

APPLICANT - REQUÉRANT

TRADE MARK MARQUE DE COMMERCE

PETER VELLA

5475-062/AMT

BRESKIN & PARR,

BOX 401, 40 KING ST W,

TORONTO,

ONTARIO M5H 3Y2

CCA 1896 (10.85)

FILING DATE - DATE DE PRODUCTION

1994/02/17

FILE NO - DOSSIER N°

747890

PRIORITY DATE - DATE DE PRIORITE

1993/08/25

INDEX HEADINGS - RUBRIQUES DE L'INDEX

PETER VELLA

VELLA, PETER

REGISTERED USER - USAGER INSCRIT

ADVERTISEMENT DATE

DATE DE L'ANNONCE

DATE OF ALLOWANCE

DATE DE L'ADMISSION

REFERRED TO
REMIS A

REMARKS
REMARQUES

INITIALS
INITIALES

DATE

P.A. DATE
CLASSER

INITIALS
INITIALES

B.F. DATE
REPORTER

750-21-9381 (1-800)

B. COLLINSON

ADVERTISE

PREPARE FOR

1058895

27 JUN 2000



Consumer and
Corporate Affairs Canada

Consommation et
Affaires commerciales Canada



747 890

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APPL'N/DEM. NO 747 890

REGISTRATION/ENREGISTREMENT NO TMA538,849

FILING DATE/DATE DE PRODUCTION:

17 fév/Feb 1994

REGISTRATION DATE/DATE D'ENREGISTREMENT:

19 déc/Dec 2000

PRIORITY FILING DATE/DATE DE PRIORITÉ DE PRODUCTION:

(see below/voir ci-dessous)

REGISTRANT/PROPRIÉTAIRE ORIGINAL:

E. & J. GALLO WINERY,
600 YOSEMITE BOULEVARD,
P.O. BOX 1130,
MODESTO, CALIFORNIA 95353,
UNITED STATES OF AMERICA

REP FOR SERVICE/REP POUR SIGNIFICATION:

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

TRADE-MARK/MARQUE DE COMMERCE:

PETER VELLA

WARES/MARCHANDISES:

Wines.

CLAIMS/REVENDEICATIONS:

Priority Filing Date: August 25, 1993, Country: UNITED STATES OF AMERICA, Application No: 74/429,937 in association with the same kind of wares.

Used in UNITED STATES OF AMERICA on wares.

Registered in UNITED STATES OF AMERICA on February 14, 1995 under No. 1,879,310 on wares.

Declaration of Use filed December 06, 2000 on wares.

Registrability Recognized under Section 14 of the Trade-marks Act on wares.

ASSOCIATED MARKS/MARQUES LIEES:

TMA483,271

APPL'N/DEM. NO 747 890

ALLOWED/ADMISE

**FILING DATE/DATE DE PRODUCTION:
PRIORITY FILING DATE/DATE DE PRIORITÉ DE PRODUCTION:**

**17 fév/Feb 1994
(see below/voir ci-dessous)**

APPLICANT/REQUERANT:
E. & J. GALLO WINERY,
600 YOSEMITE BOULEVARD,
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MODESTO, CALIFORNIA 95353,
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40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

TRADE-MARK/MARQUE DE COMMERCE:

PETER VELLA

Dec. 6/2000

INDEX HEADINGS/RUBRIQUES:

PETER VELLA
* *

WARES/MARCHANDISES:

Wines.

APPL'N/DEM. NO 747 890

CLAIMS/REVENDEICATIONS:

Priority Filing Date: August 25, 1993, Country: UNITED STATES OF AMERICA,
Application No: 74/429,937 in association with the same kind of wares.

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Registered in UNITED STATES OF AMERICA on February 14, 1995 under No.
1,879,310 on wares.

Proposed Use in CANADA on wares.

Registrability Recognized under Section 14 of the Trade-marks Act on wares.

WARES/MARCHANDISES:

Vins.

CLAIMS/REVENDEICATIONS:

Date de priorité de production: 25 août 1993, pays: ÉTATS-UNIS D'AMÉRIQUE,
demande no: 74/429,937 en liaison avec le même genre de marchandises.

Employée: ÉTATS-UNIS D'AMÉRIQUE en liaison avec les marchandises.

Enregistrée: ÉTATS-UNIS D'AMÉRIQUE le 14 février 1995 sous le No.
1,879,310 en liaison avec les marchandises.

Emploi projeté au CANADA en liaison avec les marchandises.

Reconnue pour enregistrable en vertu de l'article 14 de la Loi sur les marques de
commerce en liaison avec les marchandises.

APPL'N/DEM. NO 747 890

ASSOCIATED MARKS/MARQUES LIEES:

TMA483,271

Action / Action	Date / Date	BF/ BF	Commentaires/ Comments
filed	17 fév/Feb 1994		
created	01 mars/Mar 1994		
formalized	14 mars/Mar 1994		
Search Recorded	21 juin/Jun 1994		
Examiner's First Report	14 juil/Jul 1994	14 janv/Jan 1995	
extension of time	09 fév/Feb 1995	14 juil/Jul 1995	
extension of time	15 août/Aug 1995	14 oct/Oct 1995	
correspondence created	26 juin/Jun 1996	26 nov/Nov 1996	
extension of time	28 nov/Nov 1996	26 avr/Apr 1997	Request Letter Date: 1996/10/29
extension of time	01 mai/May 1997	26 oct/Oct 1997	Request Letter Date: 1997/04/17
correspondence created	11 fév/Feb 1998	11 juin/Jun 1998	
extension of time	16 juin/Jun 1998	11 déc/Dec 1998	Request Letter Date: 1998/06/09
extension of time	07 déc/Dec 1998	11 juin/Jun 1999	Request Letter Date: 1998/11/25
extension of time	23 juin/Jun 1999	11 déc/Dec 1999	Request Letter Date: 1999/05/28
extension of time	19 janv/Jan 2000	11 juin/Jun 2000	Request Letter Date: 1999/12/13
approved	28 juin/Jun 2000		
translation requested	05 juil/Jul 2000	27 juil/Jul 2000	20000719074433
translation received	19 juil/Jul 2000		
Extracted for Advertisement	19 juil/Jul 2000		Vol.47 Issue 2388 2000/08/02
advertised	02 août/Aug 2000		Vol.47 Issue 2388
allowed	19 oct/Oct 2000		
allowance notice sent	19 oct/Oct 2000	19 avr/Apr 2001	

Bereskin & Parr



Barristers and Solicitors/Patent and Trade Mark Agents
Practice Restricted to Intellectual Property Law

November 30, 2000

Your Reference: 747,890
Our Reference: 5475-062

DEPOT POUR REC. GEN.
DU CANADA 033-13655
0881-10 09-87913

C/A # 24682
K223

6012 B# 001 0001-004 8:22AM 12/13/00 200.00

Canadian Intellectual Property Office
Place du Portage I, 3rd Floor
50 Victoria Street
Hull, Quebec
K1A 0C9

Dear Sir:

Re: Trade Mark PETER VELLA
Canadian Application No. 747,890
Applicant: E. & J. Gallo Winery

Industrie Industry
Canada Canada
OPIC CIPO

4 DEC 6 2000 4

We enclose herewith the signed Declaration of Use for the ~~above-noted trade mark~~
application.

Unkzler
File
Remix &
Charged to

Please charge the government registration fee of \$200.00 to our firm's Visa account.
Please also charge any deficiencies or credit any overpayments to this account.

Please let us have the Certificate of Registration in due course.

Yours truly,

Catherine Sayce, Trade Mark Clerk/ AMT

Encl.

IN THE MATTER OF

Canadian Trade Mark Application No. 747890

Applicant: E. & J. Gallo Winery

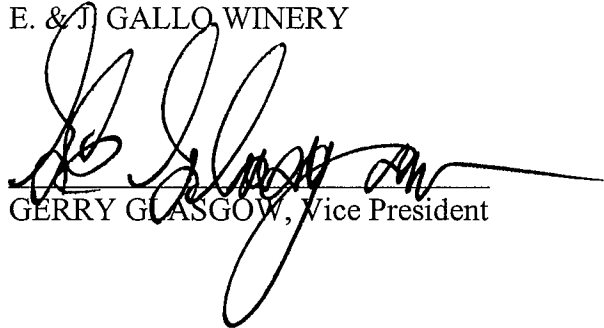
Trademark: PETER VELLA

I, **GERRY GLASGOW**, of E. & J. Gallo Winery, located at 600 Yosemite Boulevard, Modesto, California, 95354, declare:

1. THAT I am a **Vice President** of the applicant herein and as such have knowledge of the facts set forth below.
2. THAT since filing this application, use of the trade mark has commenced in Canada by the applicant and/or an entity licensed by or with the authority of the applicant, over whom the applicant has direct or indirect control of the character and quality of the wares/services, in association with the wares/services specified in the application as advertised.

Executed at Modesto, California, U.S.A. this 30 day of November, 2000.

E. & J. GALLO WINERY



GERRY GLASGOW, Vice President

APPL'N/DEM. NO 747 890

SEARCHED/A FAIT L'OBJET D'UNE RECHERCHE

**FILING DATE/DATE DE PRODUCTION:
PRIORITY FILING DATE/DATE DE PRIORITÉ DE PRODUCTION:**

**17 fév/Feb 1994
(see below/voir ci-dessous)**

APPLICANT/REQUERANT:
E. & J. GALLO WINERY,
600 YOSEMITE BOULEVARD,
P.O. BOX 1130, ✓
MODESTO, CALIFORNIA 95353,
UNITED STATES OF AMERICA

AGENT: (5475-062/AMT)
BERESKIN & PARR
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TORONTO
ONTARIO M5H 3Y2

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TORONTO
ONTARIO M5H 3Y2

TRADE-MARK/MARQUE DE COMMERCE:

PETER VELLA ✓

INDEX HEADINGS/RUBRIQUES:

PETER VELLA
* *

WARES/MARCHANDISES:

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Proposed Use in CANADA on wares. ✓

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Employée: ÉTATS-UNIS D'AMÉRIQUE en liaison avec les marchandises.

Enregistrée: ÉTATS-UNIS D'AMÉRIQUE le 14 février 1995 sous le No. 1,879,310 en liaison avec les marchandises.

Emploi projeté au CANADA en liaison avec les marchandises.

Reconnue pour enregistrable en vertu de l'article 14 de la Loi sur les marques de commerce en liaison avec les marchandises.

ASSOCIATED MARKS/MARQUES LIEES:

TMA483,271

APPL'N/DEM. NO 747 890

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extension of time	16 juin/Jun 1998	11 déc/Dec 1998	Request Letter Date: 1998/06/09
extension of time	07 déc/Dec 1998	11 juin/Jun 1999	Request Letter Date: 1998/11/25
extension of time	23 juin/Jun 1999	11 déc/Dec 1999	Request Letter Date: 1999/05/28
extension of time	19 janv/Jan 2000	11 juin/Jun 2000	Request Letter Date: 1999/12/13

Bereskin & Parr



Barristers and Solicitors/Patent and Trade Mark Agents
Practice Restricted to Intellectual Property Law
Box 401, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2
t: 416 364 7311 f: 416 361 1398 www.bereskinparr.com

Terry Edwards B.B.A.
t: 416 957 1614
e: tedwards@bereskinparr.com

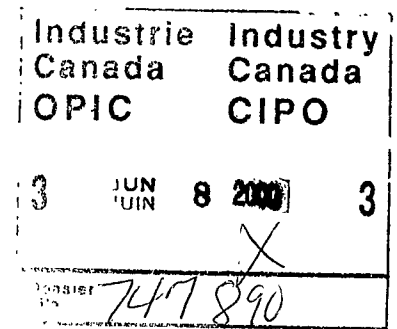
Your Reference: 747,890
Our Reference: 5475-062

June 8, 2000

The Registrar of Trade Marks
Hull, Quebec

Dear Sir:

**Re: Canadian Trade Mark Application
Serial No. 747,890 for PETER VELLA
Filed by E. & J. Gallo Winery**



This letter is in response to the official letter dated February 11, 1998.

The Examiner raised an initial objection to this trade mark on the basis that the mark was considered to be primarily merely a name. By letter dated August 17, 1995, the applicant filed a revised application claiming the benefit of Section 14 of the *Trade-marks Act*. In support of Section 14 claim, the affidavit of Jack Sands was filed. The Examiner was not prepared to withdraw the Section 12(1)(a) objection on the basis that sales in Canada were considered to be too low and that spillover advertising was also considered to be insufficient.

In further support of the applicant's Section 14 claim, we enclose the affidavit of Gerald Glasgow, Vice President of the applicant herein. As stated in paragraph 2 of the Glasgow affidavit, during the period 1995 to October 1999 the applicant sold over 186 million litres of PETER VELLA wine in the United States. This represents over \$350 million U.S. (wholesale). During the same period, the applicant sold over 215,000 litres of PETER VELLA wine in Canada. This represents approximately \$280,000 (Canadian) at the wholesale level. Please note that these sales are all in addition to the sales set out in the original Sands affidavit.

Lastly, in paragraph 4, Mr. Glasgow states that during the period 1997 to October 1999 advertising expenditures relating to the sales of PETER VELLA wine in the United States and Canada are estimated to be approximately \$2,262,011 (U.S.).

Mr. Glasgow states that separate advertising expenditures for Canada are not available.

In view of the significant additional sales of PETER VELLA wine in both Canada and the United States, as well as the additional advertising expenditures, we submit that the Glasgow affidavit is sufficient to show that the PETER VELLA trade mark is not without distinctive character in Canada.

In addition, as previously advised, the applicant is the owner of Canadian trade mark registration No. 483,271 for PETER VELLA & Design for alcoholic beverages namely wines and wine based beverages. No disclaimer has been entered against this registration with respect to the words PETER VELLA. Accordingly, the Trade Marks Office considered the words PETER VELLA to be independently registrable. *

The subject mark consists solely of the words PETER VELLA and we submit that the application for PETER VELLA should be entitled to the same treatment before the Trade Marks Office as the application for PETER VELLA & Design such that the Section 12(1)(a) should not be applicable. Alternatively, given the applicant's Section 14 claim, along with the filing of the Sands and Glasgow affidavits in support, we respectfully request that the Section 12(1)(a) objection be withdrawn and the application herein approved for advertisement.

Yours truly,



Amalia M. Trister/Terry Edwards

/ncs

Encl.

CANADA

IN THE CANADIAN TRADE MARKS OFFICE

IN THE MATTER OF Application No. 747,890 for the
trade mark PETER VELLA by E. & J. Gallo Winery

AFFIDAVIT

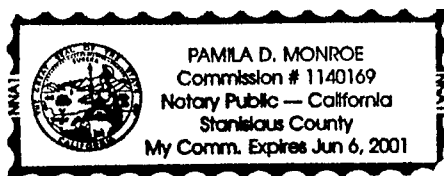
I, GERALD GLASGOW, of Modesto, California, United States of America,
HEREBY MAKE OATH AND SAY AS FOLLOWS:

1. I am a Vice-President of E. & J. Gallo Winery, the applicant for registration of the subject mark (the "applicant"). I have been employed by the applicant for over 19 years and became a Vice-President in 1987. One of my duties is to be familiar with trade mark matters affecting the applicant. I make the following statements from my personal knowledge and from the information contained in the relevant records of the applicant to which I have access.
2. During the period 1995 to October 1999, the applicant sold over 186 million litres of PETER VELLA wine in the United States. The dollar value represented by these sales is approximately \$350 million (U.S.) at the wholesale level.
3. During the period 1995 to October 1999, the applicant sold over 215,000 litres of PETER VELLA wine in Canada. The dollar value represented by these sales is approximately \$280,000 (Canadian) at the wholesale level.
4. During the period 1997 to October 1999, advertising expenditures relating to the sale of PETER VELLA wine in the United States and Canada are estimated to

have been approximately \$2,262,011 (U.S.). Separate advertising expenditures for Canada are not available.

