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Filing date: **04/21/2008**

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

Proceeding	92048912
Party	Defendant Bodegas Portia, S.L.
Correspondence Address	Bodegas Portia, S.L. Polig. Industrial Allenduedero, C/Neueva 3. Aranda De Duero, Burgos, 09400 SPAIN tmlaw@dineff.com
Submission	Other Motions/Papers
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Date	04/21/2008
Attachments	Motion 92048912.pdf (5 pages)(20606 bytes)

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

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Viñedos y Bodegas Corpora S.A.)	
Petitioner,)	
)	
vs.)	Cancellation No. 92048912
)	
Bodegas Portia, S.L.)	Registration No. 3157121
Registrant,)	Registration No. 3346964
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Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Consented Motion to Correct Office Mistake

Registrant, Bodegas Portia, S.L. (“Registrant”), by and through its undersigned counsel, hereby requests that Registration No. 3346964 be cancelled, as inadvertently issued by the USPTO, and be republished with the correct information, pursuant to 37 C.F.R. §2.174; TMEP §1609.10(a).

Registrant filed its Application No. 77/075872 (now Registration No. 3346964) on January 4, 2007 under Section 1(a) basis. On February 28, 2007, well before the Application was assigned to an Examining Attorney, Applicant filed a Preliminary Amendment to substitute the then existing basis with Section 1(b) basis, pursuant to 37 C.F.R. §2.35; TMEP §806.03(c), as evidenced by the enclosed copy of such filing, marked as “Exhibit A”.

After examination, Registrant’s application was published for opposition purposes on September 18, 2007. Thereafter, instead of issuing a Notice of Allowance, the U.S. Patent and Trademark Office (USPTO) mistakenly issued the Certificate of Registration No. 3346964, which Registrant’s counsel received contemporaneously with the Notice of Cancellation No. 92048912.

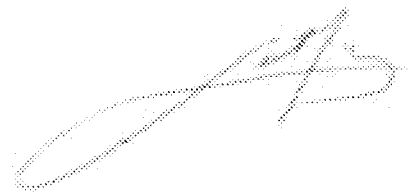
Consequently, Registrant respectfully requests that the USPTO correct its error by canceling Registration No. 3346964, amending its record to reflect the correct basis, namely Section 1(b), and republishing the Application No. 77/075872 with the correct information.

Furthermore, Registrant notes that, as a result of the present request, Cancellation No. 92048912 will become moot as it applies to Registration No. 3346964 and, therefore, request that the Board takes appropriate action.

On April 11, 2008 counsel for Petitioner, namely, Robert Albert, orally consented to the correction of the USPTO' mistake, pursuant to 37 C.F.R. §2.133.

Prompt approval is earnestly solicited.

Respectfully submitted,

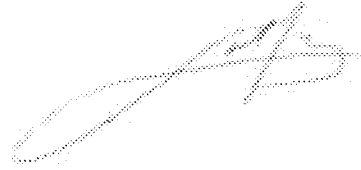


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Date: April 21, 2008

Certificate of Service

I hereby certify that a copy of this paper has been served upon all parties, at their address record by Facsimile or email on this date April 21, 2008.



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EXHIBIT "A"

USPTO Form 1549 (Rev. 11/2003)
USPTO Form 1549 (Rev. 11/2003)

Preliminary Amendment

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77075872
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	033
DESCRIPTION	Alcoholic beverages, namely, wines
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/28/2005
FIRST USE IN COMMERCE DATE	At least as early as 09/28/2005
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	033
DESCRIPTION	Alcoholic beverages, namely, wines
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/laurelvdineff/
SIGNATORY NAME	Laurel V. Dineff
SIGNATORY POSITION	Attorney of record
DATE SIGNED	02/28/2007
SIGNATURE	/laurelvdineff/
SIGNATORY NAME	Laurel V. Dineff
SIGNATORY POSITION	Attorney of record
DATE SIGNED	02/28/2007
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Feb 28 12:32:20 EST 2007
TEAS STAMP	USPTO/PA-6877218174-20070 228123220152020-77075872- 20074f534fe3c1cc650c79ecc 71e89bc1-N-N-200702281230 17772077

USPTO Form 1549 (Rev. 11/2003)
USPTO Form 1549 (Rev. 11/2003)

Preliminary Amendment

To the Commissioner for Trademarks:

Application serial no. **77075872** is amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 033 for Alcoholic beverages, namely, wines

Original Filing Basis: 1(a).

Proposed: Class 033 for Alcoholic beverages, namely, wines

Deleted Filing Basis: 1(a)

New/Additional Basis:

Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /laurelvdineff/ Date: 02/28/2007

Signatory's Name: Laurel V. Dineff

Signatory's Position: Attorney of record

Preliminary Amendment Signature

Signature: /laurelvdineff/ Date Signed: 02/28/2007

Signatory's Name: Laurel V. Dineff

Signatory's Position: Attorney of record

Serial Number: 77075872

Internet Transmission Date: Wed Feb 28 12:32:20 EST 2007

TEAS Stamp: USPTO/PA-6877218174-20070228123220152020

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