

ESTTA Tracking number: **ESTTA932220**

Filing date: **10/31/2018**

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	Miguel Torres, S.A.		
Entity	a Sociedad Anonima	Citizenship	Spain
Address	Miquel Torres i Carbo, 6 Vilafranca del Penedes, Barcelona, 0 SPAIN		

Attorney information	J. Scott Gerien; Joy L. Durand Dickenson Peatman & Fogarty 1455 First St., Ste. 301 Napa, CA 94559 UNITED STATES tmltg@dpf-law.com, jdurand@dpf-law.com, jkilgore@dpf-law.com no phone number provided		
----------------------	--	--	--

**Applicant Information**

Application No	87780256	Publication date	10/02/2018
Opposition Filing Date	10/31/2018	Opposition Period Ends	11/01/2018
Applicant	Whipple, Will Cody 3545 Brighton Way Reno, NV 89509 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 032. First Use: 2017/06/01 First Use In Commerce: 2018/01/01 All goods and services in the class are opposed, namely: Beer
Class 033. First Use: 2017/06/01 First Use In Commerce: 2018/01/01 All goods and services in the class are opposed, namely: Distilled spirits

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2267401	Application Date	09/11/1998
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	TORRES 10		

Design Mark	<b>TORRES 10</b>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1993/00/00 First Use In Commerce: 1997/12/31 BRANDY

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TORRES 10		
Goods/Services	brandy		

Attachments	75551946#TMSN.png( bytes ) Notice of Opposition_10 TORR DISTILLING.pdf(32569 bytes )
-------------	---

Signature	/Jaymie Kilgore/
Name	Jaymie Kilgore
Date	10/31/2018

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <http://estta.uspto.gov>.

Dated: October 31, 2018

By   
Jaymie Kilgore

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

Miguel Torres, S.A.,

Opposer,

vs.

Will Cody Whipple,

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Miguel Torres, S.A., a Sociedad Anonima of Spain with a mailing address of Miquel Torres i Carbó, 6, E-08720 Vilafranca del Penedès (Barcelona) Spain (“Opposer”), believes it will be damaged by registration of the mark 10 TORR DISTILLING AND BREWING COMPANY for “beer” in International Class 32 and for “distilled spirits” in International Class 33 shown in U.S. Trademark Application Serial No. 87/780,256, filed on February 1, 2018, by Will Cody Whipple (“Applicant”), and opposes same.

Solely for the purpose of this proceeding, Opposer alleges the following as grounds for opposition:

1. Applicant seeks to register 10 TORR DISTILLING AND BREWING COMPANY as a trademark for “beer” in International Class 32 and for “distilled spirits” in International Class 33, U.S. Trademark Application Serial No. 87/780,256 (the “Application”),

1 based on Applicant's alleged use of the mark in United States commerce, as evidenced by the  
2 publication of such mark on October 2, 2018. Applicant's Application was filed on February 1,  
3 2018.

4 2. Opposer is the owner of U.S. Trademark Registration No. 2,267,401, issued on  
5 August 3, 1999, for the mark TORRES 10 for "brandy" in International Class 33, with a  
6 constructive first use date of September 11, 1998. Opposer has also used the TORRES 10 mark  
7 on brandy in U.S. commerce since prior to the filing date of Applicant's Application.

8 3. Applicant's 10 TORR DISTILLING AND BREWING COMPANY mark is likely  
9 to cause confusion, mistake or to deceive the public because it is virtually identical to Opposer's  
10 TORRES 10 mark and the goods on which Opposer uses Opposer's TORRES 10 mark, and for  
11 which the TORRES 10 mark are registered, are virtually identical, substantially similar or related  
12 to the goods identified in Applicant's Application and said goods are purchased by the same  
13 group of consumers. Accordingly, Applicant's 10 TORR DISTILLING AND BREWING  
14 COMPANY mark is confusingly similar to Opposer's TORRES 10 mark such that Applicant is  
15 not entitled to register the mark 10 TORR DISTILLING AND BREWING COMPANY and the  
16 Application should be denied in accordance with Section 2(d) of the Trademark Act of 1946, 15  
17 U.S.C. §1052(d).

18 4. Opposer avers that if Applicant is granted the registration herein opposed, it  
19 would interfere with Opposer's exclusive right to use its TORRES 10 mark herein relied upon,  
20 all to the detriment and damage of Opposer. Accordingly, Opposer avers that for the reasons set  
21 forth above, it will be damaged by a grant of registration to Applicant of 10 TORR DISTILLING  
22 AND BREWING COMPANY which is the subject of U.S. Trademark Application Serial No.  
23 87/780,256.

24  
25 WHEREFORE, Opposer prays as follows:

- 26 1. That this Opposition be sustained; and
- 27 2. That U.S. Trademark Application Serial No. 87/780,256 for the mark 10  
28 TORR DISTILLING AND BREWING COMPANY be rejected; and

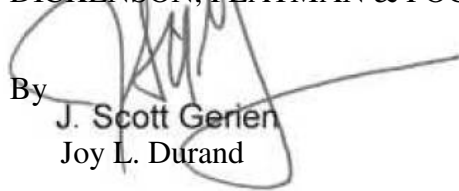
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. That registration of the mark 10 TORR DISTILLING AND BREWING COMPANY shown and specified in U.S. Trademark Application Serial No. 87/780,256 be refused and denied.

Please charge Opposer's Deposit Account #503564 the \$800 filing fee for the Opposition, and any other fees which may be necessary to effectuate the filing of this opposition.

Dated: October 31, 2018

Respectfully submitted,  
DICKENSON, PEATMAN & FOGARTY

By   
J. Scott Gerien  
Joy L. Durand

1455 First Street, Suite 301  
Napa, California 94559  
Telephone: 707-252-7122  
Facsimile: 707-255-6876

Attorneys for Opposer,  
Miguel Torres, S.A.