SWORN BEFORE ME at Modesto,
California, United States of America,
this ~~1st~~ day of ~~May~~, 2000.
June

Pamila D. Monroe
Notary Public



Gerald Glasgow
GERALD GLASGOW

APPL'N/DEM. NO 833 721

REGISTRATION/ENREGISTREMENT NO TMA483,271

REGISTERED/ENREGISTRÉE

**FILING DATE/DATE DE PRODUCTION:
REGISTRATION DATE/DATE D'ENREGISTREMENT:**

**15 janv/Jan 1997
29 sept/Sep 1997**

REGISTRANT/PROPRIÉTAIRE ORIGINAL:

E. & J. GALLO WINERY
600 YOSEMITE BOULEVARD
MODESTO, CALIFORNIA 95354
UNITED STATES OF AMERICA

REP FOR SERVICE/REP POUR SIGNIFICATION:

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

TRADE-MARK/MARQUE DE COMMERCE:

PETER  VELLA

WARES/MARCHANDISES:

- (1) Alcoholic beverages namely wines and wine based beverages.
- (2) Wines.

CLAIMS/REVENDEICATIONS:

Used in CANADA since December 1994 on wares (1).

Used in UNITED STATES OF AMERICA on wares (2).

Registered in UNITED STATES OF AMERICA on April 11, 1995 under No. 1,888,777 on wares (2).

ASSOCIATED MARKS/MARQUES LIEES:

747,890

APPL'N/DEM. NO 833 721

REGISTRATION/ENREGISTREMENT NO TMA483,271

REGISTERED/ENREGISTRÉE

**FILING DATE/DATE DE PRODUCTION:
REGISTRATION DATE/DATE D'ENREGISTREMENT:**

**15 janv/Jan 1997
29 sept/Sep 1997**

REGISTRANT/PROPRIÉTAIRE ORIGINAL:

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MODESTO, CALIFORNIA 95354
UNITED STATES OF AMERICA

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TRADE-MARK/MARQUE DE COMMERCE:

PETER  VELLA

WARES/MARCHANDISES:

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- (2) Wines.

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Used in UNITED STATES OF AMERICA on wares (2).

Registered in UNITED STATES OF AMERICA on April 11, 1995 under No. 1,888,777 on wares (2).

ASSOCIATED MARKS/MARQUES LIEES:

747,890



OPIC
OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



Ottawa Hull K1A 0C9

CIP O
CANADIAN INTELLECTUAL
PROPERTY OFFICE
TRADE-MARKS

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

Date	19 janv/Jan 2000
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner
E. & J. GALLO WINERY,

Marque de commerce - Trade-mark
PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 13 décembre 1999 dans laquelle vous demandez une prolongation de délai additionnelle pour répondre à une lettre du Bureau datée du 11 février 1998.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 11 juin 2000.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated December 13, 1999 requesting an additional extension of time to reply to the office action of February 11, 1998.

In accordance with your request you are hereby granted an extension of time until June 11, 2000.

Registraire des marques de commerce
Registrar of Trade-marks

Contact: Jean-Pierre Sarazin (Examination)
Section de l'examen/
Examination Section
(819) 997-0364



Industrie Canada Industry Canada

Canada

Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.
B. Sc. (Eng. Phys.), LL.B.
RICHARD J. PARR
B.A. Sc. (Eng. Phys.), LL.B.
H. ROGER HART
B. Sc. (Mech. Eng.), LL.B.
C. LLOYD SARGINSON
B. Sc. (Chem. Eng.), LL.B.
ROBERT H.C. MACFARLANE
B. Eng., LL.B.
CYNTHIA ROWDEN
B.A., LL.B.
TIMOTHY J. SINNOTT
B.S., M. Sc. (Physics), LL.B.
ROBERT B. STOREY
B.A. Sc. (Metallurgy), LL.B.
PHILIP C. MENDES DA COSTA
B. Sc. (Chem. Eng.), LL.B.
JILL JARVIS-TONUS
B.F.A. (Dramatic Arts), LL.B.
MICHAEL E. CHARLES
B. Eng. Sci. (Chem. Eng.), LL.B.
ROBIN L.A. COSTER
B. Sc. (Physics), LL.B.
AMALIA M. TRISTER
B.A., LL.B.
JONATHAN G. COLOMBO
B.A., M.A., LL.B.
JILL M. HOLMES
B.A., LL.B.
JOHN R. RUDOLPH
B.Sc., M.Sc., Ph.D. (Med. Sci.), LL.B.
MARK L. ROBBINS
B.A., LL.B.
JUSTINE WIEBE
B.A., LL.B.
ANDREW I. MCINTOSH
B. Sc. (Chem.), J.D., LL.B.
SHAWN D. JACKA
B. Sc. (Comp. Sci.), LL.B.
ANITA NADOR
B.A. (Molec. Biophys./Biochem.), LL.B.
TODD D. BAILEY
B.A. Sc. (Mech. Eng.), LL.B.
ISIS E. CAULDER
B.A. Sc., M.A. Sc. (Elect. Eng.), LL.B.
SCOTT R. PUNDSACK
B.A. Sc. (Civil Eng.), LL.B.
CHRISTINE M. PALLOTTA
B. Sc. (Biology), LL.B.
JEHANGIR CHOKSI
B. Eng. (Elect. Eng.), LL.B.
TAI W. NAHM
B.A. Sc. (Sys. Des. Eng.), LL.B.
BHUPINDER S. RANDHAWA
B.A. Sc. (Comp. Eng.), LL.B.
LILLIAN SVERSKY
B.A., LL.B.

Patent & Trade Mark Agents

DAVID W. R. LANGTON
H. SAM FROST
B.A. (Eng. Sci.), M. Sc. (Nucl. Eng.)
MARIE E. MANZA
TERRY EDWARDS
B.B.A.
JANE SARJEANT
MICHELINE GRAVELLE
B. Sc., M. Sc. (Immunology)
STEPHEN M. BENEY
B. Sc. (Physics)
JANICE M. BERESKIN
B.A.
MARK SCHISLER
B. Math (Comp. Sci.)

BERESKIN & PARR

Industrie Canada OPIC	Industry Canada CIFO
5 DEC 13 1999 5	
Dossier File 747890	
Remis a Charged to	

YOUR FILE 747,890
OUR FILE 5475-062

December 13, 1999

The Registrar of Trade Marks
Hull, Quebec

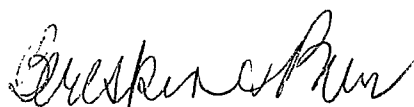
Dear Sir:

**Re: Canadian Trade Mark Application Serial No. 747,890
for PETER VELLA, filed by E. & J. Gallo Winery**

On behalf of the applicant, we request an extension of time of six months, until June 11, 2000, within which to respond to the official letter.

The applicant intends to file a supplemental affidavit in support of its Section 14 claim. A supplemental affidavit has been drafted and forwarded to the applicant for review. In view of the circumstances, we respectfully request that this extension of time be granted.

Yours truly,



AMT/Terry Edwards
/ncs



OPIC
OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



Ottawa Hull K1A 0C9

CIP O
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TRADE-MARKS

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Date	23 juin/Jun 1999
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner
E. & J. GALLO WINERY,

Marque de commerce - Trade-mark
PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 28 mai 1999 dans laquelle vous demandez une prolongation de délai additionnelle pour répondre à une lettre du Bureau datée du 11 février 1998.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 11 décembre 1999.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated May 28, 1999 requesting an additional extension of time to reply to the office action of February 11, 1998.

In accordance with your request you are hereby granted an extension of time until December 11, 1999.

Registraire des marques de commerce
Registrar of Trade-marks

Contact: Jean-Pierre Sarazin
Section de l'examen/
Examination Section
(819) 997-0364



Industrie Canada

Industry Canada

Canada

Barristers & Solicitors

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TAI W. NAHM

B.A. Sc. (Sys. Des. Eng.), LL.B.

BHUPINDER S. RANDHAWA

B.A. Sc. (Comp. Eng.), LL.B.

LILLIAN SVERSKY

B.A., LL.B.

Patent & Trade Mark Agents

DAVID W. R. LANGTON

H. SAM FROST

B.A. (Eng. Sci.), M. Sc. (Nucl. Eng.)

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JANICE M. BERESKIN

B.A.

MARK SCHISLER

B. Math (Comp. Sci.)

BERESKIN & PARR

May 28, 1999

Industrie Canada OPIC	Industry Canada CIPO
1	JUN 2 1999 1
Dossier File 747890	
Remis a Charged to	

YOUR FILE NO. 747,890

OUR FILE NO. 5475-062

The Registrar of Trade Marks
Hull, Quebec

Dear Madam:

Re: Canadian Trade Mark Application
For: PETER VELLA
Serial No.: 747,890
Applicant: E. & J. Gallo Winery

We request an extension of time of six months until **December 11, 1999** to file a response to the outstanding Examiner's report.

The applicant requires further time to consider the objections raised by the Examiner with respect to the Section 14 evidence filed and to instruct our firm with respect to the response and possible further evidence to be assembled and filed in support of the claim that the mark is registrable pursuant to Section 14.

In the circumstances, we respectfully submit that our request for this extension of time is reasonable and justified and we look forward to receiving confirmation of the new due date.

Yours truly,

Bereskin & Parr
Amalia M. Trister

pg



OPIC
OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



CIP O
CANADIAN INTELLECTUAL
PROPERTY OFFICE
TRADE-MARKS

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

Date	7 déc/Dec 1998
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner
E. & J. GALLO WINERY,

Marque de commerce - Trade-mark
PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 25 novembre 1998 dans laquelle vous demandez une prolongation de délai additionnelle pour répondre à une lettre du Bureau datée du 11 février 1998.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 11 juin 1999.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated November 25, 1998 requesting an additional extension of time to reply to the office action of February 11, 1998.

In accordance with your request you are hereby granted an extension of time until June 11, 1999.

Registraire des marques de commerce
Registrar of Trade-marks

Contact: Madeleine Labelle
Section de l'examen/
Examination Section
(819) 953-5259



Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.

B. Sc. (Eng. Phys.), LL.B.

RICHARD J. PARR

B.A. Sc. (Eng. Phys.), LL.B.

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JANICE M. BERESKIN

B.A.

MARK SCHISLER

B. Math (Comp. Sci.)

BERESKIN & PARR

November 25, 1998

YOUR FILE 747,890

OUR FILE 5475-062

The Registrar of Trade Marks
Hull, Quebec

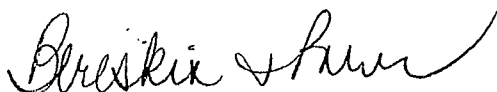
Dear Madam:

**Re: Canadian Trade Mark Application Serial No. 747,890
for PETER VELLA by E. & J. Gallo Winery**

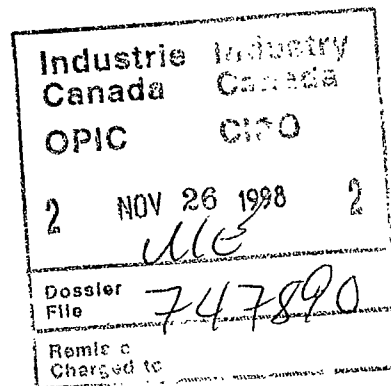
On behalf of the applicant, we request an extension of time of six months, until June 11, 1999, within which to respond to the official letter.

We have advised the applicant of the objections to this application and we are awaiting finalized instructions from the applicant on how it wishes to proceed. In view of the circumstances, we respectfully request that this extension of time be granted.

Yours truly,



Terry Edwards
/ncs





O P I C
OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



C I P O
CANADIAN INTELLECTUAL
PROPERTY OFFICE
TRADE-MARKS

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

Date	16 juin/Jun 1998
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner
E. & J. GALLO WINERY,

Marque de commerce - Trade-mark
PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 9 juin 1998 dans laquelle vous demandez une prolongation de délai additionnelle pour répondre à une lettre du Bureau datée du 11 février 1998.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 11 décembre 1998.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated June 9, 1998 requesting an additional extension of time to reply to the office action of February 11, 1998.

In accordance with your request you are hereby granted an extension of time until December 11, 1998.

Registraire des marques de commerce
Registrar of Trade-marks

Contact: Madeleine Labelle
Section de l'examen/
Examination Section
(819) 953-5259



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B.B.A.
JANE SARJEANT
MICHELLE GRAVELLE
B.Sc., M.Sc. (Immunology)
STEPHEN M. BENEY
B.Sc. (Physics)

June 9, 1998

YOUR FILE NO. 747,890

OUR FILE NO. 5475-062

The Registrar of Trade Marks
Hull, Quebec

Dear Madam:

Re: Canadian Trade Mark Application
For: PETER VELLA
Serial No.: 747,890
Applicant: E. & J. Gallo Winery

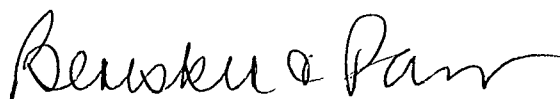
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JUN 9 1998
747890

We respectfully request an extension of time of six months until **December 11, 1998** to file a response to the outstanding Examiner's report.

The applicant requires further time to consider the objections raised by the Examiner and to instruct our firm with respect to the response to be filed.

In the circumstances, we respectfully submit that our request for this extension of time is reasonable and justified and we look forward to receiving confirmation of the new due date.

Yours truly,



Amalia M. Trister

/pg

OPIC

OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



Ottawa Hull K1A 0C9

CIP O

CANADIAN INTELLECTUAL
PROPERTY OFFICE
TRADE-MARKS

BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

11 fév/Feb 1998
Votre référence Your File
5475-062/AMT
Notre référence Our File
747890

RE: Trade-mark: PETER VELLA
Applicant: E. & J. GALLO WINERY,

This examiner's report concerns the above identified application. To avoid abandonment proceedings, a proper response must be received by this office within **4 month(s)** from the above date. All correspondence respecting this application must indicate the file number.

Thank you for your correspondence of October 27, 1997.

Section 14 does not require proof of actual use in Canada, however in order to assess whether the mark is not without distinctive character in Canada. Substantial spill-over advertising or other evidence of exposure of the applicants "Peter Vella" trade-mark in Canada is required. Your attention is directed to the comments made by the Chairman of the Opposition Board. 66 C.P.R. (2nd) Foodcorp Ltd. v. Hardee's Food Systems, Inc. at pg. 234.

Since Sales in Canada are stated as being 21,000 litres (4,200 units) and that advertising in Canada has been by point of sale amounting to a total of \$340.00 the opinion of the undersigned remains that such low sales and insignificant advertising (spill over and point of sale) is considered insufficient to support applicant's claim to the benefit of Section 14 of the Trade marks Act. ↑

Since "Peter Vella" has been found as the name of a living individual, and, in the opinion of the undersigned, the first impression an average consumer would have when faced with applicant's mark is that of the name of an individual, the objection raised pursuant to the provisions of Section 12(1) (a) of the Trade-marks Act is maintained.

Regarding Registration number 483,271 the undersigned is unable to comment upon a previous registration where such comments could reflect upon the validity of such a registration.

The applicant is required to fill further evidence of substantial spill-over advertising, exposure etc. in support of showing that the mark "Peter Vella" is not without distinctive character in Canada, and the applicant is therefore entitled to claim the benefit of Section 14 of the Trade-marks Act. ok

Your action and/or comment is awaited.

.../2



Industrie Canada Industry Canada

Canada

If the applicant/agent has any questions or needs assistance in responding to this Office action, please telephone the assigned examiner.

Yours truly,

NB/for

Elizabeth Collinson
Examination Section
(819) 997-2477

mm-11/02

The Trade-marks Branch is committed to improving the quality of our service. If you have any comments or suggestions please forward them to the Director, Trade-marks Branch, CIPO/OPIC, 50 Victoria Street, Portage 1, Hull, Quebec, K1A 0C9. Facsimile: (819) 953-2476.

Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.

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JANE SARJEANT

MICHELLE GRAVELLE

B.Sc., M.Sc. (Immunology)

Counsel

ROBERT H.C. MACFARLANE

B.Eng., LL.B.

October 27, 1997

The Registrar of Trade Marks
Hull, Quebec

Dear Sir:

**Re: Canadian Trade Mark Application Serial No. 747,890
for PETER VELLA by E. & J. Gallo Wintery**

This letter is in response to the official letter dated June 26, 1996.

This application was originally objected to on the basis that the mark was considered to be primarily merely a name, pursuant to Section 12(1)(a) of the *Trade-marks Act*.

In response the applicant claimed the benefit of Section 14 of the *Trade-marks Act* and filed the affidavit of Jack Sands in support. The Examiner has stated that she is unable to conclude from the evidence submitted that the subject mark is not without distinctive character in Canada.

We submit that the affidavit of Jack Sands is sufficient to show that the subject mark is not without distinctive character in Canada.

