

7/19/13

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: August 20, 2002

Cancellation No. 91152004

PUEBLO INTERNATIONAL, INC.

v.

IFS FINANCIAL CORPORATION

Shirley Hassan, Paralegal Specialist

The notice instituting this proceeding and a copy of the notice of opposition were inadvertently forwarded to applicant's former counsel but were returned by the Postal Service as undeliverable.

This Office located an address for applicant and the documents are mailed as follows: **Jorge M. Corona, IFS Financial Corporation, 10055 Grogan's Mill Road, Suite 200, The Woodlands, TX 77380.**

Accordingly, the above notice, with enclosure, is remailed as indicated above.

Applicant is allowed until forty days from the mailing date of this order in which to inform this Office of its correct address in order that all records may be amended.

TRADEMARK TRIAL AND  
APPEAL BOARD  
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Compliance with Patent and Trademark Rule 1.4(c) and Trademark 2.119(a) is required.

In view of the circumstances, the time for filing an **answer** to the notice of opposition is extended to **forty days** from the mailing date of this order. Any discovery requests or notices served that remain unanswered as of the mailing date of this order must be reserved in accordance with the rules, unless otherwise agreed to by the parties.

In accordance with the Trademark Rules of Practice, discovery is open, and the close of discovery and testimony dates are set as indicated below. In each instance, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

<b>Discovery period to close:</b>	<b>March 10, 2003</b>
<b>Testimony period for party in position of plaintiff to close: (opening thirty days prior thereto)</b>	<b>June 8, 2003</b>
<b>Testimony period for party in position of defendant to close: (opening thirty days prior thereto)</b>	<b>August 7, 2003</b>
<b>Rebuttal testimony period to close: (opening fifteen days prior thereto)</b>	<b>September 21, 2003</b>

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

UNITED STATES DEPARTMENT OF  
COMMERCE  
Patent and Trademark Office  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Mailed: July 3, 2002

Opposition No 91152004  
Serial No. 75899318

FRANK C TURNER  
FELSMAN BRADLEY VADEN GUNTER & DILLON  
1 RIVERWAY STE 1100  
HOUSTON, TX 77056-1929

PUEBLO INTERNATIONAL, INC.

v.

IFS Financial Corporation

JOHN M. CONE  
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP  
P. O. BOX 688  
DALLAS, TX 75313-0688

**George Woods, Legal Assistant:**

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

**ANSWER IS DUE FORTY DAYS** after the mailing date hereof.  
(See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.

A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at <http://www.uspto.gov>.

**Discovery and testimony periods are set as follows:**

Discovery period to open:	July 23, 2002
Discovery period to close:	January 19, 2003
30-day testimony period for party in position of plaintiff to close:	April 19, 2003
30-day testimony period for party in position of defendant to close:	June 18, 2003
15-day rebuttal testimony period for plaintiff to close:	August 02, 2003

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

**NOTE:** The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

TTAB

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

PUEBLO INTERNATIONAL, LLC,

Opposer,

OPPOSITION NO.

vs.

IFS FINANCIAL CORPORATION

Applicant.



06-10-2002

U.S. Patent & TMOtc/TM Mail RcptDt. #34

Application Serial No. 75/899,318

Mark: PUEBLO FINANCIAL CORPORATION

Filed: January 19, 2000

Published: February 12, 2002, TM 367

Assistant Commissioner for Trademarks  
BOX TTAB - FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Sir:

PUEBLO INTERNATIONAL, LLC, ("Pueblo") a Delaware limited liability corporation

formerly known as Pueblo International Inc., having obtained an extension of time until June 10, 2002 to file an opposition to the above-referenced mark, hereby files this opposition and would show the Board as follows:

1. Pueblo has a principal place of business at Campo Rico Avenue, Corner Loiza Expressway, Carolina, Puerto Rico 00982 and a mailing address at G.P.O. Box 3288, San Juan,

Puerto Rico 00936

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TRADEMARK TRIAL AND  
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2. Pueblo believes that it might be damaged by the registration of the above referenced mark to Applicant IFS FINANCIAL CORPORATION ("IFS").

3. Pueblo has used the name and mark PUEBLO in relation to its supermarket business since at least as long ago as 1955, and owns registered trademarks consisting of or including PUEBLO, including U.S. Registration Nos. 1,997,786 for the mark PUEBLO and 2,509,402 for the mark PUEBLOXTRA, each for use in connection with "supermarket and retail grocery store services." Pueblo also sells PUEBLO brand food products and owns registrations of PUEBLO for those products in many countries of Central America.

4. Other goods and services available to consumers at Pueblo's supermarkets and retail grocery stores include commercial and financial transactions such as money transfers, mail services, bill paying services, banking services, and entertainment services.

5. Pueblo uses a variety of means to advertise its stores and the broad range of goods and services available at its stores, including but not limited to print and visual media, print advertisements, mail, and event sponsorships.

6. PUEBLO and PUEBLOXTRA stores are universally known in Puerto Rico and the U.S. Virgin Islands and to people from those islands now residing on the United States mainland.

