceived into believing that Applicant's services originate with or are otherwise authorized by, sponsored by, licensed by, or associated with Opposer.

8. Upon information and belief, neither Applicant nor any predecessor-in-interest of Applicant has acquired any rights in WHEELHOUSE as a trademark or service mark prior to the October 8, 2009 filing date of Applicant's intent-to-use application.

9. The services described in Applicant's application are so closely related to the services marketed by Opposer that if the parties' respective products are marketed under confusingly similar marks, a likelihood of confusion will result.

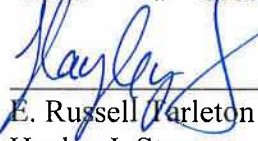
10. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of WHEELHOUSE to Applicant.

WHEREFORE, Opposer prays that this Opposition be sustained and the mark refused registration.

DATED this 12th day of May, 2010.

Respectfully submitted,

SEED IP Law Group PLLC



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Attorneys for Opposer

WHEELHOUSE INVESTMENT REAL ESTATE BROKERAGE, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2010, the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's attorney of record by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed as follows:

Kit Knudsen
Commins & Knudsen, P.C.
400 Montgomery St., Suite 200
San Francisco, CA 94104



Kelly Brennan