The Sands affidavit shows that the applicant is the owner of a corresponding U.S. registration for PETER VELLA. In addition to the United States, the applicant is also using the trade mark in Canada, Germany, Guatemala, Jamaica, Japan, the Netherlands Antilles and Spain.

The Examiner has stated that the extent of sales and advertising in Canada is low. We wish to submit that Section 14 does not require proof of actual use in Canada. Furthermore, the fact that one individual has been located who appears to bear the name "Peter Vella" does not necessarily render a mark objectionable on the basis of Section 12(1)(a). The test is whether the words PETER VELLA are primarily merely a name of an individual. This principle is clearly set out in *Galanos v. Registrar of Trade Marks* (1982) 69 C.P.R. (2d) 144. The words PETER VELLA could just as easily form a fanciful or invented name which could not readily be identified as the name of a living individual by the average Canadian consumer. Given this situation, the applicant should not be required to

it is found +
aver person
would see
name.

2 w/ supervisor
1- cannot comment -
Dentists office
2- not enough evidence
3- name is
Foodcorp v. Haidens
4. cannot use name
test - average J's M. (2011)
found - test done - followed.
Jan 17 98

BERESKIN & PARR

YOUR FILE 747,890

OVER FILE 5475-062

Industrie Canada OPIC	Industrie Canada CIPO
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Dossier File Remise a Chargé to	747890

file overwhelming evidence that its mark is not without distinctive character in Canada. In this case, the applicant has evidenced significant sales in the United States, sales and advertising in Canada and spillover advertising into Canada. In fact, the applicant has advised that sales in Canada have been continuous since the filing of the Sands affidavit and the applicant would be prepared, if necessary, to file further affidavit evidence attesting to this continued use. However, we submit that the applicant has submitted sufficient evidence to show that its trade mark is not without distinctive character in Canada.

*Hudler v.
Hawsep
Case*

*cannot
comment
Dentist
Case*

Moreover, the applicant is the owner of Canadian trade mark Registration No. 483,271 for PETER VELLA & Design for alcoholic beverages namely wines and wine based beverages. No disclaimer has been entered against this registration with respect to the words PETER VELLA. Accordingly, the Trade Marks Office considered the words PETER VELLA to be independently registrable.

*cannot
comment*

The subject mark consists solely of the words PETER VELLA and we submit that the application for PETER VELLA should be entitled to the same treatment before the Trade Marks Office as the application for PETER VELLA & Design such that the Section 12(1)(a) should not be applicable.

In summary, given that applicant is the owner of a registration for PETER VELLA & Design, with no disclaimer of the words PETER VELLA and given that the name PETER VELLA is rare, we submit that the Section 12(1)(a) should be withdrawn, or alternatively, that the Section 14 claim be accepted.

If the Examiner is not prepared to withdraw the Section 12(1)(a) objection, or to accept the Section 14 claim on the basis of the evidence already on file, the applicant requests a further extension of time to adduce further evidence.

Yours truly,

Amesbury

AMT/TE

Encl.



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MARQUES DE COMMERCE



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CANADIAN INTELLECTUAL
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BERESKIN & PARR
BOX 401
40 KING STREET WEST
TORONTO
ONTARIO M5H 3Y2

Date	1 mai/May 1997
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner

E. & J. GALLO WINERY,

Marque de commerce - Trade-mark

PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 17 avril 1997 dans laquelle vous demandez une prolongation de délai supplémentaire pour donner suite à la lettre officielle du 26 juin 1996.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 26 octobre 1997.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated April 17, 1997 requesting an additional extension of time to reply to the official action of June 26, 1996.

In accordance with your request you are hereby granted an extension of time until October 26, 1997.

Registraire des marques de commerce
Registrar of Trade-marks

Contact: Robert Dagenais
Section de l'examen/
Examination Section
(819) 994-7643



Industrie Canada Industry Canada

Canada

Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.
B. Sc. (Eng. Phys.), LL.B.

RICHARD J. PARR
B.A. Sc. (Eng. Phys.), LL.B.

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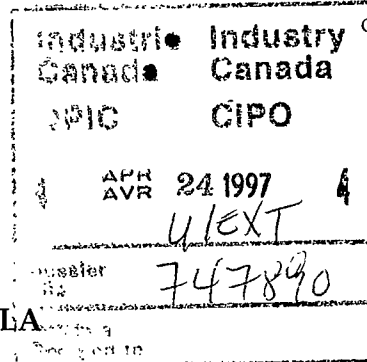
April 17, 1997

YOUR FILE NO. 747,890

The Registrar of Trade Marks
Hull, Quebec

Dear Madam:

Re: Trade Mark: PETER VELLA
Serial No. 747,890
Applicant: E. & J. GALLO WINERY



YOUR FILE NO. 5475-062/AMT

We request an extension of time of six (6) months until **October 26, 1997** to file a response to the outstanding Examiner's report.

The applicant requires further time to consider the objection raised by the Examiner and to instruct our firm with respect to the response to be filed.

In the circumstances, we respectfully submit that our request for this extension of time is reasonable and justified and we look forward to receiving confirmation of the new due date.

Yours truly,

Bereskin & Parr
Amalia M. Trister

/pg



OPIC
OFFICE DE LA PROPRIÉTÉ
INTELLECTUELLE DU CANADA
MARQUES DE COMMERCE



Ottawa Hull K1A 0C9

CIPPO
CANADIAN INTELLECTUAL
PROPERTY OFFICE
TRADE-MARKS

BERESKIN & PARR,
BOX 401, 40 KING ST. W.,
TORONTO,
ONTARIO M5H 3Y2

Date	28 nov/Nov 1996
Votre référence - Your Reference	5475-062/AMT
Numéro de dossier - File Number	747890

Propriétaire - Owner

E. & J. GALLO WINERY,

Marque de commerce - Trade-mark

PETER VELLA

Monsieur/Madame,

Nous accusons réception de votre lettre du 29 octobre 1996 dans laquelle vous demandez une prolongation de délai supplémentaire pour donner suite à la lettre officielle du 26 juin 1996.

Conformément à votre demande, une prolongation de délai vous est accordée jusqu'au 26 avril 1997.

Dear Sir/Madam:

Receipt is acknowledged of your letter dated October 29, 1996 requesting an additional extension of time to reply to the official action of June 26, 1996.

In accordance with your request you are hereby granted an extension of time until April 26, 1997.

le Registraire des marques de commerce
Registrar of Trade-marks

Mylene Lafleur
Examination Section
(819) 994-1508



Industrie Canada Industry Canada

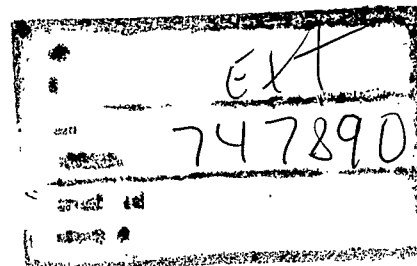
Canada

Amal

BERESKIN & PARR

Box 401, Scotia Plaza
40 King Street West
Toronto, Ontario
Canada M5H 3Y2

Telephone: (416) 364-7311
Telefax: (416) 361-1398



If transmission is interrupted or of poor quality, please notify us by calling (416) 364-7311 and asking for J. Longeway.

TELEFAX TRANSMITTAL

TO: Attention: Elizabeth Collinson, Examiner

FIRM: Trade Marks Office

FAX NO.: (819) 997-1421

FROM: Amalia M. Trister

DATE: October 28, 1996 PAGES: 2
(Including cover page)

Comments:

Your file No.: 747,890

CONFIDENTIAL

IMRO

OCT 28 1996

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.
B. Sc. (Eng. Phys.), LL.B.

RICHARD J. PARR
B.A. Sc. (Eng. Phys.), LL.B.

H. ROGER HART
B. Sc. (Mech. Eng.), LL.B.

C. LLOYD SARGINSON
B. Sc. (Chem. Eng.), LL.B.

CYNTHIA ROWDEN
B.A., LL.B.

TIMOTHY J. SINNOTT
B.S., M. Sc. (Phys.), LL.B.

JILL W. BRADBURY
B.A., LL.B.

ROBERT B. STOREY
B.A. Sc. (Metallurgy), LL.B.

LINDA M. KURDYDYK
B. Sc., M. Sc. (Med. Micro), LL.B.

PHILIP C. MENDES DA COSTA
B. Sc. (Chem. Eng.), LL.B.

JILL JARVIS-TONUS
B.F.A. (Dramatic Arts), LL.B.

MICHAEL E. CHARLES
B. Eng. Sc. (Chem. Eng.), LL.B.

ROBIN L.A. COSTER
B. Sc. (Physics), LL.B.

AMALIA M. TRISTER
B.A., LL.B.

JONATHAN G. COLOMBO
B.A., M.A., LL.B.

JILL M. HOLMES
B.A., LL.B.

MARIE LUSSIER
B. Sc. (Life Sciences), B.C.L., LL.B.

MARK L. ROBBINS
B.A., LL.B.

JULIAN WILHELM
B.A., LL.B.

ANDREW I. MCINTOSH
B. Sc. (Chem.), LL.B.

KIMBERLY L. TOWNLEY-SMITH
B. Sc. (Mech. Eng.), LL.B., LL.M.

SHAWN D. JACKA
B. Sc. (Comp. Sci.), LL.B.

DAVID J. HELLER
B. Sc. (Elec./Chem.), LL.B.

ANGELA KIM
B. Sc. (Psychology), LL.B.

Patent & Trade Mark Agents

DAVID W. R. LANGTON

II. SAM FROST
B.A. (Eng. Sci.), M. Sc. (Nucl. Eng.)

MARILYN MANZ

TERRY EDWARDS
B.B.A.

JANE SARJEANT

October 29, 1996

YOUR FILE NO. 747,890

OUR FILE NO. 5475-062/AMT

BY FACSIMILE ONLY

The Registrar of Trade Marks
Hull, Quebec

Dear Madam:

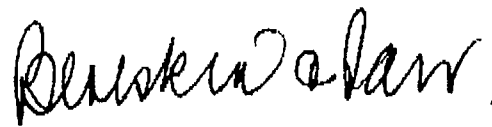
Re: Trade Mark: PETER VELLA
Serial No. 747,890
Applicant: E. & J. GALLO WINERY

We request an extension of time of six (6) months until April 26, 1997 to file a response to the outstanding Examiner's report.

The applicant requires further time to consider the objection raised by the Examiner and to instruct our firm with respect to the response to be filed.

In the circumstances, we respectfully submit that our request for this extension of time is reasonable and justified and we look forward to receiving confirmation of the new due date.

Yours truly,



Amalia M. Trister

/jel

JUN 26 1996

BERESKIN & PARR,
BOX 401, 40 KING ST. W.,
TORONTO, ONTARIO
M5H 3Y2

Votre référence Your File
5475-062
Notre référence Our File
747,890

Re: Trade-mark: PETER VELLA
E. & J. GALLO WINERY,

This examiner's report concerns the above identified application. To avoid abandonment proceedings a proper response must be received by this Office within four months from the above date. All communication respecting this application must indicate the file number.

Your correspondence of August 17, 1995 is acknowledged and your comments have been noted.

However, the Registrar is unable to conclude from the evidence submitted that subject mark is not without distinctive character in Canada.

Volume sales of PETER VELLA wines are stated to be 21,000 litres. It appears from the specimens that the wine is sold boxed in 5 litre containers which would represent a mere 4,200 units of wine. Affiant states that advertising in Canada has been by point of sale, amounting to \$340.00. Point of sale advertising is proportional to the number of outlets carrying a product and this method of advertising generally reaches a smaller consumer base than publication or broadcast advertising could. Accordingly, in view of low sales and insignificant advertising in Canada, the evidence is considered insufficient to support applicant's claim to the benefit of Section 14 of the Trade-marks Act. Consequently, the objection raised pursuant to Section 12(1)(a) of the Trade-marks Act is hereby maintained.

Elizabeth Collinson
EXAMINER
(819) 997-2477

:am/June 6

Barristers & Solicitors

DANIEL R. BERESKIN, Q.C.
B. Sc. (Eng. Phys.), LL.B.RICHARD J. PARR
B.A. Sc. (Eng. Phys.), LL.B.H. ROGER HART
B. Sc. (Mech. Eng.), LL.B.C. LLOYD SARGINSON
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B. Sc. (Physics), LL.B.SHONA S. MCDIARMID
B. Sc., M. Sc., Ph.D. (Biol.), LL.B.AMALIA M. TRISTER
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B. Sc., M.A.Sc. (Chem. Eng.), LL.B.JILL M. HOLMES
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B.A., LL.B.ANDREW I. MCINTOSH
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B. Sc. (Comp. Sci.), LL.B.

Patent & Trade Mark Agents

DAVID W. R. LANGTON

H. SAM FROST

B.A. (Eng. Sci.), M. Sc. (Nucl. Eng.)

MARIE E. MANZA

TERRY EDWARDS
B.B.A.

JANE SARJEANT

August 17, 1995

The Registrar of Trade Marks
Hull, QuebecAttention: Elizabeth Crowe
Examination Section

Dear Sir:

Re: Canadian Trade Mark Application
 Mark: PETER VELLA
 App. No. ~~722,305~~ 74/7890
 Applicant: E. & J. Gallo Winery

YOUR FILE 722,305
OUR FILE 5475-062

Industrie Canada	Industry Canada
OPIC	CIPO
5	AUG 22 1995 5
Dossier File	747 890
Remis à Chargé to	

We refer to the Examiner's letter of 14 July 1994.

We enclose a revised application which claims the benefit of Section 14 of the Trade-marks Act. In support of the Section 14 claim we also enclose the affidavit of Jack Sands.

We respectfully submit that the applicant's evidence shows that the mark is not without distinctive character in Canada, and that it is therefore registrable under Section 14 notwithstanding the provisions of section 12.

As regards United States App. No. 74/429,937, that application issued to registration under No. 1,879,310 on 14 February 1995. A certified copy of the registration is enclosed. The prescribed fee of \$50.00 is included in our firm's cheque no. ~~82257~~.

We confirm that the applicant is a California corporation which is already recorded as the owner of numerous other applications and registrations.

Yours truly,

Amalia M. Trister

/Imc
MARO

AUG 31 1995

Trans. # 09893	# Lot 544	Date de trans Trans. Date AUG 31 1995	TMS GST
Relinquish	# Cheques 732	# Cheques	# Cheques
Exposé/Cash	91000	57640	50
Cheque/Cheque			
Visa			
Mastercard			
Carte de crédit			
Deposits			
Préposé par	Préposé par	Préposé par	Préposé par

**U.S. DEPARTMENT OF COMMERCE
UNITED STATES PATENT AND TRADEMARK OFFICE**

MARCH 29, 1995

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,879,310 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE
UNITED STATES PATENT & TRADEMARK OFFICE, WHICH REGISTRATION
IS IN FULL FORCE AND EFFECT.**

REGISTERED FOR A TERM OF 10 YEARS FROM FEBRUARY 14, 1995.

SAID RECORDS SHOW TITLE TO BE IN: REGISTRANT



By authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS


MARGARET BASSFORD
CERTIFYING OFFICER

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,879,310

Registered Feb. 14, 1995

**TRADEMARK
PRINCIPAL REGISTER**

PETER VELLA

E. & J. GALLO WINERY (CALIFORNIA CORPORATION)
600 YOSEMITE BOULEVARD
MODESTO, CA 95354

THE NAME "PETER VELLA" IDENTIFIES A PARTICULAR LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

SN 74-429,937, FILED 8-25-1993.

FOR: WINES, IN CLASS 33 (U.S. CL. 47).
FIRST USE 12-7-1993; IN COMMERCE 12-20-1993.

RICHARD A. FRIEDMAN, EXAMINING ATTORNEY

TRADE MARK APPLICATION

To: The Registrar of Trade-marks
Ottawa - Hull

1. The undersigned,

/ E. & J. GALLO WINERY /

the full post office address of whose principal office or place of business is /600 Yosemite Boulevard, P.O. Box 1130, Modesto, California, 95353, United States of America, /hereby applies for the registration in accordance with the provisions of the *Trade-marks Act*, of the trade mark identified below.

2. The trade mark is the words:

PETER VELLA

3. The applicant intends to use the trade mark in Canada in association with /wines, / and the applicant requests registration in respect of such wares.

4. An application to register the trade mark has been filed by the applicant in the United States of America, the country of origin of the applicant on 25 August 1993 under No. 74/429,937 in association with **wines**. The trade mark has been used in association with **wines**, in the United States of America by applicant, and the applicant requests registration of the trade mark, upon its registration in the country of origin, in respect of the wares in association with which the trade mark has been registered and used as aforesaid and which are covered by such registration in the country of origin.

