

ESTTA Tracking number: **ESTTA1094847**

Filing date: **11/11/2020**

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	CONSTELLATION BRANDS U.S. OPERATIONS INC.
Granted to Date of previous extension	11/11/2020
Address	235 NORTH BLOOMFIELD ROAD CANANDAIGUA, NY 14424 UNITED STATES
Attorney information	EDWARD F. MALUF SEYFARTH SHAW LLP 620 EIGHTH AVE. 32ND FLOOR NEW YORK, NY 10018 UNITED STATES Primary Email: emaluf@seyfarth.com Secondary Email(s): ttabdocket@seyfarth.com , jheinbockel@seyfarth.com , kwilton@seyfarth.com , debrown@seyfarth.com 2122185500
Docket Number	105820-90073

Applicant Information

Application No.	88845554	Publication date	07/14/2020
Opposition Filing Date	11/11/2020	Opposition Period Ends	11/11/2020
Applicant	Jean-Claude Boisset Wines U.S.A., Inc. 849 ZINFANDEL LANE ST. HELENA, CA 94574 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: Alcoholic beverages except beers; Wines

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	WAPPO HILL
Goods/Services	wine

Attachments	WAPPO HILL -- Notice of Opposition.pdf(220894 bytes)
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Signature	/John C. Heinbockel/
Name	John C. Heinbockel
Date	11/11/2020

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

In the Matter of Application Serial No. 88845554
Published in the Official Gazette of July 14, 2020

CONSTELLATION BRANDS U.S.
OPERATIONS, INC.,

Opposer,

v.

JEAN-CLAUDE BOISSET WINES U.S.A., INC.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer Constellation Brands U.S. Operations, Inc. (“**Opposer**”), believes it will be damaged by registration of the mark shown in Application Serial No. 88845554 (the “**Opposed Application**”), and hereby opposes the same. As grounds for its opposition, Opposer alleges as follows:

1. Opposer is a New York corporation with a place of business at 235 North Bloomfield Road, Canandaigua, New York 14424.
2. Opposer is a wholly-owned subsidiary of Constellation Brands, Inc. (“**CBI**”), a corporation existing under the laws of Delaware and located and doing business at Building 100, 207 High Point Drive, Victor, New York 14564.
3. CBI is the world’s largest source of premium wines and Opposer is one of CBI’s largest operating companies.
4. Opposer is the operator of, inter alia, the Robert Mondavi Winery located at 7801 Saint Helena Highway, Oakville, CA 94562 (“**Mondavi**”).

5. Since at least as early as 2010—and long prior to the filing date of the Application—Opposer and its predecessors-in-interest have produced, marketed, advertised, distributed, and sold wine and related goods (collectively “**Opposer’s Goods**”) using the WAPPO HILL trademark (the “**WAPPO HILL Mark**”) in U.S. commerce.

6. As a result of Opposer’s long-standing, nationwide, and widespread use, Opposer owns extensive common law rights in its WAPPO HILL Mark in connection with wine and related goods.

7. By virtue of the excellence of Opposer’s Goods, the WAPPO HILL Mark has a strong and valuable reputation.

8. Notwithstanding Opposer’s prior rights in and to the WAPPO HILL Mark, Applicant applies to register the identical WAPPO HILL mark for “Alcoholic beverages except beers; Wines” in International Class 33 (the “**Opposed Mark**”). The Opposed Mark was published for opposition in the Trademark Official Gazette of July 14, 2020.

9. The goods for which Applicant seeks registration in International Class 33 are identical to the goods with which Opposer uses the WAPPO HILL Mark.

10. Opposer requested and received an extension of time to file its opposition until November 11, 2020.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Previously Used Trademark)

11. Opposer repeats and re-alleges the allegations in preceding paragraphs 1 through 10, inclusive, as if fully set forth herein.

12. Opposer used the WAPPO HILL Mark, and has continued to use the WAPPO HILL Mark, without interruption in U.S. commerce prior to Applicant’s adoption, use, and application to register the Opposed Mark.

13. The Opposed Mark so resembles Opposer’s previously used, and persisting WAPPO HILL Mark as to be likely, when used on or in connection with the goods identified in

the Application, to cause confusion, to cause mistake, or to deceive, and thus are not registrable under Section 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

14. Opposer will be damaged by registration of the Opposed Mark because registration will provide Applicant with *prima facie* evidence of ownership of, and exclusive nationwide right to use, a mark that is confusingly similar to the Opposer's WAPPO HILL Mark.

WHEREFORE, Opposer prays for judgment sustaining this opposition and refusing registration to Applicant of the Opposed Mark shown in the Opposed Applications.

Please direct all correspondence in connection with this opposition to the undersigned.

SEYFARTH SHAW LLP

Date: November 11, 2020

By: /s/ Edward F. Maluf

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