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

In the matter of Trademark Application Serial No. 85519008  
For the mark "CHANTILLY LANE"

William J. Williamson	:	Opposition No. 91208056
	:	
Opposer,	:	
	:	
v.	:	
	:	
Sonoma Wine Company	:	
	:	
Applicant.	:	

**FIRST AMENDED NOTICE OF OPPOSITION**

Opposer, William J. Williamson, hereby opposes registration of the mark CHANTILLY LANE which is the subject of application serial no. 85519008. Opposer files this First Amended Notice Of Opposition as a matter of course within the time period allowed by Fed. R. Civ. P. 15(a)(1) and T.B.M.P. 315. As grounds for the opposition, Opposer asserts the following:

1. William J. Williamson ("Opposer") is an individual having an address of 134 Matheson Street, Healdsburg, CA 95448.
2. Opposer is the owner of Williamson Wines having an address of 134 Matheson Street, Healdsburg, CA 95448, and which currently uses the mark CHANTILLY in connection with wine.
3. Sonoma Wine Company ("Applicant"), on January 18, 2012, filed an application to register the mark CHANTILLY LANE (the "Mark"), which application was assigned serial no. 85519008 (the "Application").

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4. The Application presently lists the following description of goods: wine; wines.
5. The Application was filed based on Applicant's asserted *bona fide* intent to use the mark in commerce.
6. Applicant had not used the Mark prior to January 18, 2012.
7. Opposer has used the mark CHANTILLY in connection with wine since at least as early as October 14, 2008.
8. Opposer's use of the mark CHANTILLY with wine, which use has not been abandoned, has been valid and continuous since a date prior to the filing date of the Application, prior to any priority date claimed by Applicant, and prior to Applicant's first use of its Mark.
9. Opposer has established a valuable reputation and good will in its CHANTILLY mark by reason of its continuous use, promotion, and sale of goods in association with its CHANTILLY mark.
10. Opposer's CHANTILLY mark is inherently distinctive or had become distinctive of its wine goods prior to the filing date of the Application, prior to any priority date claimed by Applicant, and prior to Applicant's first use of its Mark.
11. At least as early as October of 2008, Applicant bottled wine for Williamson Wines, which bottles included a label displaying Opposer's CHANTILLY mark.
12. Applicant's bottling of wine for Williamson Wines as set forth in paragraph 11 above was pursuant to an agreement between Opposer and Applicant.
13. On behalf of Opposer, Applicant filed an "Application For And Certification/Exemption Of Label/Bottle Approval" (the Label Application") with the

Department Of The Treasury– Alcohol And Tobacco Tax And Trade Bureau, dated September 16, 2008, for a label for use by Williamson Wines that included Opposer's mark CHANTILLY for use with wine. A true and correct copy of the approved Label Application is attached hereto as Exhibit A.

14. Applicant's mark CHANTILLY LANE is substantially similar to Opposer's previously used CHANTILLY mark.

15. The goods "wine; wines" listed in Applicant's Application is identical to the wine goods sold in connection with Opposer's CHANTILLY mark.

#### COUNT I

##### LIKELIHOOD OF CONFUSION

16. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 15 herein.

17. Applicant's Mark so resembles Opposer's CHANTILLY mark, when used on or in conjunction with the goods of Applicant, as to be likely to cause confusion, or to cause mistake, or to deceive.

#### COUNT II

##### FRAUD

18. Opposer repeats and realleges each and every allegation set forth in paragraphs 1 through 17 herein.

19. Applicant signed a declaration (the Application Declaration") in support of its Application, which declaration included the following statement "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. Section 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; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true”.

20. Opposer was using its CHANTILLY mark at the time Applicant signed the Application Declaration.

21. Opposer's rights in its CHANTILLY mark were superior to any rights Applicant had in its CHANTILLY LANE mark at the time the Application Declaration was signed.

22. Applicant knew that Opposer had rights in its CHANTILLY mark that were superior to the rights Applicant had in its Mark and either believed that a likelihood of confusion would result from Applicant's use of the Mark or had no reasonable basis for believing otherwise.

23. Applicant made a false declaration when it signed the Application Declaration.

24. Applicant intended to deceive the U.S. Patent & Trademark Office.

25. The U.S. Patent & Trademark Office relied on one or more of Applicant's misrepresentations and false statements when allowing the Application for publication.

PRAYER FOR RELIEF

26. If Applicant were granted registration of the Application herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of Applicant's Mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that its opposition to the registration of Application Serial Number 85519008 be sustained and that Applicant's Mark be refused registration.

Respectfully submitted,

Dated: November 19, 2012

/gah/  
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ATTORNEYS FOR OPPOSER



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