5. The applicant claims priority under Section 34 of the Act on the ground that an application for registration of the same or substantially the same trade mark was filed by the applicant, in the United States of America on 25 August 1993 under No. 74/429,937 and that such application was the earliest application filed in any country of the Union other than Canada by the applicant or any predecessor in title of the applicant for the

registration of the same of substantially the same trade mark for use in association with the same kind of wares as those set out above. At the date of such application, the applicant had a real and effective industrial or commercial establishment in the country aforesaid.

6. The applicant claims the benefit of Section 14 of the Act on the basis of the registration of the trade mark in the United States of America on 14 February 1995 under No. 1,879,310.

7. The applicant appoints BERESKIN & PARR, whose full post office address in Canada is Suite 4000, Box 401, Scotia Plaza, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2 as the firm to which any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given to or served upon the applicant or registrant.

8. The applicant is satisfied that it is entitled to use the trade mark in Canada in association with the wares described above.

AMENDED at Toronto, Ontario, this 17th day of August, 1995.

E. & J. GALLO WINERY

A handwritten signature in cursive script that reads "Bereskin & Parr". The signature is written in dark ink and is positioned above a horizontal line.

BERESKIN & PARR
Agents of the Applicant

Application No. 747,890
Our File: 5475-062

To: The Registrar of Trade-marks
Ottawa, Canada

IN THE MATTER OF the *Trade-marks Act*;

**AND IN THE MATTER OF Application No.
747,890 for registration of the mark PETER
VELLA by E. & J. Gallo Winery**

AFFIDAVIT OF JACK SANDS

I, JACK SANDS, businessman, of Modesto, California, United States of America, HEREBY MAKE OATH AND SAY AS FOLLOWS:

1. I am the Vice President of E. & J. Gallo Winery, the applicant for registration of the subject mark (the "applicant"). One of my duties is to be familiar with trade mark matters affecting the applicant. I make the following statements from my personal knowledge and from the information contained in the relevant records of the applicant to which I have access.
2. I have been employed by the applicant since 1979 and became a Vice President on 1 January 1987. I am responsible for all sales activities of the applicant in Canada.
3. For over sixty years, the applicant has been engaged in the operation of wineries and in the sale, bottling and distribution of wines, including the PETER VELLA brand of wines, and is the North American leader in the production of wines

and other alcoholic beverages. The applicant sometimes carries on business under the trade name Peter Vella Wines, which it has registered as a business name in California.

4. In addition to the subject Canadian application, the applicant is the owner of United States Registration No. 1,879,310 for the trade mark PETER VELLA registered on 14 February 1995 on the Principal Register for wines, and No. 1,888,777 for the trade mark PETER VELLA & Design registered on 11 April 1995 on the Principal Register for wine. Now shown to me and marked as "Exhibit A" to this my affidavit is a copy of both of those Certificates of Registration. The applicant also owns pending applications for the PETER VELLA mark in Costa Rica, Czech Republic, Guatemala, Jamaica, the Netherlands Antilles, St. Kitts, South Korea and Thailand.

5. The applicant has been using the PETER VELLA trade mark on wines since 7 December 1993. The first sale of PETER VELLA wine was in the United States. In addition to the United States, the mark is currently in use in Canada, Costa Rica, Germany, Guatemala, Jamaica, Japan, the Netherlands Antilles, and Spain.

6. In the 16 months from December 1993 to March 1995, the applicant sold nearly 43 1/2 million litres of PETER VELLA wine worldwide. U.S. sales accounted for over 43 million litres of this amount.

*1/2 million left then
for rest of the
world*

7. Now shown to me and marked as "Exhibit B" to this my affidavit are representative samples of packaging for PETER VELLA wines as sold in the United States.

8. The applicant first sold PETER VELLA wines in Canada in December 1994. Since this time, over 21,000 litres of the wine have been sold in Canada. When PETER VELLA wines are sold in Canada, the applicant affixes labels to the packaging as used in the United States. Now shown to me and marked as "Exhibit C" to this my affidavit is a sample of a sticker used on packaging for PETER VELLA wines sold in Canada.

9. The applicant has always been an industry leader in advertising and promoting its brands throughout the United States, Canada, and the rest of the world. To date, the PETER VELLA product has been advertised principally by means of point of sale and newspaper advertising. In the 16 months from December 1993 to March 1995, the applicant spent in excess of US \$700,000 advertising the PETER VELLA wines in the United States. Now shown to me and marked as "Exhibit D" are samples of the point of sale and newspaper advertising used in the United States.

10. To date the applicant has spent US \$340 in advertising the PETER VELLA wines in Canada. Such advertising has been by way of point of sale advertising. Now shown to me and marked as "Exhibit E" are samples of the point of sale

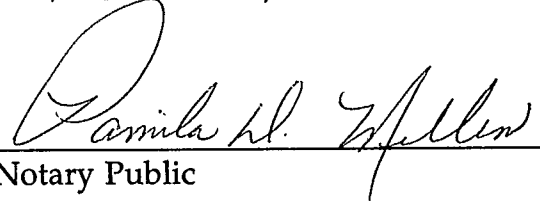
not sufficient?

advertising used to promote PETER VELLA wines in Canada. In addition, I verily believe that some of the newspaper advertisements placed by the applicant in the United States would have spilled-over into Canada, for example, when advertisements have been placed in newspapers in U.S. cities situated close to the U.S.-Canada border, such as Detroit, Michigan which is very close to Windsor, Ontario. Included in "Exhibit D" referred to above is one such advertisement, namely an advertising supplement which appeared in the *Detroit News and Free Press* newspapers in January, 1995.

not
supplement
spilled
over

11. It is my belief that the applicant's extensive U.S. sales and promotion, and its significant Canadian sales, clearly establish that the PETER VELLA mark is not without distinctive character in Canada.

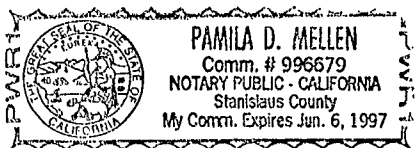
SWORN BEFORE ME at Modesto, California,
United States of America, this 1st day of)
AUGUST, 1995.)



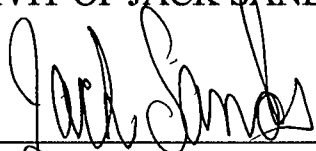
Notary Public



JACK SANDS

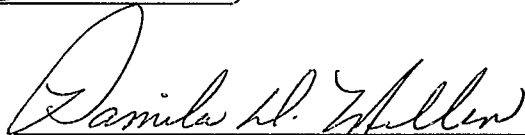


THIS IS "EXHIBIT A" REFERRED TO IN
THE AFFIDAVIT OF JACK SANDS.

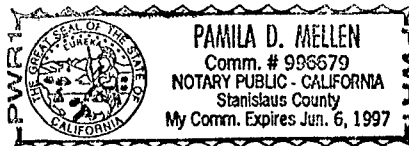


JACK SANDS

SWORN BEFORE ME AT MODESTO,
CALIFORNIA, UNITED STATES OF
AMERICA, THIS 1st DAY OF
AUGUST, 1995.



NOTARY PUBLIC



**U.S. DEPARTMENT OF COMMERCE
UNITED STATES PATENT AND TRADEMARK OFFICE**

MARCH 29, 1995

**THE ATTACHED U.S. TRADEMARK REGISTRATION 1,879,310 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE
UNITED STATES PATENT & TRADEMARK OFFICE, WHICH REGISTRATION
IS IN FULL FORCE AND EFFECT.**

REGISTERED FOR A TERM OF 10 YEARS FROM FEBRUARY 14, 1995.

SAID RECORDS SHOW TITLE TO BE IN: REGISTRANT



By authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS


MARGARET BASSFORD
CERTIFYING OFFICER

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,879,310

Registered Feb. 14, 1995

**TRADEMARK
PRINCIPAL REGISTER**

PETER VELLA

**E. & J. GALLO WINERY (CALIFORNIA CORPORATION)
600 YOSEMITE BOULEVARD
MODESTO, CA 95354**

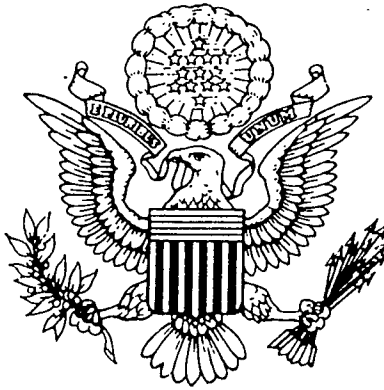
**FOR: WINES, IN CLASS 33 (U.S. CL. 47).
FIRST USE 12-7-1993; IN COMMERCE
12-20-1993.**

**THE NAME "PETER VELLA" IDENTIFIES A
PARTICULAR LIVING INDIVIDUAL WHOSE
CONSENT IS OF RECORD.**

SN 74-429,937, FILED 8-25-1993.

RICHARD A. FRIEDMAN, EXAMINING ATTORNEY

The United States of America



CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this eleventh day of April 1995.

Bruce Lehman

Int. Cl.: 33

Prior U.S. Cl.: 47

United States Patent and Trademark Office

Reg. No. 1,888,777

Registered Apr. 11, 1995

**TRADEMARK
PRINCIPAL REGISTER**

PETER  VELLA

E. & J. GALLO WINERY (CALIFORNIA CORPORATION), DBA PETER VELLA WINES
600 YOSEMITE BOULEVARD
MODESTO, CA 95354

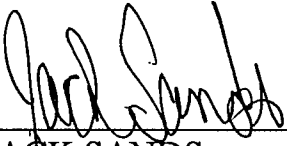
FOR: WINES, IN CLASS 33 (U.S. CL. 47).
FIRST USE 12-7-1993; IN COMMERCE
12-20-1993.
OWNER OF U.S. REG. NO. 1,355,719.

THE NAME "PETER VELLA" IDENTIFIES A
LIVING INDIVIDUAL WHOSE CONSENT IS
OF RECORD.

SER. NO. 74-477,265, FILED 1-7-1994.

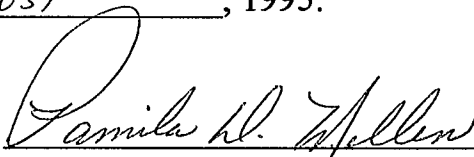
RICHARD A. FRIEDMAN, EXAMINING ATTORNEY

THIS IS "EXHIBIT B" REFERRED TO IN
THE AFFIDAVIT OF JACK SANDS.

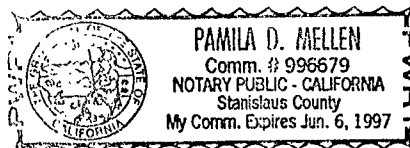


JACK SANDS

SWORN BEFORE ME AT MODESTO,
CALIFORNIA, UNITED STATES OF
AMERICA, THIS / ST DAY OF
 AUGUST , 1995.



NOTARY PUBLIC

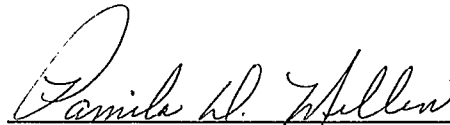


THIS IS "EXHIBIT E" REFERRED TO IN
THE AFFIDAVIT OF JACK SANDS.

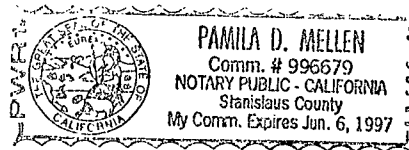


JACK SANDS

SWORN BEFORE ME AT MODESTO,
CALIFORNIA, UNITED STATES OF
AMERICA, THIS 1ST DAY OF
AUGUST, 1995.



NOTARY PUBLIC



"Taste the difference quality grapes make."

Peter Vella



Enjoy!

NEW!

PETER VELLA

Space
Saver
Package

Peter Vella Winery, Modesto, Stanislaus Co., CA 405 PM 064-7790

not copy

photocopy



5.0L Size

Everyday

\$

Special Introductory Price

\$

You Save

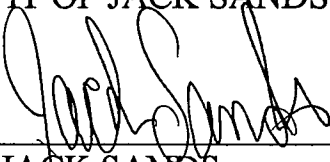
\$

TM Peter Vella Wines, Modesto, Stanislaus Co., CA 1994

302 PVL-008-7959

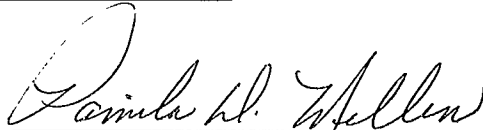
Mandatory will appear in 2.15mm

THIS IS "EXHIBIT C" REFERRED TO IN
THE AFFIDAVIT OF JACK SANDS.

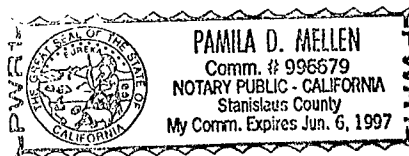


JACK SANDS

SWORN BEFORE ME AT MODESTO,
CALIFORNIA, UNITED STATES OF
AMERICA, THIS 1ST DAY OF
AUGUST, 1995.



NOTARY PUBLIC



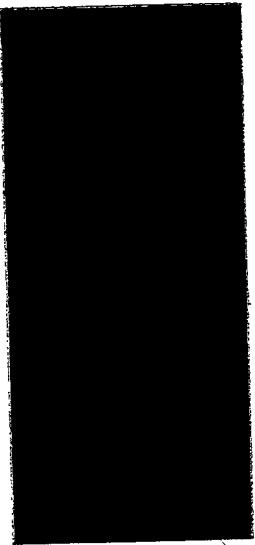
PETER VELLA BLUSH - CND412
1287700

5L

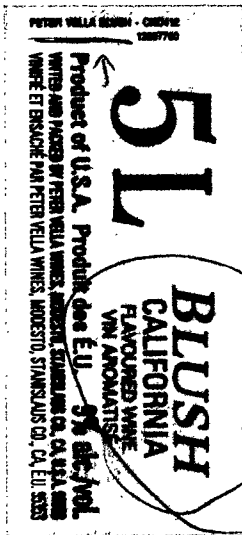
BLUSH
CALIFORNIA
FLAVOURED WINE
VIN AROMATISÉ

Product of U.S.A. Produit des É.U. **9% alc./vol.**
VINTED AND PACKED BY PETER VELLA WINES, MODESTO, STANISLAUS CO., CA, U.S.A. 95353
VINIFIÉ ET ENSACHÉ PAR PETER VELLA WINES, MODESTO, STANISLAUS CO., CA, É.U. 95353

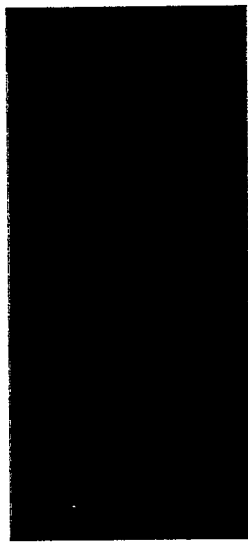
+377633



27972E+



EE972E+

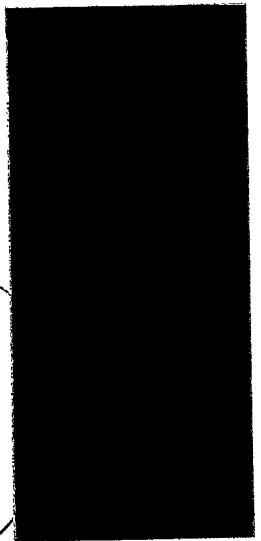


27972E+

Apple?

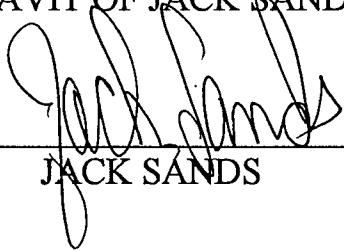


52972E+



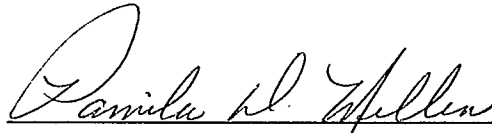
52972E+

THIS IS "EXHIBIT D" REFERRED TO IN
THE AFFIDAVIT OF JACK SANDS.

