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

In the matter of Application Serial No. 78/140,615 of Productos Alimenticios Bocadeli, S.A. DE C.V., filed July 2, 2002, for the mark **CHOCO COCO** in Class 30, as published in the Trademark *Official Gazette* on July 22, 2003.

PARADISE VALLEY FOODS )

Opposer, )

v. )

PRODUCTOS ALIMENTICIOS )  
BOCADELI, S.A. DE C.V. )

Applicant. )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**



09/08/2003 KGIBBONS 00000192 78140615

01 FC:6402

300.00 OP

08-25-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

Paradise Valley Foods, an Arizona corporation having its principal place of business at 8905 North 8<sup>th</sup> Way, Scottsdale, Arizona 85258, believes that it will be damaged by registration of the mark shown in Application Serial No. 78/140,615 in International Class 30, and hereby opposes its registration.

As grounds for opposition, Opposer alleges that:

1. Applicant, Productos Alimenticios Bocadeli, S.A. DE C.V., seeks to register CHOCO COCO as a trademark for COFFEE, TEA, COCOA, SUGAR, RICE, TAPIOCA, SAGO, GRAIN BASED COFFEE SUBSTITUTES, FLOUR AND PREPARATIONS MADE FROM CEREALS, BREAD, PASTRY AND CANDY; FLAVORED ICES; HONEY; TREACLE; YEAST; BAKING POWDER; SALT, VINEGAR; CONDIMENTS SAUCES, NAMELY, MUSTARD AND MAYONNAISE; SPICES; ICE, in International Class 30, in Application Serial No. 78/140,615, filed July 2, 2002, asserting a bona fide intent to use such

09/10/2003TTAB

09/10/2003 TAB

mark, as evidenced by the publication of said mark in the July 22, 2003 issue of the Official Gazette at page TM 102.

2. Opposer, Paradise Valley Foods, is the owner of U.S. Trademark Registration No. 2,720,520 for CHOCO CHOCO for CHOCOLATE DRINK in International Class 30, filed May 3, 2001, and issued on June 3, 2003 (Exhibit 1).

3. Opposer has invested a great deal of effort in promoting its goods under the registered CHOCO CHOCO mark and is continuing to promote those goods. As a result of these activities, a valuable goodwill has developed for the registered CHOCO CHOCO mark, which inures to Opposer's benefit.

4. By virtue of the continuous, exclusive, and widespread use by Opposer of its registered mark CHOCO CHOCO, Opposer is entitled to a broad scope of protection for the mark.

5. Opposer's rights in its registered CHOCO CHOCO mark precede any rights Applicant may have in the designation CHOCO COCO. Opposer's registration has a filing date (May 3, 2001) and a claimed date of first use (February 20, 2001), both of which are prior to Applicant's filing date (July 2, 2002).

6. Registration of CHOCO COCO to Applicant would be inconsistent with the rights of Opposer.

7. Registration of CHOCO COCO to Applicant is likely to injure Opposer and to impair Opposer's rights in its registered CHOCO CHOCO mark by causing confusion, mistake and/or deception as to the source of origin of the goods of the parties, or as to the affiliation, connection, or association of Applicant with Opposer, or as to the sponsorship or approval of Applicant's goods by Opposer.

09/16/2003 TWA

WHEREFORE, Opposer prays that Application Serial No. 78/140,615 be rejected, and that the mark therein sought for the goods herein specified in International Class 30 be refused registration.

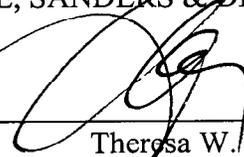
The filing fee for this opposition in the amount of \$300.00 is enclosed.

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY LLP

Date August 21, 2003

By



Theresa W. Middlebrook  
Attorneys for Opposer,  
PARADISE VALLEY FOODS  
801 South Figueroa Street  
14th Floor  
Los Angeles, CA 90017  
Tel: (213) 689-5107

Enclosures: Notice of Opposition and Exhibit (in duplicate)

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09/14/2003TTAB

**Int. Cl.: 30**

**Prior U.S. Cl.: 46**

**United States Patent and Trademark Office**

**Reg. No. 2,720,520**

**Registered June 3, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**CHOCO CHOCO**

PARADISE VALLEY FOODS (ARIZONA COR-  
PORATION)  
8905 NORTH 8TH WAY  
SCOTTSDALE, AZ 85258

FIRST USE 2-20-2001; IN COMMERCE 2-20-2001.

SER. NO. 76-250,906, FILED 5-3-2001.

FOR: CHOCOLATE DRINK, IN CLASS 30 (U.S. CL.  
46).

SUSAN LESLIE DUBOIS, EXAMINING ATTORNEY

09/10/2003 11:48

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF OPPOSITION TRANSMITTAL

*I hereby certify that this correspondence is being deposited with the US. Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on August 21, 2003.*



Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

August 21, 2003

Commissioner:

Enclosed for filing are the following:

- 1. Notice of Opposition (original and copy) filed by Paradise Valley Foods relating to the following registration application:

**Mark:** CHOCO COCO  
**Serial No.:** 78/140,615  
**Filed:** July 2, 2002  
**Class:** 30  
**Applicant:** Productos Alimenticios Bocadeli, S.A. DE C.V.



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- 2. Our check for \$300 for the opposition filing fee.

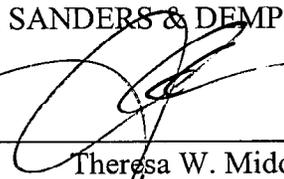
The Commissioner is authorized upon filing or during prosecution of this opposition to charge any additional fees which may be required or credit any overpayment of fees to Deposit Account No. 07-1853. **A copy of this letter is enclosed.**

Please address all correspondence to **SQUIRE, SANDERS & DEMPSEY LLP, Attn.: Theresa W. Middlebrook, 801 South Figueroa Street, 14<sup>th</sup> Floor, Los Angeles, California 90017.**

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY LLP

By



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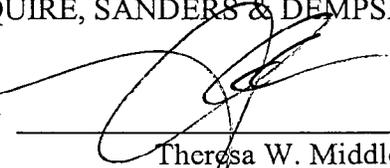
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Respectfully submitted,

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