7. IFS's business, operated under the name Pueblo Financial Corporation, uses names and marks consisting of or including the word PUEBLO, and markets services promoting consumer goods and services of others through direct mailing, telemarketing, print advertising, event sponsorships, radio and television advertising, and advertising on a global computer network.

8. IFS's business targets Hispanic consumers in the United States.

9. People from Puerto Rico and the U.S. Virgin Islands make up a substantial part of the U.S. Hispanic market. These people are likely to associate IFS's business with that of Pueblo, given the broad range of goods and services offered in Pueblo's stores.

10. Pueblo has invested many years and substantial sums of money in creating and developing goodwill for its PUEBLO and PUEBLOXTRA brand among the Puerto Rican and Virgin Islands communities. Potential customers for IFS's services are likely to be confused, deceived or mistaken in thinking that IFS's services are in some way associated, affiliated, sponsored or approved by Pueblo.

11. Pueblo's marks PUEBLO and PUEBLOXTRA are famous marks. IFS's use of the mark applied for would cause dilution of the distinctive quality of Pueblo's marks.

WHEREFORE, Pueblo International, LLC prays that application S.N. 75/899,318 be refused in accordance with the provisions of Section 13(a) of the Lanham Act.

A duplicate copy of this paper and the required fee for opposition are enclosed herewith.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service as Express Mail Label No. EL 843248689 US on the date indicated below and in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB - Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

CAROL YOUNG  
(Typed name of person mailing paper)

Carol Young  
(Signature of person mailing paper)

Date: June 10, 2002

**EL843248689US**

Respectfully submitted,

John M. Cone / P/A  
JOHN M. CONE, Reg. No. 30,538  
AKIN, GUMP, STRAUSS, HAUER  
& FELD, L.L.P.  
P.O. Box 688  
Dallas, Texas 75313-0688 (by mail)  
1700 Pacific Avenue, Suite 4100  
Dallas, Texas 75201-4675 (by courier)  
TEL: (214) 969-2820  
FAX: (214) 969-4343

Attorneys for Opposer

Date: June 10, 2002

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.

ATTORNEYS AT LAW

AUSTIN  
BRUSSELS  
DALLAS  
HOUSTON  
LONDON  
LOS ANGELES  
MOSCOW  
NEW YORK  
PHILADELPHIA  
SAN ANTONIO  
WASHINGTON, D.C.

A REGISTERED LIMITED LIABILITY PARTNERSHIP  
INCLUDING PROFESSIONAL CORPORATIONS

1700 PACIFIC AVENUE

SUITE 4100

DALLAS, TEXAS 75201

(214) 969-2800

FAX (214) 969-4343

www.akingump.com

WRITER'S DIRECT DIAL NUMBER (214) 969-4657

WRITER'S E-MAIL ADDRESS PFERGUSON@AKINGUMP.COM

June 10, 2002



Assistant Commissioner for Trademarks  
BOX TTAB - FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

06-10-2002

U.S. Patent & TMO/TM Mail Rpt Dt. #34

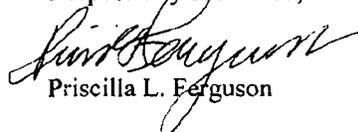
Sir:

Enclosed is a Notice of Opposition in duplicate, a check in the amount of \$300.00 to cover the filing fee, and a return postcard.

Please address all correspondence to JOHN M. CONE of the firm of AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., P.O. Box 688, Dallas, Texas 75313-0688.

The Commissioner of Patents & Trademarks is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 01-0657. A duplicate copy of this letter is enclosed for that purpose.

Respectfully submitted,

  
Priscilla L. Ferguson

PLF:cy  
Enclosures

Opposer: Pueblo International, LLC

Applicant: IFS Financial Corporation

Serial No.: 75/899,318

Published: February 12, 2002  
TM 367

Filed: January 19, 2000

Statutory Fee: \$300.00

Atty Docket: 072591-0002-74638

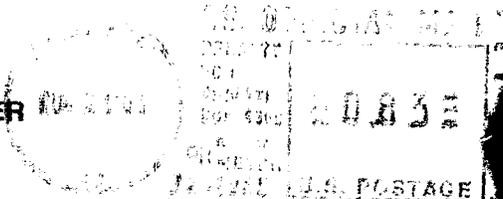
cc: Fernando Jose Bonilla (w/enclosure)

TRADEMARK TRIAL AND  
APPEAL BOARD  
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*Qg*

mark Office

AN EQUAL OPPORTUNITY EMPLOYER



*memo*

91152004

JORGE M. CORONA  
IFS FINANCIAL CORPORATION

IFS-055\* 773802009 1801 21 08/28/02  
NOTIFY SENDER OF NEW ADDRESS  
: IFS FINANCIAL CORP  
PO BOX 132197  
THE WOODLANDS TX 77393-2197

- REASON FOR CHANGE
- Moved, Last Name Change
  - Family Name Change
  - Available To Order Unless
  - Address Change
  - Undelivered
  - No Other Change
  - Insufficient Address
  - Return to Sender
  - Return to Post Office
  - Return to Post Office
  - Return to Post Office