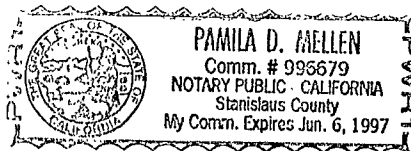


JACK SANDS

SWORN BEFORE ME AT MODESTO,
CALIFORNIA, UNITED STATES OF
AMERICA, THIS 1st DAY OF
AUGUST, 1995.



NOTARY PUBLIC



REFRESHINGLY
ZESTY!

SAVE NOW

AND
GET \$2 OFF
ANY CD OR TAPE
BY MAIL WHEN YOU BUY
TWO 32 OZ. BOTTLES OF

CLAMATO
TOMATO COCKTAIL

CLAMATO



SAVE 55¢

When you buy any of the following Clamato products:

• ONE 32 or 67 oz. bottle • TWO 16 oz. bottles

• ONE SIX 7ACK 5.5 oz. cans • ONE 1 liter bottle

• ONE 1 liter bottle • Clamato Bloody Caesar Cocktail Mix

RETAILER: One coupon per purchase of product indicated. Consumer to pay sales tax. Mott's U.S.A., a division of Cadbury Beverages Inc., will reimburse you for the face value plus 8¢ handling, if submitted in compliance with Cadbury Beverages Inc. Coupon Redemption Policy incorporated herein by reference. For a copy and/or coupon redemption, send to: Mott's U.S.A. CMS Dept., #14800, One Fawcett Drive, Del Rio, Texas 78840. Cash value 1/20 of 1¢. COUPON EXPIRES 5/22/95.



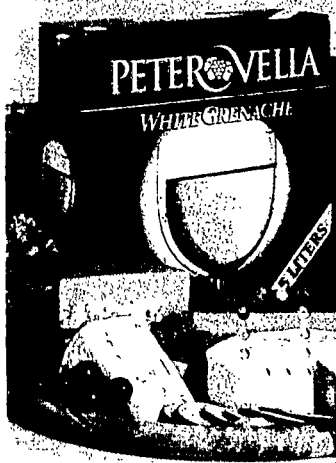
44082



See specially
marked packages of
32 oz. Clamato
Tomato Cocktail
for details.

"Super Tasting Wines
for the
Super Bowl!"

Peter Vella



Manufacturer's Offer

Expires February 28, 1995

Redeem for \$4.00
on a 5.0L Box

PETER VELLA™

invites you to try the best tasting
wines in the 5.0L size.

MAIL-IN REBATE

TO THE CONSUMER: To receive your \$4.00 rebate, mail this form along with one UPC code from an empty Peter Vella 5.0L box wine and the original cash register receipt imprinted with the store name and the purchase price circled. I have read, understood and complied with all the terms of this offer.

(This form must be signed to be valid.)

Mail all of the above to: Peter Vella Rebate Offer, Dept. 0338, P.O. Box 13506, Mascoutah, IL 62224

Name: _____

Address: _____

Note: P.O. Box Not Acceptable Address

City: _____ State: _____ Zip: _____

1. Offer void in AL, AR, HI, IN, ME, MN, MS, NH, NC, OH, OR, PA, RI, TN, TX, and UT. 2. Limit one rebate per household. 3. Facsimiles of register receipt or official rebate form will not be honored. 4. Purchase must be between January 22, 1995 and February 28, 1995. Rebate request must be received not later than March 15, 1995. 5. Please allow eight (8) weeks for delivery of your rebate check. Void where prohibited by law. Offer not transferable or assignable. 6. This offer not available to employees of Peter Vella Wines and affiliated companies, agencies, licensees or persons under the legal drinking age. No obligation arises from purchase of the designated products or from issuance of any rebate check. Rebate checks must be presented for payment before the sponsoring company has any obligation to pay this rebate.

©1995 Peter Vella Wines, Modesto, Stanislaus Co., CA

Det not paper?
see over.

apple?

What is
this?



36 Hot Wings™
\$10.99

• 36 Hot Wings™ Pieces



Offer Expires 2/19/95

offer per coupon, one coupon per customer. Not good with any other offer. Customer pays all applicable sales tax.

Offer good only at participating KFC® restaurants.

©KFC 1995 SBMM/Sol/1-22FSC 3RY



Advertising Supplement to DETROIT NEWS AND FREE PRESS 12/27/95

Printed in the USA

ARM YOUR



...with
WHITENING SODA

SAVE
over
\$8.00
from



MANUFACTURER'S COUPON



Save

on
ARM & HAMMER®

Not to be used in
 FREE proc

INSECTS: Wm. J. Harris, Inc., Westwood Office Park, 3001 Woodward Road, Detroit, MI 48202 (313) 591-3000

9

Cake

PETER  VELLA™

“It’s the best tasting box wine,
I guarantee it.”

Peter Vella

Third Generation Winemaker



"The Best Tasting Box Wines"

Peter Vella

Winemaker



Taste the
Quality of
Peter Vella®
Wines
this May.

May Bin Card

Feature and Display Peter Vella Wines in May for Maximum Profits

Peter Vella Wines continue to gain momentum as the strong #2¹ box wine...selling more than four times the #3 brand.

Four Peter Vella types are among the Top 10 box wine SKUs¹, with all types showing tremendous share growth!

Peter Vella Wines' superior taste and quality make them ideal for casual entertaining!

May is the Ideal Time to feature Peter Vella!

WHEN ORDERING PLEASE SPECIFY		
Description	Code No.	Size
Mass Display	505PVL-005-9699	31 5/8" W X 33"H
Bin Card	505PVL-044-9700	21 3/8" W X 10 1/2"H
Shelf Pricer	Furnished upon request only	
Display Pricer	Furnished upon request only	



May Mass

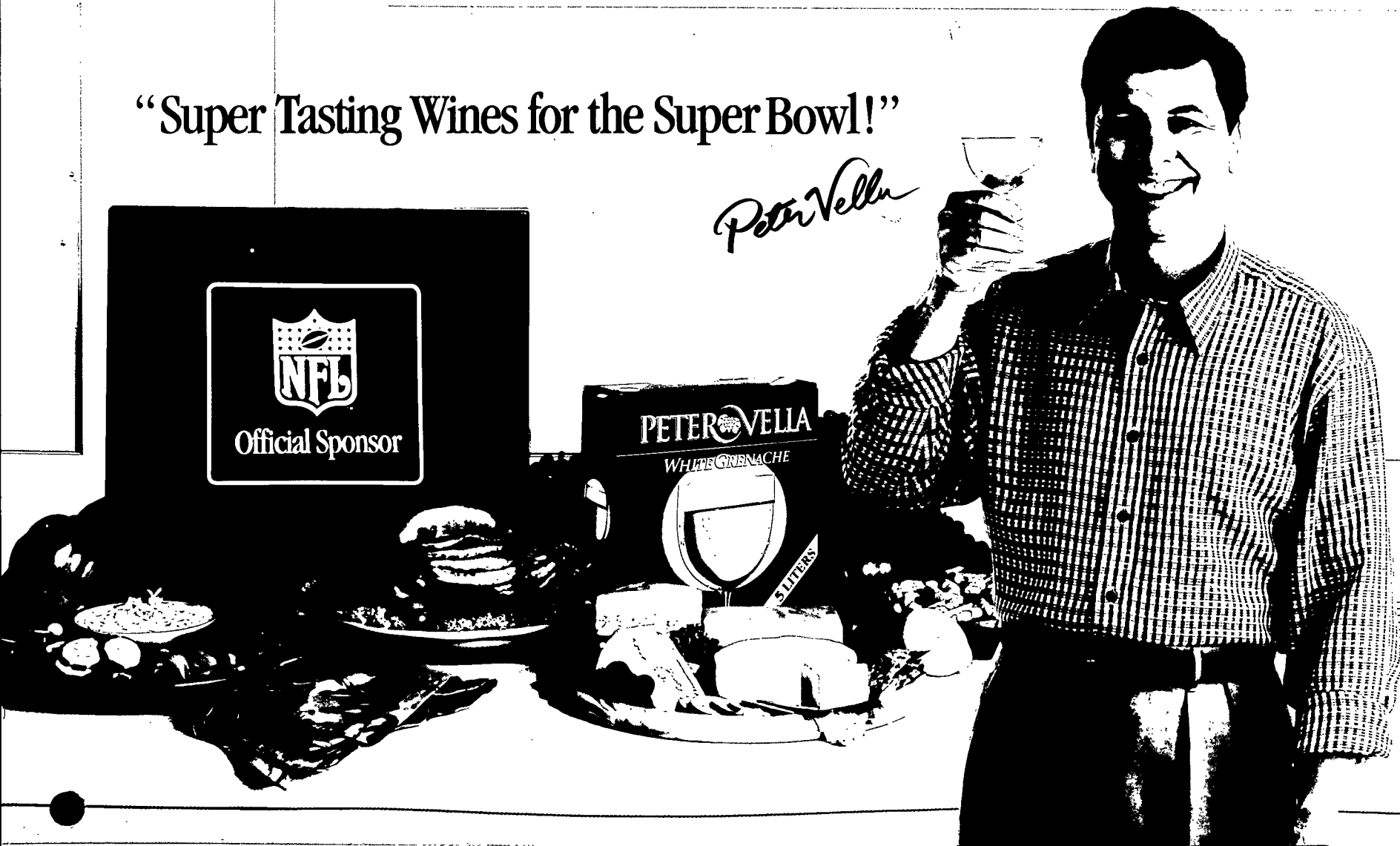
1. Copyright A.C. Nielsen scantrack, total U.S. Food stores over \$4mm, 16 weeks ending 10/15/94. Sales in equivalent cases.

© Peter Vella Wines, Modesto, Stanislaus Co., 1995 CA 505PVL-001-9709

not appl?

“Super Tasting Wines for the Super Bowl!”

Peter Vella



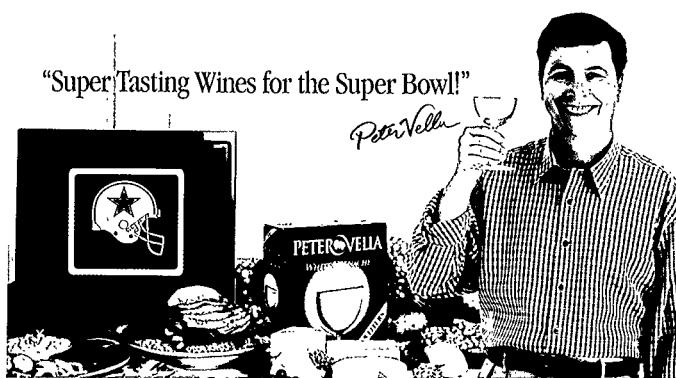
● Super Bowl Party Zone Island Display



Side 1 Peter Vella



Side 2 Bartles & Jaymes



Peter Vella Cut Case Card



Bartles & Jaymes Cut Case Card



PETER VELLA

BARTLES & JAYMES



PROUD SPONSORS

It's the Super Bowl Party Zone!

Coolers and box wines are perfect for Super Bowl Parties

* The great taste and convenience of Peter Vella Wines and Bartles & Jaymes Coolers make Super Bowl entertaining easy!

Two Super Tastes for the Super Bowl

*Bartles & Jaymes is the cooler winner in large food stores!¹

- ❖ #1 cooler brand
- ❖ Best selling cocktail flavors
- ❖ Preferred major fruit flavors

*Your consumers are tasting the difference quality makes with Peter Vella²

- ❖ 29.2% of all box wines in large food stores
- ❖ 4 of the top 7 box wine SKU's

Build a Super Bowl Party Zone in your store!*

* Feature Bartles & Jaymes Coolers and Peter Vella Wines:
proud sponsors of the NFL and Super Bowl XXIX

* Super Bowl Party Zone POS features:

- ❖ Professional-style goal posts
- ❖ Super Bowl XXIX Banner you customize with your favorite NFL team pennants
- ❖ Framed Super Bowl Tickets collectable print
- ❖ Bartles & Jaymes and Peter Vella Super Bowl entertaining cut case cards

WHEN ORDERING PLEASE SPECIFY		
Description	Code No.	Size
Mass Display	501BJC-005-9407	45"W x 28"H (763.5 SQUARE INCHES)
TX/UT Mass Display	501BJC-005-9408	45"W x 28"H (763.5 SQUARE INCHES)
Party Zone Banner	501BJC-006-9682	36"W x 17"H
TX/UT Party Zone Banner	501BJC-006-9683	36"W x 17"H
B&J Cut Case Card	501BJC-004-9473	28"W x 16"H
B&J TX/UT Cut Case Card	501BJC-004-9474	28"W x 16"H
- Peter Vella Cut Case Card	410PVL-004-9202	28"W x 16"H
Peter Vella Super Bowl ticket poster	501PVL-064-9284	18"W x 24"H
Display Pricer	Furnished upon request	
Shelf Pricer	Furnished upon request	

(1) Copyright A. C. Nielsen Scantrack, Total U. S. Food Stores over \$4MM, 4 weeks ending 5/28/94, volume in equivalent cases.

(2) Copyright A. C. Nielsen Scantrack, Food Stores over \$4MM, 20 weeks ending 5/28/94, volume in equivalent cases, 15 Nielsen markets with January 1994 Peter Vella introduction (Los Angeles, San Diego, San Francisco, Sacramento, Phoenix, Seattle, Portland, Boise, Houston, San Antonio, Dallas, Chicago, Indianapolis, St. Louis, Omaha) * In states where legal.

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B.B.A.

JANE SARJEANT

July 12, 1995

YOUR FILE NO. 747,890

OUR FILE NO. 5475-062/AMT

The Registrar of Trade Marks
Hull, Quebec

Dear Sir:

Re: Trade Mark: PETER VELLA
Serial No. 747,890
Applicant: E. & J. GALLO WINERY

Industrie Canada	Industry Canada
OPIC	CIPO
JUL 13 1995 EXT	
Dossier File	747890
Remise à Chargé de	

We request an extension of time of three (3) months until **October 14, 1995** to file a response to the outstanding Examiner's report.

The applicant requires further time to consider the objections raised by the Examiner and to instruct our firm with respect to the response to be filed. We expect to be in receipt of our instructions very shortly and in the circumstances, we respectfully submit that our request for this short extension of time is reasonable and justified and we look forward to receiving confirmation of the new due date.

Yours truly,

Amalia M. Trister

Amalia M. Trister

195

GRANTED TO / ACCORDÉ JUSQU'AU:
<i>Oct 14, 95</i>
BY / PAR: <i>Am 994-1509</i>

TARO

JUL 20 1995

BERESKIN & PARR,
BOX 401, 40 KING ST. W.,
TORONTO, ONTARIO
M5H 3Y2

FEB 09 1995

Votre référence Your File
5475-062/AMT
Notre référence Our File
747,890

Dear Sir/Madam:

Re: Trade-mark: PETER VELLA
E. & J. GALLO WINERY,

Receipt is acknowledged of your letter dated January 09, 1995 requesting an extension of time.

In accordance with your request you are hereby granted an extension of time until July 14, 1995 in which to file a proper response to an official action dated July 14, 1994.

Yours truly,



Examination Clerk

jo/ext6e

APPLICANT — REQUÉRANT

TRADE-MARK — MARQUE DE COMMERCE
PETER VELLA

5475-062/AMT

BERESKIN & PARR,
BOX 401, 40 KING ST. W.,
TORONTO,
ONTARIO M5H 3Y2



Industry Canada Industrie Canada

Trade-Marks Marques de commerce

50, Victoria St. 50, rue Victoria
Hull, Québec Hull (Québec)
K1A 0C9 K1A 0C9

PLEASE QUOTE OUR FILE NO. IN ALL FUTURE CORRESPONDENCE
VEUILLEZ INDIQUER NOTRE NUMÉRO DE DOSSIER DANS TOUTE CORRESPONDANCE ULTÉRIEURE

Filing Date — Date de production	File No. — Dossier N°	Priority Date — Date de priorité
1994/02/17	747890	1993/08/25

Canada

CCA-403 (12-93) 44

REFERENCE TO RULES AND SECTIONS IN THIS FORM CONSTITUTE REFERENCE TO
THE TRADE-MARKS RULES AND TRADE-MARKS ACT

LES RÉGLEMENTS ET LES ARTICLES AUXQUELS ON SE RÉFÈRE DANS LA PRÉSENTE
FORMULE SONT LES RÉGLEMENTS ET LA LOI SUR LES MARQUES DE COMMERCE.

