

ESTTA Tracking number: **ESTTA1053737**

Filing date: **05/06/2020**

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	JACKSON FAMILY FARMS, LLC
Granted to Date of previous extension	05/06/2020
Address	421 AVIATION BOULEVARD SANTA ROSA, CA 95403 UNITED STATES

Attorney information	J. SCOTT GERIEN / JOY DURAND DICKENSON, PEATMAN & FOGARTY 1455 FIRST STREET, SUITE 301 NAPA, CA 94559 UNITED STATES tmltg@dpf-law.com 7072527122
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Applicant Information

Application No	88602271	Publication date	01/07/2020
Opposition Filing Date	05/06/2020	Opposition Period Ends	05/06/2020
Applicant	Studio Beverage Group, Inc. Unit C 1754 Second St. Napa, CA 94558 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Wine; Alcoholic beverages, except beer

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.	3696760	Application Date	07/08/2008
Registration Date	10/13/2009	Foreign Priority Date	NONE
Word Mark	CAPTURE		

Design Mark	<h1>Capture</h1>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2009/04/28 First Use In Commerce: 2009/07/24 Wines

Attachments	77516840#TMSN.png(bytes) 20200506 Notice of Opposition BISHOPS CAPTURE.pdf(30466 bytes)
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Signature	/Joy Durand/
Name	Joy Durand
Date	05/06/2020

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

Jackson Family Farms, LLC,
Opposer,
vs.
Studio Beverage Group, Inc.,
Applicant.

OPPOSITION NO.
NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Jackson Family Farms, LLC, a California limited liability company located at 421 Aviation Boulevard, Santa Rosa, California 95403 (“Opposer”), believes it will be damaged by registration of the mark BISHOPS CAPTURE for “wine, alcoholic beverages, except beer” shown in U.S. Trademark Application Serial No. 88/602,271, filed on September 3, 2019, by Studio Beverage Group, Inc. (“Applicant”) and opposes same.

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

1. Applicant seeks to register BISHOPS CAPTURE as a trademark for “wine; alcoholic beverages, except beer” in International Class 33, U.S. Trademark Application Serial No. 88/602,271 (the “Application”), based on Applicant’s alleged intent to use the mark in United States commerce, as evidenced by the publication of such mark on January 7, 2020.

1 Applicant's Application was filed on September 3, 2019.

2 2. Opposer is the owner of the trademark CAPTURE for wines and the CAPTURE
3 mark has been used on and in association with wine in U.S. commerce by Opposer and/or its
4 affiliates since at least as early as July 24, 2009, more than ten (10) years prior to the
5 constructive use date of the Application.

6 3. Opposer is the owner of incontestable U.S. Trademark Registration No. 3,696,760
7 for the mark CAPTURE for wines in International Class 33, with a first use in commerce date of
8 July 24, 2009 and constructive first use date of July 8, 2008, both of which precede the filing
9 date of Applicant's Application.

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

18 5. Opposer avers that if Applicant is granted the registration herein opposed, it
19 would interfere with Opposer's exclusive right to use its CAPTURE mark herein relied upon, all
20 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 BISHOPS CAPTURE
22 which is the subject of U.S. Trademark Application Serial No. 88/602,271.

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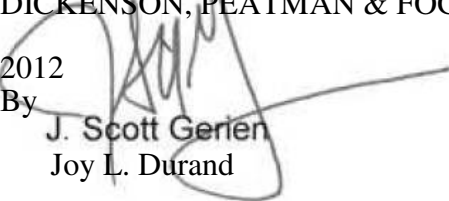
WHEREFORE, Opposer prays as follows:

1. That this Opposition be sustained; and
2. That U.S. Trademark Application Serial No. 88/602,271 for the mark BISHOPS CAPTURE be rejected; and
3. That registration of the mark BISHOPS CAPTURE shown and specified in U.S. Trademark Application Serial No. 88/602,271 be refused and denied.

Please charge Opposer's Deposit Account #505444 the \$400 filing fee for the Opposition, and any other fees which may be necessary to effectuate the filing of this opposition.

Dated: May 6, 2020

Respectfully submitted,
DICKENSON, PEATMAN & FOGARTY

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By 
J. Scott Gerien
Joy L. Durand

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Napa, California 94559
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Attorneys for Opposer,
Jackson Family Farms, LLC