

ESTTA Tracking number: **ESTTA466462**

Filing date: **04/11/2012**

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	Domaine Martin		
Entity	Corporation	Citizenship	France
Address	Saint-Julien-Beychevelle Pauillac, 33250 FRANCE		

Attorney information	Julie B. Seyler ABELMAN FRAYNE & SCHWAB 666 Third Avenue New York, NY 10017 UNITED STATES jbseyler@lawabel.com Phone:212-949-9022		
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Applicant Information

Application No	85323897	Publication date	03/20/2012
Opposition Filing Date	04/11/2012	Opposition Period Ends	04/19/2012
International Registration No.	NONE	International Registration Date	NONE
Applicant	BOISSET - LA FAMILLE DES GRANDS VINS Rue des Frères Montgolfier Nuits Saint Georges, 21700 FRANCE		

Goods/Services Affected by Opposition

Class 033. First Use: 2008/02/15 First Use In Commerce: 2008/02/15
All goods and services in the class are opposed, namely: Wines of protected designation of origin from the Burgundy, Beaujolais and C tes du Rh ne regions

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.	2978681	Application Date	04/10/2003
Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	CH�TEAU SAINT-PIERRE		

Design Mark	CHÂTEAU SAINT-PIERRE
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1982/00/00 First Use In Commerce: 1982/00/00 wines

Attachments	78236234#TMSN.gif (1 page)(bytes) SAINT-PIERRE Opposition.pdf (8 pages)(279984 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	04/11/2012

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

In re Application No. 85/323897
Published March 20, 2012

DOMAINE MARTIN <i>Opposer,</i> v. BOISSET – LA FAMILLE DES GRANDS VINS <i>Applicant</i>

Opposition No.

NOTICE OF OPPOSITION

Domaine Martin, a corporation organized and existing under the laws of France, with an office at Saint-Julien-Beychevelle, 33250 Pauillac, France, believes that it will be damaged by registration of the mark shown in Application Serial No. 85/323897 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark LA CLE SAINT-PIERRE for wines of protected designation of origin from the Burgundy, Beaujolais and Cotes du Rhone regions.
2. Opposer is the owner of all right, title and interest in and to the trademark CHATEAU SAINT-PIERRE for wines.
3. Opposer is the owner of Registration No. 2,978,681 for CHATEAU SAINT-PIERRE and said registration is incontestable.
4. Opposer has used its mark in commerce since at least as early as 1982.
5. Opposer has priority.

4. 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. 2,978,681 is in the name of Opposer.

5. Applicant's mark LA CLE SAINT-PIERRE is substantially similar to Opposer's mark CHATEAU SAINT-PIERRE.

7. Applicant's goods are identical to Opposer's goods.

8. The goods are likely to travel in the same channels of trade, and/or be sold in the same type of retail outlets, and/or be purchased by the same class of consumers and/or be found in the same overlapping marketing environments.

9. In view of the substantial similarity between the respective marks, 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 believes that it will be damaged by the registration of Application Serial No. 85/323897 and respectfully requests that registration be refused and this opposition be sustained.

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 a true copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid this 11th day of April, 2012 upon the following:

Anne Haring Hocking, Esq.
HIARING + SMITH, LLP
101 Lucas Valley Road, Ste. 300
San Rafael, California 94903



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 2012-04-10 16:15:31 ET

Serial Number: 78236234 Assignment Information Trademark Document Retrieval

Registration Number: 2978681

Mark

CHÂTEAU SAINT-PIERRE

words only): CHÂTEAU SAINT-PIERRE

Standard Character claim: No

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2011-03-30

Filing Date: 2003-04-10

Transformed into a National Application: No

Registration Date: 2005-07-26

Register: Principal

Law Office Assigned: LAW OFFICE 106

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: 2011-04-28

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

.. Domaine Martin

Address:

Domaine Martin

Saint-Julien-Beychevelle

13250 Pauillac

France

Legal Entity Type: Corporation

State or Country of Incorporation: France

GOODS AND/OR SERVICES

International Class: 033

Class Status: Active

vines

Basis: 1(a)

First Use Date: 1982-00-00

First Use in Commerce Date: 1982-00-00

ADDITIONAL INFORMATION

NOT AVAILABLE)

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.

2011-03-30 - Section 8 (6-year) accepted & Section 15 acknowledged

2011-03-25 - Case Assigned To Post Registration Paralegal

2011-03-24 - TEAS Section 8 & 15 Received

2011-03-14 - Section 7 correction issued

2011-03-10 - Case Assigned To Post Registration Paralegal

2011-03-09 - TEAS Section 7 Request Received

2006-09-01 - Review Of Correspondence Complete

2006-08-21 - PAPER RECEIVED

2005-07-26 - Registered - Principal Register

2005-06-06 - Law Office Registration Review Completed

2005-05-27 - Assigned To LIE

- 2005-05-20 - Allowed for Registration - Principal Register (SOU accepted)
- 2005-05-17 - Statement Of Use Processing Complete
- 2005-05-09 - Use Amendment Filed
- 2005-05-09 - TEAS Statement of Use Received
- 2004-11-09 - NOA Mailed - SOU Required From Applicant
- 2004-08-17 - Published for opposition
- 2004-07-28 - Notice of publication
- 2004-05-19 - Approved For Pub - Principal Register
- 2004-03-29 - Communication received from applicant
- 2004-03-29 - PAPER RECEIVED
- 2003-09-30 - Non-final action mailed
- 2003-09-15 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LAWRENCE E ABELMAN

Correspondent

LAWRENCE E ABELMAN
ABELMAN FRAYNE & SCHWAB
566 3RD AVE
NEW YORK NY 10017-5621
Phone Number: 212-949-9022
Fax Number: 212-949-9190

Domestic Representative

LAWRENCE E ABELMAN
Phone Number: 212-949-9022
Fax Number: 212-949-9190



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No assignment has been recorded at the USPTO

For Serial Number: 78236234

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.3.1
Web interface last modified: Jan 26, 2012 v.2.3.1

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