PLEASE DISREGARD BOXES NOT MARKED WITH AN X
VEUILLEZ NE TENIR COMPTE QUE DES CASES MARQUÉES D'UNE CROIX

To avoid abandonment procedures a proper response must be received within 6 months from the date of this form.



Afin d'éviter les procédures d'abandon, une réponse adéquate doit nous parvenir dans les 6 mois suivant la date de la présente.

1. The mark is considered to be primarily merely the name of an individual who is living or who has died within the preceding thirty years and therefore does not appear to be registrable in view of the provisions of section 12 (1)(a).



1. La marque est considérée n'être principalement que le nom d'un particulier vivant ou qui est décédé dans les trente années précédentes, et par conséquent ne semble pas enregistrable eu égard aux dispositions de l'Article 12 (1)(a).

2. The mark contravenes the provisions of section 12 (1)(b) since it is considered to be clearly descriptive or deceptively misdescriptive of the _____



2. La marque enfreint les dispositions de l'article 12 (1)(b) puisqu'elle est considérée comme une description claire ou une description faussée et trompeuse de _____

in association with which it is used or proposed to be used (see particulars in 17)

en liaison avec lequel(les) elle est employée ou projetée d'être employée (Voir détails au numéro 17).

3. In view of the provisions of section 12 (1)(d), the mark does not appear to be registrable because it is confusing with the registered trade-mark(s). (See copy(ies) attached). Registration No.(s) _____



3. Eu égard aux dispositions de l'article 12 (1)(d), la marque ne semble pas enregistrable en raison de la confusion qu'elle crée avec la(les) marque(s) de commerce enregistrée(s). (Voir copie(s) ci-jointe(s), enregistrement(s) n° _____)

4. Any comments you may wish to submit will receive consideration.



4. Il sera tenu compte de tout commentaire que vous désirez formuler.

5. IF NO OBJECTION HAD BEEN RAISED TO THE REGISTRATION OF THE SUBJECT MARK APPLICANT WOULD HAVE BEEN REQUIRED TO COMPLY WITH THE FOLLOWING:



5. SI AUCUNE OBJECTION N'AVAIT ÉTÉ SOULEVÉE À L'ENREGISTREMENT DE LA PRÉSENTE MARQUE, LE REQUÉRANT AURAIT EU À SE CONFORMER À CE QUI SUIT:

6. The wares/services designated as:

☐ _____
☐ underlined on the attached photocopy should be defined specifically in ordinary commercial terms, section 30 (a).



6. Les marchandises/services désignés comme:

☐ _____
☐ soulignés sur la photocopie en annexe doivent être définis de manière spécifique dans les termes ordinaires du commerce, Article 30 (a).

7. Applicant is required to disclaim the right to the exclusive use of _____



7. Le requérant est tenu de se désister du droit à l'usage exclusif de _____

apart from the trade-mark, in compliance with sections 12(1) _____ and 35.

en dehors de la marque de commerce conformément aux articles 12(1) _____ et 35.

8. A revised application is required.



8. Une demande modifiée est requise.

9. Drawings filed with this application are not suitable for reproduction in the trade-marks journal. Four new drawings are required meeting the requirements of rule 32.



9. Les dessins déposés avec la présente demande ne se prêtent pas à la reproduction dans le journal des marques de commerce. Quatre nouveaux dessins sont requis, conformément aux exigences de la règle 32.

10. _____ drawings are required, (rule 32 refers). In addition, if there is a negative of drawing available, please submit in order to facilitate preparation of the trade-marks journal.



10. _____ dessins sont requis (se référer à la règle 32). De plus, si vous pouvez nous fournir un négatif du dessin, cela nous faciliterait la préparation du journal des marques de commerce.

11. _____ specimens are required. Rule 33 refers.



11. _____ spécimens sont requis. Règle 33.

12. "The prescribed completion fee of \$50.00 is required."



12. "Le droit prescrit de 50 \$ pour compléter le dossier est requis."

13. A certified copy of the United States registration to issue from application no.: 74/429,437



13. Une copie certifiée de l'enregistrement émis suite à la demande n° _____

dated 9/30/85 is required in compliance with the provisions of section 31 (1)

du 9 30 85 est requise conformément aux dispositions de l'Article 31 (1)

14. A certified copy of the _____



14. Une copie certifiée de l'enregistrement _____

registration no.: _____ dated Y M D is required in compliance with the provisions of section 31 (1)

n° _____ du Y M D est requise conformément aux dispositions de l'Article 31 (1)

15. "The prescribed fee of \$50.00 for each certified copy is required."



15. "Le droit prescrit de 50 \$ est requis pour chaque copie(s) certifiée(s)."

16. Please confirm that the applicant is a legal entity.



16. Veuillez confirmer que le demandeur est une entité légale.

17. ☒ OTHER
☐ AUTRE

Director, Patent
for the Bureau

Telephone — Téléphone

1-819-

Y-A M D-J
94 07 14

TRADE MARK	APPL 'N/REGN	WARES/SERVICES	OWNER	COMMENTS
THE WINE CELLARS OF ERNEST & JULIO GALLO	434989 TMA 251383	WARES: Wines.	E. & J. GALLO WINERY, 600 Yosemite Boulevard, P.O. Box 1130, Modesto, California 95353, United States of America	THE RIGHT TO THE EXCLUSIVE USE OF WORD "WINE" IS DISCLAIMED APART FROM THE TRADE MARK.
SHEFFIELD CELLARS	720218 TMA 427591	WARES: (1) Wines, port, sherry and dessert wines.	E. & J. GALLO WINERY, 600 YOSEMITE BOULEVARD, P.O. BOX 1130, MODESTO, CALIFORNIA 95353, United States of America	THE RIGHT TO THE EXCLUSIVE USE OF THE WORD "CELLARS" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER PIPER <i>no</i>	362661 TMA 197433	WARES: Distilled alcoholic beverages.	SCHENLEY CANADA INC 550 Sherbrooke Street West Montreal, Quebec	
PETERHOF <i>no</i>	532093 TMA 313925	WARES: Wine	UNDERBERG CANADA INC., 5 HUNTLEY STREET, TORONTO, Ontario M4Y 2K8	
PETER LEHMANN & DESIGN (TREFOIL) (WOMAN'S HEAD-FANCIFUL) <i>no</i>	634831 TMA 379230	WARES: (1) Wines.	PETER LEHMANN WINES PTY. LTD., 29 CHESSER STREET, ADELAIDE, STATE OF AUSTRALIA, Australia	THE RIGHT TO THE EXCLUSIVE USE OF THE WORDS "PETER LEHMANN" IS DISCLAIMED APART FROM THE TRADE MARK.
BLUE PETER	991790 NFLD 001790	WARES: Fish of every kind, mode of cure, preparation or manufacture, loose, canned or packed in any way whatsoever. Cod oil, codliver oil, seal oil, whale oil and all other fish oils prepared, manufactured or packed in any way whatsoever and held or contained in packages of every kind or description.	JOB BROTHERS & CO. LIMITED ST. JOHN'S, Newfoundland	
BLUE PETER AND FLAG DESIGN The words BLUE PETER in capitals placed arwise above a blue flag (with white centre block) and a red pennant (beneath flag) flying by blue halgyards at a red flagpole. (FLAG - PENNANT)	991792 NFLD 001792	WARES: Fish of every kind, mode of cure, preparation or manufacture, loose, canned or packed in any way whatsoever. Cod oil, codliver oil, seal oil, whale oil and all other fish oils prepared, manufactured or packed in any way whatsoever and held or contained in packages of every kind or description.	JOB BROTHERS & CO. LIMITED ST. JOHN'S, Newfoundland	

FONT VELLA

558502 WARES:
TMA 332845 Mineral water without gas.

FONT VELLA, S.A.,
GRAN VIA DE LES CORTS
CATALANES,
NUMBER 324-8,
BARCELONA, Spain

PETER DAWSON AND LABEL DESIGN

991183 WARES:
NFLD 001183 WHISKY

PETER DAWSON, LIMITED
DUFFTOWN
BANFFSHIRE
SCOTLAND, United Kingdom

The words PETER DAWSON "SPECIAL"
SCOTCH WHISKY PETER DAWSON LTD.,
DISTILLERS, DUFFTOWN & GLASGOW.
PRODUCE OF SCOTLAND.
BY APPOINTMENT TO HIS MAJESTY
THE KING OF SPAIN.
TRADE MARK MARK BLUE BELL. These
words are placed as follows: The
word PETER is spelled in capital
letters immediately over the
capital D of DAWSON which is
also printed in capital letters
at the top of the label.
Underneath the word DAWSON the
word SPECIAL is printed in
capital letters in red.
Underneath the word "SPECIAL"
the words SCOTCH WHISKY are
printed in capital letters.
Underneath the words SCOTCH
WHISKY is the facsimile
signature of PETER DAWSON, with
the letters LTD. printed
underneath. Still further
underneath the signature is the
word DISTILLERS, then under that
the words DUFFTOWN & GLASGOW.
Under this address are the three
words PRODUCE OF SCOTLAND. On
the left hand bottom corner the
words BY APPOINTMENT TO HIS
MAJESTY THE KING OF SPAIN are
printed in blue around a copy of
the Spanish Royal Arms
representation which is also
delineated in blue. On the right
hand bottom corner are the words
TRADE MARK and BLUE BELL printed

in blue respectively on the
left, right and under a
delineation
in blue of the BLUE BELL plant,
with three blossoms.
Except as hereinbefore stated,
all the printing is in jet
black.

(COAT OF ARMS)
(FLOWER - BLUEBELL)

VARGELLAS

448501 WARES:
TMA 247757 Wines and spirits.

DEINHARD & CO. LIMITED
Deinhard House
29, Addington Street
London SE1 7XT
England, United Kingdom

PETER HEERING & DESIGN

376784 WARES:
TMA 232223 Spirituous liquors.

(COAT OF ARMS)
(HEERING, PETER)
(MEDAL - COINS)

PETER F. HEERING A/S
25, Heeringvej
Dalby, 4690 Haslev, Denmark

THE RIGHT TO THE
EXCLUSIVE USE OF ALL
THE READING MATTER
EXCEPT "the words
PETER HEERING" IS
DISCLAIMED APART FROM
THE TRADE MARK.

RAPITALA & DESIGN

498277 WARES:
TMA 318563 Wines.

(SHIELDS)
(CROWN)
(MEN-KNIGHTS)
(SWORDS)
(LABEL)
(LIONS-RAMPANT)

ADELKAM S.P.A.,
VIA GIUSEPPE PIAZZI, 15,
PALERMO 90141,
SICILY, Italy

ELIZABETH ROSE & DESIGN

523387 WARES:
TMA 320806 Red wine.

(HILLEBRAND ESTATES WINERY)
(CANADA, PRODUCT OF)
(NIAGARA-ON-THE-LAKE, ONTARIO)
(PETER MIETZMAKI AGENCIES
LIMITED IN CANADA, REPRESENTED
BY)
(SHIELD)
(CROWN)
(FRUIT-GRAPES)

UNDERBERG CANADA INC.,
5 HUNTLEY STREET,
TORONTO, Ontario M4Y 2K8

THE RIGHT TO THE
EXCLUSIVE USE OF ALL
THE READING MATTER
EXCEPT "the words
HILLEBRAND and
ELIZABETH" IS
DISCLAIMED APART FROM
THE TRADE MARK.

(VINE)
(LABEL)

RIVELLA & DESIGN

(I)
(MI)
(SCROLLS)

236983 WARES:
TMA 107210 Non-alcoholic, non-aerated beverage made with milk serum.

RIVELLA INTERNATIONAL A.G.
Industriequartier, Rothrist
(Aargau) Switzerland

AVELEDA

398944 WARES:
TMA 222512 Wines, green wines and spirits.

AVELEDA-SOCIEDADE AGRICOLA &
COMERCIAL
DA QUINTA DA AVELEDA, S.A.
Quinta da Aveleda, Penafiel,
Portugal

PEROGY PETE'S; DESIGN

(FASTEST SNACK IN TOWN)
(MAN FANCIFUL, COWBOY)
(ROPE)

476084 SERVICES:
TMA 287433 Operation of restaurant, preparation and retail sale of food products, namely perogies, cabbage rolls, salad, meat balls and soup.

MALEWAY FOODS LTD.,
1161 FIFE STREET,
WINNIPEG, Manitoba R2X 2N3

THE RIGHT TO THE
EXCLUSIVE USE OF THE
WORDS "PEROGY and
SNACK" IS DISCLAIMED
APART FROM THE TRADE
MARK.

VERDILLAC

408992 WARES:
TMA 228401 Vins.

MAISON TARRIDE LEDROIT & CIE
SOCIETE A RESPONSABILITE
LIMITEE
32, Allee d'Orleans
33000 Bordeaux, France

PLAQUE DESIGN

(BORDER)
(COAT OF ARMS)
(HEERING, PETER)

376783 WARES:
TMA 232222 Spirituous liquors.

PETER F. HEERING A/S
25, Heeringvej
Dalby, 4690 Haslev, Denmark

THE RIGHT TO THE
EXCLUSIVE USE OF ALL
THE READING MATTER
EXCEPT "the words
Peter Heering" IS
DISCLAIMED APART FROM
THE TRADE MARK.

PETER'S

157366 WARES:
TMDA 057233 (1) Chocolate and cocoa, including plain sweet chocolate, milk chocolate, chocolate with nuts, milk cocoa, chocolate coating, chocolate liquor, and chocolate syrup.

SOCIETE DES PRODUITS NESTLE
S.A.
Vevey
Canton of Vaud, Switzerland

Registrability
recognized under Rule
10 of the Trade Mark
and Design Act in
respect of wares (1).

PETER MEYER & DESIGN

(WREATH)
(COAT OF ARMS)

504184 WARES:
TMA 314794 Wines, sparkling wines, beverages containing wine, namely vermouth and wine seasoned with herbs; spirits, namely brandy made from wine.

PETER MEYER WINERY GMBH,
CUSANUSSTR. 14,
5550 BERNKASTEL-KUES, Federal
Republic of Germany

Peter Meyer refers
to an individual who was
involved with the
German wine industry

94/05/23. 09.12.36. /.. 5

(SCHARINORUM IN GRAPH)
(SCROLLWORK)
(LABEL)
(MAN-ROMAN)

in the 16th century.
THE RIGHT TO THE
EXCLUSIVE USE OF ALL
THE READING MATTER
EXCEPT "the words
PETER MEYER" IS
DISCLAIMED APART FROM
THE TRADE MARK.

VITALADE	564213 TMA 373540	WARES: (1) High carbohydrate powdered nutritional drink mix for use by athletes and powdered drink mix to which water is added to make a fruit flavored drink.	VITALITY PRODUCTS CORPORATION, 110 JUMPING BROOK ROAD, LINCROFT, NEW JERSEY 07738, United States of America	
ST. PETER'S	722663	WARES: (1) Fish and shellfish and farm raised fish and shellfish.	ST. PETER PROJECTS, INC., 4985 OLDE TOWNE PARKWAY, SUITE 104, MARIETTA, GEORGIA, United States of America	ADVERTISED: 18 AUG/AOUT 1993
PETER HAND ANIMAL HEALTH	664502	WARES: (1) Antibacterials, anthelmintics, growth promoters and coccidiostats, preparations containing antibacterials or anthelmintics or growth promoters or coccidiostats, all for use with animals; additives or supplements or premixes, all containing antibacterials or anthelmintics or growth promoters or coccidiostats and all for addition to animal foodstuffs.	PETER HAND ANIMAL HEALTH LIMITED, PETER HAND HOUSE, 15-19 CHURCH ROAD, STANMORE, MIDDLESEX HA7 4AR, ENGLAND, United Kingdom	ADVERTISED: 16 OCT/OCT 1991 THE RIGHT TO THE EXCLUSIVE USE OF THE WORDS "ANIMAL HEALTH" IS DISCLAIMED APART FROM THE TRADE MARK.
LE VELAGE	452486 TMA 275955	WARES: Wines.	BARTON & GUESTIER SA, 53 rue du Dehez, 33290, Blanquefort, France	
VLADIVAR	684143 TMA 411749	WARES: (1) Vodka.	THE WHYTE & MACKAY GROUP PLC, 296/298 ST. VINCENT STREET, GLASGOW, G2 5RG, SCOTLAND, United Kingdom	
PETER PAN	232678 TMA 119614	WARES: Peanut butter and salted peanuts.	HUNT-WESSON, INC. 1645 West Valencia Drive Fullerton, California 92634 United States of America	
PETER PAN	388416	WARES:	PETER PAN SEAFOODS, INC.	

