

ESTTA Tracking number: **ESTTA82703**

Filing date: **05/26/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Mr. Federico Galindo
Granted to Date of previous extension	05/27/2006
Address	1412 Aliso Drive, NE Albuquerque, NM 87110-5603 UNITED STATES
Party who filed Extension of time to oppose	Mr.FedericoGalinco
Relationship to party who filed Extension of time to oppose	The name has been changed as it was a typo in a opposer name, the correct name spelling is Mr. Federico Galindo

Attorney information	Cheryl L. Hodgson HODGSON LAW GROUP 1610 Colorado Avenue, # 200 Santa Monica, CA 90404 UNITED STATES tshifman@hodgson-law.com Phone:310 449-1070
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Applicant Information

Application No	78668877	Publication date	03/28/2006
Opposition Filing Date	05/26/2006	Opposition Period Ends	05/27/2006
Applicant	Los Rieleros del Norte, Inc. 12850 Montana Ave., #6 El Paso, TX 79938 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 1984/05/01 First Use In Commerce: 1984/05/01 All goods and seVICES in the class are opposed, namely: ENTERTAINMENT SERVICES, NAMELY LIVE PERFORMANCES BY A MUSICAL GROUP

Related Proceedings	Fiesta Musical, Inc. v. Los Rieleros Del Norte, Inc., case # EP-06-CA-0098-KC, Western District of Texas
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Attachments	Opposition Statement w notice of opp. 5.26.06.pdf (3 pages)(22558 bytes)
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Signature	/Cheryl L. Hodgson/
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Name	Cheryl L. Hodgson
Date	05/26/2006

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

Federico Galindo,
Opposer

vs.

Los Rieleros del Norte, Inc.,
Applicant

NOTICE OF OPPOSITION

Opposition No.

Serial No. 78668877

Date of Publication: March 28, 2006

Opposer, Federico Galindo, the individual residents of the State of Colorado, believe that they will be damaged by registration of the mark shown in Serial No. 78668877, and hereby opposes the same.

Description of Applicant's Application:

Filed on July 12, 2005.

Published for Opposition in the Official Gazette of March 28, 2006.

Mark: LOS RIELEROS DEL NORTE, in Class 41 for Entertainment services, namely live performances by a musical group; claiming first use on May 1, 1984.

As grounds of opposition, Opposer alleges:

1. Opposer is the owner of Application Serial No. 78822166, filed February 23, 2006, for the mark LOS RIELEROS DEL NORTE, a mark which Opposer received by

1 assignment from the original owner of the mark; the mark that has been used
2 continuously since December 1, 1984 in connection with live performances by a
3 musical group; and since March 1, 1984 in connection with the sale of pre-recorded
4 CD's, video tapes, laser disks and DVD's featuring music.

5
6 2. Opposer's use as described herein, as been valid and continuous since the
7 dates of first use and has not been abandoned. The mark LOS RIELEROS DEL
8 NORTE is symbolic of extensive good will and consumer recognition built up by
9 opposer through substantial amounts of time and effort in advertising and promotion.
10 In view of the identical nature of the respective marks and the identical nature of the
11 services of the respective parties opposer alleges that applicant's mark so resembles
12 opposer's mark previously used in the United States, and not abandoned, as to be
13 likely to cause confusion, or to cause mistake, or to deceive.

14
15 3. Opposer, since December 1, 1984, has been, and is now operating
16 under the designation LOS RIELEROS DEL NORTE in the area of entertainment
17 services rendered by a musical group, and in connection with the sale of recorded
18 performances of the group. Said use has been valid and continuous since the dates of
19 first use and the relevant class of the public has come to associate opposer with said
20 designation. Therefore, opposer has a proprietary interest in the mark LOS
21 RIELEROS DEL NORTE. In view of the similarity of applicant's mark with opposer's
22 designation, and in view of the identical nature of the uses thereof, opposer alleges
23 that applicant mark consists of and comprises matter that may disparage and falsely
24 suggest a connection with opposer.

25
26 4. Applicant has maliciously and willfully sought to register the mark LOS
27 RIELEROS DEL NORTE with full knowledge of opposer's prior rights in the mark, and
28 in so doing, is guilty of fraud upon the Trademark Office in by having falsely claimed

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ownership of the mark LOS RIELEROS DEL NORTE.

Opposer prays:

That Application Serial No. 78668877 be rejected, that no registration be issued thereon to applicant, and that this opposition be sustain in favor of opposer.

Dated: May 25, 2005

Respectfully submitted,
HODGSON LAW GROUP

/Cheryl L. Hodgson/

By: Cheryl L. Hodgson
Attorneys for Opposer