TMA 216623 Fresh, frozen and canned salmon; fresh and frozen
crab meat; and canned shrimp.

1220 Dexter Horton Building
Seattle, Washington
98104 United States of
America

TALAPA

620896 WARES:
TMA 370651 (1) Rum.

B.G. CONCORD UNIVERSAL S.A.,
TERVURENIAAN, 32 BUS 29,
1040 BRUSSELS, Belgium

PETER'S AID

636306 WARES:
TMA 371354 (1) Liniment.

PETER KRUPKA'S COMPANY
LIMITED,
335 MARETTA STREET,
SAULT STE. MARIE, Ontario
P6A 4A6

GALA PETER

444247 WARES:
TMA 245390 Chocolates and candy.

SOCIETE DES PRODUITS NESTLE
S.A.
Vevey, Vaud, Switzerland

PETER JACKSON EXTRA
BLEND/MELANGE EXTRA & DESIGN
(VERTICAL)

699992 WARES:
TMA 414044 (1) Manufactured tobacco products.

IMPERIAL TOBACCO LIMITED,
3810 ST-ANTOINE STREET,
MONTREAL, Quebec H4C 1B5

The right to the
exclusive use of the
words EXTRA BLEND and
MELANGE EXTRA is
disclaimed apart from
the trade-mark.

(LINE)
(HORSE-HEAD)
(SHIELD)
(CROWN)
(PACKAGE)

PETER JACKSON EXTRA
BLEND/MELANGE EXTRA & DESIGN
(HORIZONTAL)

699993 WARES:
TMA 414045 (1) Manufactured tobacco products.

IMPERIAL TOBACCO LIMITED,
3810 ST-ANTOINE STREET,
MONTREAL, Quebec H4C 1B5

The right to the
exclusive use of the
words EXTRA BLEND and
MELANGE EXTRA is
disclaimed apart from
the trade-mark.
Applicant is owner of
registration No(s).
TMA131,951 - PETER
JACKSON.

(SHIELD)
(HORSE-HEAD)
(CROWN)
(PACKAGE)

VITTELLOISE

513552 WARES:
TMA 306907 Eaux minérales, eau de source, eau gazeifiée,
boissons sans alcool, boissons aux fruits ou aux
extraits de fruits, jus de fruits, sirops, extraits
et concentrés pour la préparation de boissons.

SOCIETE GENERALE DES EAUX
MINERALES DE VITTEL,
UNE SOCIETE ANONYME,
88800 VITTEL, France

PORTER AND OVAL DESIGN

992472
NFLD 002472

WARES:

Beer, Ale, Porter and other like beverages in bottles, packages or other containers manufactured, sold or distributed by us.

THE BAVARIAN BREWING COMPANY
LIMITED
St. John's, Newfoundland

An oval label with dark brown background outlined with small green and black squares having a shamrock outlined in white imprinted thereon and the words IRISH STYLE PORTER imprinted or written across the face of the label.

(BORDER - CHECKERED)
(IRISH STYLE)
(LABEL)
(TREFOIL)

VITTELLOISE & DESSIN

513550
TMA 315170

WARES:

Boissons gazeifiées et non alcoolisées nommément eaux minérales, eau de source, eau gazeifiée, boissons au fruits ou aux extraits de fruits nommément jus de fruits et sirops.

SOCIETE GENERALE DES EAUX
MINERALES DE VITTEL,
UNE SOCIETE ANONYME,
88800 VITTEL, France

THE RIGHT TO THE
EXCLUSIVE USE OF ALL
THE READING MATTER
EXCEPT "VITTELLOISE
et QUI CHANTE ET QUI
DANSE" IS DISCLAIMED
APART FROM THE TRADE
MARK.

(DOTS)
(EAU QUI CHANTE ET QUI DANSE, L)
(EAU DE SOURCE GAZEIFIEE)
(CARBONATED SPRING WATER)
(LABEL)
(BUBBLES)

VIGIER-LATOUR

695265
TMA 413711

WARES:

(1) Eaux de vie et alcools, nommément: cognac, armagnac brandy, fine, pineau des Charentes, apéritifs, liqueurs, eaux de vie de fruits, eaux de vie de grain, eau de vie de marc; vins, vins mousseux.

UNICOOP - UNION COOPERATIVE
DE VITICULTEURS CHARENTAIS -
COOPERATIVE
DE COGNAC - ENTREPOTS
COOPERATIFS PRINCE HUBERT DE
POLIGNAC - REYNAC,
UNE SOCIETE COOPERATIVE
AGRICOLE, SOCIETE CIVILE,
49, RUE LOHMEYER,
16100 COGNAC, France

CITY OF PETERBOROUGH & DESIGN

901358
PROHIBITED
MARK

(P.)

MUNICIPAL CORPORATION OF THE
CITY OF
PETERBOROUGH
City Hall
500 George Street N.
Peterborough, Ontario K9H 3R9

Sec.9(1)e Government.
G.C.1-99-351
ADVERTISED: 26
AUG/AOUT 1981

TAVERNELLO DESIGN

638671
TMA 391146

WARES:

(1) Wines.

COOPERATIVE AGRICOLE
VITI-FRUTTICOLTORI ITALIANI
RIUNITI ORGANIZZATI

SOCIETA COOPERATIVA A
RESPONSABILITA LIMITATA,
12, VIA CONVERTITE,
I-48018 FAENZA - RAVENNA,
Italy

APPELVIT 532236 WARES:
TMA 314175 Distilled alcoholic beverages.

JAS. BARCLAY & CO. LIMITED,
2072 RIVERSIDE DRIVE, EAST,
WALKERVILLE, BOX 2518,
WINDSOR, Ontario N8Y 4S5

PETER DE BEUKELAER/PDB LOGO &
DESIGN 692786 WARES:
TMA 417833 (1) Confectionery goods, namely - cookies, wafers and
chocolates.
(OCTAGONAL SHAPED FIGURE)
(DB(PDB))
(LINE)

D.B.C. CORPORATION, ALSO
TRADING AS DE BEUKELAER
CORPORATION,
(A MISSISSIPPI CORPORATION),
213 INDUSTRIAL DRIVE NORTH,
MADISON, MISSISSIPPI 39110,
United States of America

PETER PIPER 286249 WARES:
TMA 141557 Beef sides, beef cuts and beef patties, pork sides,
pork cuts, sausages, back bacon, side bacon, weiners,
hams, luncheon meats and bologna.

BURNS FOODS (1985) LIMITED
P.O. Box 2520
Station M
Calgary, Alberta T2P 2M7

THE RIGHT TO THE
EXCLUSIVE USE OF THE
WORD "PIPER" IS
DISCLAIMED APART FROM
THE TRADE MARK.

PETERSON 225761 WARES:
UCA 050316 Tobacco pipes, cigar and cigarette holders, smoking
tobacco, cigars and cigarettes.

KAPP & PETERSON LIMITED
113 St. Stephen's Green
Dublin, Ireland

PETER PAN AND BOY DESIGN 993195 WARES:
NFLD 003195 Preserved, dried and tinned fruits and vegetables;
jams and jellies; pickles, mustard and goods of that
class; Cheese and tinned milk and goods of that
class; meats (tinned or otherwise) but excluding
cereal products and flour.

JAMES G. SPURRELL
ST. JOHN'S, Newfoundland

(CHILD-BOY PETER PAN)

PETER PINE 905264
PROHIBITED
MARK

TOWN OF PRINCETON
P.O. BOX 670,
PRINCETON, British Columbia
VOX 1W0

Sec. 9(1)n(iii)
Official.
ADVERTISED: 15
JUL/JUIL 1992

PETER COOPER 262926 WARES:
TMA 157545 Cigarettes.

PHILIP MORRIS PRODUCTS INC.
(A VIRGINIA CORPORATION)

Attention: Legal Department -
Trade Mark Counsel
3601 Commerce Road
Richmond, Virginia 23234
United States of America

PETER PIPER	322484	WARES:	MULTIFOODS INC.
	TMA 168532	Pickles.	P.O. Box 4000, Station A
			Willowdale, Ontario M2N 5T5
BLUE PETER AND FLAG DESIGN	991795	WARES:	JOB BROTHERS & CO. LIMITED
	NFLD 001795	Flour, beef, pork, molasses, butter, tea, sugar, and	ST. JOHN'S, Newfoundland
The words BLUE PETER in capitals		all other provisions, groceries and consumable stores	
placed arcwise above a blue flag		contained in packages of every kind whatsoever.	
(with white centre block) and a			
red pennant (beneath flag)			
flying by blue halyards at a red			
flagpole.			
(FLAG - PENNANT, RED)			
PETER JACKSON & DESIGN	421535	WARES:	IMPERIAL TOBACCO LIMITED,
	TMA 252237	Manufactured tobacco products.	3810 ST. ANTOINE STREET,
(CROWN)			MONTREAL, Quebec H4C 1B5
(STRIPES)			
(UNICORN'S HEAD)			
PETER JACKSON & DESIGN	562620	WARES:	IMPERIAL TOBACCO LIMITED,
	TMA 324681	Manufactured tobacco products.	3810 ST-ANTOINE STREET,
(HORSE'S HEAD)			MONTREAL, Quebec H4C 1B5
(CROWN)			
(PACKAGE)			
ORR'S PETER PAN AND BOY DESIGN	991933	WARES:	JAMES G. SPURRELL
	NFLD 001933	HAMS AND BACON	ST. JOHN'S, Newfoundland
ORR'S PETER PAN together with a			
representation of a statue			
depicting Peter Pan, also the			
name and address J.B. ORR CO.			
LTD. ST. JOHN'S, NFLD.			
(CHILD-BOY PETER PAN)			
G. ALBERTI LABEL DESIGN	081783	WARES:	SOCIETA PER AZIONI STREGA
	TMDA 019716	(i) Liquors	ALBERTI BENEVENTO (S.A.B.)
Several labels applied to the			BENEVENTO, Italy

bottles containing the goods as follows: A label with the signature G. ALBERTI and the address BENEVENTO.

To the left thereof a coat-of-arms.

A label with coat-of-arms and words above and below same.

A label showing the works of the firm arranged within a circle, the latter within a fanciful border. Within a concentric border the words STABILIMENTO G. ALBERTI PRESSO LA STAZIONE FERROVIARIA.

A label the essential features of which depict a bust of a witch with broom arranged in a circle and beneath same figures dancing around a tree; conspicuously arranged the words LIQUORE STREGA beneath same SPECIALITA DELLA PREMIATA DITTA GIUSEPPE ALBERTI, BENEVENTO.

Representation of prize medals and near same a coat-of-arms.

A label with the words DITTA G. ALBERTI and below same BENEVENTO.

RIVELLA



435189 WARES:
TMA 241522 Non alcoholic beverage containing milk serum and preparations for making such beverage.

RIVELLA INTERNATIONAL A.G.
4852 Rothrist, Switzerland

PRADEL

253086 WARES:
TMA 117361 Vins.

PRADEL S.A.
LE LOGIS DE BONNEAU
PLAINES D'ANTIBES
06270 VILLENEUVE-LOUBET,
France

PETER JACKSON

274529 WARES:
TMA 131951 Cigarettes.

IMPERIAL TOBACCO LIMITED
3810 St. Antoine Street,
Montreal, Quebec H4C 1B5

REGISTRABILITY
RECOGNIZED UNDER TMA
SECTION 12(2)
(DISTINCTIVE).

PETER JACKSON & DESIGN

263021 WARES:

IMPERIAL TOBACCO LIMITED

the right, for the
94/05/23. 09.12.36. /.. 11

(CROWN) (STRIPES) (UNICORN'S HEAD)	TMA 133751 Cigarettes.	3810 St. Antoine Street Montreal, Quebec H4C 1B5	purpose of this registration, to the exclusive use of the words FILTER KINGS, is disclaimed apart from the trade mark
PETER JACKSON; DESIGN (LINES-VERTICAL) (SHIELD) (CROWN) (HORSE'S HEAD)	494581 WARES: TMA 283543 Cigarette lighters.	IMPERIAL TOBACCO LIMITED, 3810 ST-ANTOINE STREET, MONTREAL, Quebec H4C 1B5	THE RIGHT TO THE EXCLUSIVE USE OF THE WORDS "PETER JACKSON" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER JACKSON; DESIGN (UNICORN'S HEAD) (CROWN)	495462 WARES: TMA 287370 Cigarette lighters.	IMPERIAL TOBACCO LIMITED, 3810 ST-ANTOINE STREET, MONTREAL, Quebec H4C 1B5	THE RIGHT TO THE EXCLUSIVE USE OF THE WORDS "PETER JACKSON" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER RABBIT	553187 WARES: TMA 324066 Candy.	ALLAN CANDY LTD., P.O. BOX 330, HAMILTON, Ontario L8N 3G9	
PETER STUYVESANT & DESIGN (COAT OF ARMS) (LABEL - GOLD) (SHIELD) (STUYVESANT, PETER)	334324 WARES: TMA 177327 Cigarettes, tobacco and cigars.	ROTHMANS, BENSON & HEDGES INC., 1500 Don Mills Road, North York, Ontario M3B 3L1	
WHITE VELVET	305287 WARES: TMA 160183 Distilled alcoholic beverages.	GILBEY CANADA INC 400 Kipling Avenue Toronto 14 Ontario M8V3L2	THE RIGHT TO THE EXCLUSIVE USE OF THE WORD "WHITE" IS DISCLAIMED APART FROM THE TRADE MARK.
ROYAL VELVET	356490 WARES: TMA 190205 Distilled alcoholic beverages.	GILBEY CANADA INC. 400 Kipling Avenue Toronto, Ontario	
PETER STUYVESANT & DESIGN (CIGARETTE) (COAT OF ARMS) (LABEL)	239584 WARES: TMA 108686 Tobacco and cigarettes.	ROTHMANS, BENSON & HEDGES INC., 1500 Don Mills Road, North York, Ontario M3B 3L1	REGISTRABILITY RECOGNIZED UNDER TMA SECTION 14. THE RIGHT TO THE EXCLUSIVE USE OF ALL

(S)

THE READING MATTER
EXCEPT "all of the
reading matter, and
the representation of
a cigarette except
the words PETER
STUYVESANT and the
word STUYVESANT" IS
DISCLAIMED APART FROM
THE TRADE MARK.

DEL PRADO

992835 WARES:
NFLD 002835 Wines, rum, brandy, whiskey, gin and alcoholic
cordials.

SCHENLEY INTERNATIONAL
CORPORATION
(A DELAWARE CORPORATION)
350 FIFTH AVENUE
NEW YORK
N.Y. United States of America

WHITE VELVET

282016 WARES:
TMA 139544 Gin.

GILBEY CANADA INC
400 Kipling Avenue
Toronto 14 Ontario

The right, for the
purpose of this
registration, to the
exclusive use of the
word WHITE is
disclaimed apart from
the trade mark

PETER JACKSON MELANGE EXTRA 200
& DESIGN

696025 WARES:
TMA 411514 (1) Manufactured tobacco products.

IMPERIAL TOBACCO LIMITED,
3810 ST-ANTOINE STREET WEST,
MONTREAL, Quebec H4C 1B5

THE RIGHT TO THE
EXCLUSIVE USE OF THE
WORDS "MELANGE EXTRA"
IS DISCLAIMED APART
FROM THE TRADE MARK.

(NUMERALS-200)
(SHIELD)
(UNICORN)
(CROWN)
(PACKAGE)
(LINE)

PETER STUYVESANT & DESIGN

307210 WARES:
TMA 160088 Cigarettes, tobacco and cigars.

ROTHMANS, BENSON & HEDGES
INC.,
1500 Don Mills Road,
North York, Ontario M3B 3L1

(COAT OF ARMS)
(PETER STUYVESANT)
(S)
(SHIELD)
(XXX)

PETER STUYVESANT

230344 WARES:
TMA 106220 Cigarettes and smoking tobacco.

ROTHMANS, BENSON & HEDGES
INC.,

PETER BURGER; DESIGN	503590 WARES: TMA 299353 A specialty hamburger.	1500 Don Mills Road, North York, Ontario M3B 3L1 WILFRED E. ORGAN & GWEN ORGAN DOING BUSINESS AS ORGAN'S MARKETING SERVICES, P.O. BOX 5, PETERSFIELD, Manitoba R0C 2L0	THE RIGHT TO THE EXCLUSIVE USE OF THE WORD "BURGER" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER STUYVESANT & DESIGN (COAT OF ARMS) (S) (SHIELD-DRAPED) (XXX)	292117 WARES: TMA 145291 Cigarettes.	ROTHMANS, BENSON & HEDGES INC., 1500 Don Mills Road, North York, Ontario M3B 3L1	THE RIGHT TO THE EXCLUSIVE USE OF ALL THE READING MATTER EXCEPT "the words PETER STUYVESANT" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER STUYVESANT; DESIGN (S) (NUMERALS-100'S) (NUMERALS-1592-1672) (XXX) (DRAPES) (SHIELD) (BEAVER) (BAR)	506906 WARES: TMA 293379 Cigarettes.	ROTHMANS, BENSON & HEDGES INC., 1500 Don Mills Road, North York, Ontario M3B 3L1	THE RIGHT TO THE EXCLUSIVE USE OF "the numerals 100's" IS DISCLAIMED APART FROM THE TRADE MARK.
PETER STUYVESANT & DESIGN (PETER STUYVESANT FILTER) (COAT OF ARMS) (XXX) (S) (BEAVER) (DRAPES) (RECTANGLE) (PACKAGE) (SHIELD)	647091 WARES: TMA 383615 (1) Cigarettes.	ROTHMANS, BENSON & HEDGES INC., 1500 DON MILLS ROAD, NORTH YORK, Ontario M3B 3L1	
CHERRY HEERING LIQUEUR & LABEL DESIGN (PETER F HEERING AS) (PRODUCT OF DENMARK PRODUIT DU	634747 WARES: TMA 389417 (1) Liqueurs.	PETER F. HEERING A/S, HEERINGVEJ 25, DALBY, DK-4690 HASLEV, Denmark	The right to the exclusive use of all the reading matter except for the words PETER HEERING is

DANEMARK)
(NUMERALS-1816)
(COINS)
(COAT OF ARMS)

disclaimed apart from
the trade-mark.

PETER JACKSON EXTRA BLEND 200 &
DESIGN

696024 WARES:
TMA 412119 (1) Manufactured tobacco products.

IMPERIAL TOBACCO LIMITED,
3810 ST-ANTOINE STREET WEST,
MONTREAL, Quebec H4C 1B5

THE RIGHT TO THE
EXCLUSIVE USE OF THE
WORDS "EXTRA BLEND"
IS DISCLAIMED APART
FROM THE TRADE MARK.

(NUMERALS-200)
(SHIELD)
(UNICORN)
(CROWN)
(LINE)
(PACKAGE)

VARELA

329540 WARES:
TMA 178224 Sherry, wine and brandy.

BODEGAS INTERNATIONALES,
S.A.,
Fermin Aranda,
77- Jerez de la Frontera
(Cadiz), Spain

LATTELLA

614151 WARES:
TMA 379089 (1) Milk beverages and non-alcoholic mixed beverages
produced with the use of milk; beverages produced
from whey; beverages produced from whey containing
fruit flavourings and extracts; non-alcoholic
beverages, namely, fruit juices, and milk-based alcoholic beverages. (2) Beverages produced from whey; beverages
produced from whey containing fruit aromas; non-alcoholic beverages and fruit juices and milk beverages containing
alcohol.

ALPI HANDELSGESELLSCHAFT
M.B.H.,
SCHILLERSTRASSE 35,
A-5020 SALZBURG, Austria

BLUE PETER

991793 WARES:
NFLD 001793 Flour, beef, pork, molasses, butter, tea, sugar, and
all other provisions, groceries and consumable stores
contained in packages of every kind whatsoever.

JOB BROTHERS & CO. LIMITED
ST. JOHN'S, Newfoundland

PETERBOROUGH SNOWFEST & DESIGN

904135
PROHIBITED
MARK

(PETERBOROUGH WINTER CARNIVAL)
(OVAL)
(MAN'S HEAD-CLOWN-FANCIFUL)

THE CORPORATION OF THE CITY
OF PETERBOROUGH
500 GEORGES STREET NORTH,
PETERBOROUGH, Ontario K1H 3R9

Sec. 9(1)e Government.
ADVERTISED: 04
APR/AVR 1990

PETER PAN

730556 WARES:
(1) Popping corn.

HUNT-WESSON, INC., A DELAWARE
CORPORATION,
1645 WEST VALENCIA DRIVE,
FULLERTON, CALIFORNIA
92633-3899, United States of

ADVERTISED: 02
FEB/FEV 1994

America

PETER PAN

113396 WARES:
TMDA 038982 (1) Baked goods

GEORGE WESTON LIMITED
22 St. Clair Avenue East,
Suite 1701
Toronto, Ontario M4T 2S7

PETER STUYVESANT & LABEL DESIGN

621817 WARES:
TMA 371223 (1) Cigarettes.

ROTHMANS, BENSON & HEDGES
INC.,
1500 DON MILLS ROAD,
NORTH YORK, Ontario M3B 3L1

The right to the
exclusive use of the
words FILTER and
100'S is disclaimed
apart from the trade
mark.

(PETER STUYVESANT FILTER 100'S
LUXURY LENGTH)
(NUMERALS-100)
(NUMERALS-1592)
(NUMERALS-1672)
(NUMERALS-1653)
(MAN WHO FOUNDED NEW YORK 1653,
THE)
(PACKAGE)
(SHIELD)
(COAT OF ARMS)

BLUE PETER

352034 WARES:
TMA 191906 Paints, varnishes, enamels, lacquers, fillers,
dryers, oils, stains, shellac and paint removers.

COURTAULDS COATINGS
(HOLDINGS) LIMITED
50 George Street
London W1A 2BB
England, United Kingdom

PETER WOLF

459947 WARES:
TMA 274883 Mens' and womens' clothing and accessories, namely -
suits; shirts; shorts; casual trousers; pants; jeans;
sweaters; T-shirts; raincoats; skirts; hosiery;
jackets; dresses; gloves; handbags; hats; blouses;
vests; pajamas; shoes; scarves; ties; belts; costume
jewellery.

PETER WOLF CLOTHING LTD.,
C/O CORBETT, BENKENDORF,
HODGSON
& LACHAMBRE,
600 CAMBRIDGE BUILDING,
10024 JASPER AVENUE,
EDMONTON, Alberta T5J 1R9

SERVICES:
Operation of retail clothing outlets.

===== INACTIVE =====

TAILLEFERT

566048 WARES:
ABANDONED Wines, spirits and liqueurs.

KO-OPERATIEVE WIJNBOUWERS
VERENIGING VAN ZUID-AFRIKA
BEPERKT
(CO-OPERATIVE WINEGROWERS
ASSOCIATION OF SOUTH AFRICA
LIMITED),
LA CONCORDE 57 MAIN STREET,

ABANDONMENT DATE: 15
JUN/JUIN 1987
ADVERTISED: 10
DEC/DEC 1986

94/05/23. 09.12.36. /.. 16

SUIDER/PAARL,
CAPE PROVINCE, South Africa

PETER F. HEERING A/S
25, Heeringvej
Dalby, 4690 Haslev, Denmark

REGISTRABILITY
RECOGNIZED UNDER TMA
SECTION 14.
EXPUNGED ON 22
OCT/OCT 1993 UNDER
SECTION 46

PETER HEERING

376782 WARES:
TMA 224458 Spirituous liquors.
EXPUNGED

7

940513 UPDATED TO 751858

FIL. DATE 940413

94/05/23. 09.12.36. END: 16

|Serial No. — N° de série

747890

Filing Date — Date de dépôt

1994/02/17

Headings — En-têtes

PETER VELLA
VELLA, PETER

Wares/Services — Marchandises/Services

WARES : (1) Wines.

☐ Pending — En instance ☐ TM & DA ☐ UCA ☐ TMA ☐ Abandoned — Abandonnée ☐ TRF List — Liste de TRF.

Mark
Marque

Serial No.
N° de série

Registration No.
N° d'enr.

Wares/Services
Marchandises/Services

* Property PLUNG DATE AUG. 25, 1993 PORA # 4

Research — Recherches

Wepot : Peter Veela - nil
: Peter - N/A
: Veela - nil

Directory

Peter Vella = Van = 1

$$O t = \emptyset$$

$\text{Mort} = \emptyset$
 $\text{Tor} = \emptyset$
 $\text{Win} = \emptyset$
 $\text{Oub} = \emptyset$
 $\text{Hal} = \emptyset$

$$Hal = C$$

Formal requirements — Exigences formelles

Associated marks — Marques associées

✓ C. C. 450.0

done ✓

Sections — Articles

Examiné par — Examinée par

Date _____

12 (1) a) b) c) d) e)
16 (1) 2) 3)

by — Examinée par E. Grove

Date July 5/94.

EDIT SHEETS PROGRAM - IX081_PCO

APPLICATION NO - DEMANDE NO: 747890 000

FILING DATE - DATE DE PRODUCTION: 1994/02/17

FORMALIZED DATE/DATE OFFICIALISATION: Y

APPLICANT - PROPRIETAIRE INSCRIT

E. & J. GALLO WINERY,
600 YOSEMITE BOULEVARD,
P.O. BOX 1130,
MODESTO, CALIFORNIA 95353,
United States of America

NAME CARDS :

GALLO

AGENT 02502 XREF: 5475-062/AMT

REP. 02502 XREF:

AGENT ((1)INACTIVE) OR ((A)ACTIVE): A

BERESKIN & PARR
BOX 401 40 KING ST. W
TORONTO
ONTARIO
M5H 3Y2

TRADE MARK/MARQUE DE COMMERCE

(WORD MARK)

PETER VELLA

MERCHANDISE STANDARD TEXT/TEXTE STANDARD POUR MARCH.: N

WARES: (1) Wines.

PRIORITY INFORMATION:

P. 93-8-25

C L A I M S :

Used: United States of America on wares. Proposed use in Canada on wares.

SUBJECT HEADINGS :

PETER VELLA
VELLA, PETER



Consumer and
Corporate Affairs Canada

Consommation
et Corporations Canada

TRADE MARK APPLICATIONS CHECK LIST
LISTE DE VÉRIFICATION DES MARQUES DE COMMERCE

No. of Name Cards — N° de cartes		Extension Counter — N° d'extensions		Filing Date — Date de dépôt		File No. — N° de dossier 7478901	
Extension: Reg'n Date — Date d'enr.		Reg'n Act — Loi d'enr. TMA ☐ A LMC ☐ B UCA ☐ C LCD ☐ D TM&DA ☐ C LMC&D ☐ D NFLD. ☐ TN		Lang. of App'n. Langue d'app. ☐ (E.) ☐ (A.) ☐ (F.)		Priority Date — Date de priorité ____/____/____	
Register No. — Registre N°		Reg'n. No. — N° d'enr.					
Trade Mark Class. — Classe de marque: 1 ☐ Word Mot 2 ☐ Design Dessin C ☐ Cert. Mark Marque de cert. D ☐ Disting. Guise Signe distinctif							
Trade Mark Description/55 Characters — Description de marque/55 caractères: PETER VELLA							
Agent No. — N° d'agent		Agent's Ref. No. — N° de ref. de l'agent		Wares Marchandises ☐		Services ☐	
Used/Made Known — Employée révélée ☐		Code (1-5) _____		Text — Texte ☐		Used Employee ☐	
Date of First Use — Date d'emploi: ____/____/____				Make Known Révélée ☐			
Used in Country — Pays d'emploi: ☐		Registered in Enregistrée en ☐		on le (Date) ____/____/____		under sous (#) _____	
(Country — Pays)							
☐ Text Texte							
Proposed Use: Emploi proj.: ☐		Code (1-3) _____		Proposed Text: Texte Proj.: ☐		R.U. — Usager insc. ☐	
☐ Agent 10		SUBJECT HEADINGS — ENTÊTES PETER VELLA					
☐ To Applicant Au requérant							
☐ C/O Rep. F. Serv. Rep. P. Sign.							
☐ Ret. Copy Ret. copie							
☐ Prod. Div. Div. des prod.							

J.G.

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B.F.A. (Dramatic Arts), LL.B.

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B. Eng. Sci. (Chem. Eng.), LL.B.

ROBIN L.A. COSTER
B. Sc. (Physics), LL.B.

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B. Sc., M. Sc., Ph.D. (Biol.), LL.B.

THOMAS E. MALYSZKO
B. Eng., M. Eng. (Civil), LL.B.

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B.A., LL.B.

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B.A., M.A., LL.B.

WILLIAM B. VASS
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DAVID M. REIVE
B. Sc., M.A.Sc. (Chem. Eng.), LL.B.

JILL M. HOLMES
B.A., LL.B.

Patent & Trade Mark Agents

DAVID W.R. LANGTON

H. SAM FROST
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TERRY EDWARDS
B.B.A.

JANE SARJEANT

ARTHUR J. BROOKS
B. Sc. (Chem.), M.R.S.C.
Consultant

February 17, 1994

The Registrar of Trade Marks
Hull, Québec

Dear Sir:

Re: New Canadian Trade Mark Application
Trade Mark: PETER VELLA
Applicant: E. & J. Gallo Winery

We enclose a new application to register the trade mark PETER VELLA in the name of the above-identified applicant.

The prescribed filing fee of \$150.00 is included in our firm's cheque number 27572.

Please note the applicant's claim for Convention priority. ✓

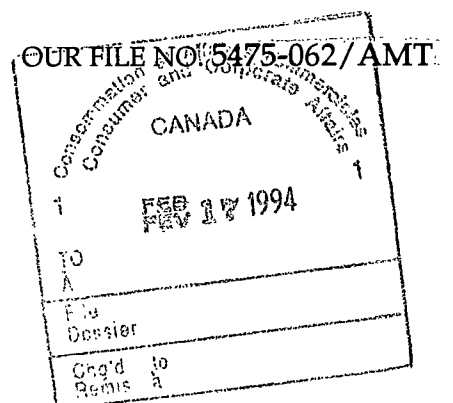
We look forward to receiving the official filing receipt in due course.

Yours truly,

Bereskin & Parr

Amalia M. Trister

Encl.



NUMB 429937

K311

156105

1129 4

A263 2126111 2392 10:50AM 2/23/94

TMRO

FEB 25 1994

2003

MAR - 1 1994

CANADAAPPLICATION FOR REGISTRATION OF A TRADE MARK

To: The Registrar of Trade Marks
Hull, Québec

1. The applicant, E. & J. Gallo Winery, the full post office address of whose principal office or place of business is 600 Yosemite Boulevard, P.O. Box 1130, Modesto, California, United States of America, 95353, hereby applies for the registration in accordance with the provisions of the *Trade-marks Act*, of the trade mark identified below.

2. The trade mark is the words:

PETER VELLA

W 3. The applicant intends to use the trade mark in Canada in association with wines and the applicant requests registration in respect of such wares.

✓ 4. An application to register the trade mark has been filed by the applicant in the United States of America, the country of origin of the applicant on August 25, 1993 under No. 74/429,937 in association with wines. The applicant has used the trade mark in association with wines, in the United States of America, and the applicant requests registration of the trade mark, upon its registration in the country of origin, in respect of the wares in association with which the trade mark has been

-priority →

registered and used as aforesaid and which are covered by such registration in the country of origin.

* 5. The applicant claims priority under Section 34 of the Act on the ground that an application for registration of the same or substantially the same trade mark was filed by the applicant, in the United States of America on August 25, 1993 under No. 74/429,937 and that such application was the earliest application filed in any country of the Union other than Canada by the applicant or any predecessor in title of the applicant for the registration of the same or substantially the same trade mark for use in association with the same kind of wares as those set out above. At the date of such application, the applicant had a real and effective industrial or commercial establishment in the country aforesaid. (2)

6. The applicant appoints BERESKIN & PARR, whose full post office address in Canada is Suite 4000, Box 401, Scotia Plaza, 40 King Street West, Toronto, Ontario, Canada M5H 3Y2 as the firm to whom any notice in respect of the application or registration may be sent, and upon whom service of any proceedings in respect of the application or registration may be given or served with the same effect as if they had been given to or served upon the applicant or registrant.

7. The applicant is satisfied that it is entitled to use the trade mark in Canada in association with the wares described above.

EXECUTED at Toronto, Ontario, Canada this 17th day of February, 1994.

E. & J. Gallo Winery

Bereskin & Parr

BERESKIN & PARR

Trade Mark Agents of the Applicant

no drawing
19-01-2000

Mr. Warrington
19-61-200

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