

ESTTA Tracking number: **ESTTA129362**

Filing date: **03/12/2007**

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	V&V Supremo Foods, Inc.
Granted to Date of previous extension	03/10/2007
Address	2141 S. Throop Avenue Chicago, IL 60608 UNITED STATES
Attorney information	Thomas M. Williams Brinks Hofer Gilson & Lione P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinkshofer.com Phone:312-321-4200

**Applicant Information**

Application No	78377220	Publication date	01/09/2007
Opposition Filing Date	03/12/2007	Opposition Period Ends	03/10/2007
Applicant	CORPORATIVE BRANDINGS AND INVESTMENTS, S.A. DE C.V. Rio Guadiana No. 18 Suite No. 5, Colonia Cuauhtemoc Delegacion Cuauhtemoc, D.F., 06500 MEXICO		

**Goods/Services Affected by Opposition**

Class 029. All goods and services in the class are opposed, namely: Processed, canned, and fresh meats, poultry and game; processed, canned, and fresh seafood; processed fruits and vegetables; processed and fresh dairy products, namely, milk, cheese, drinking yogurt, and sour cream; processed nuts and processed edible seeds; edible oils and fats; prepared entrees consisting primarily of meat, poultry, fish or vegetables
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Attachments	Notice_of_Opposition-Signed.pdf ( 4 pages )(144187 bytes )
Signature	/Thomas M. Williams/
Name	Thomas M. Williams
Date	03/12/2007

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

In The Matter of:                   Application Serial No. 78/377,220

Trademark:                           RANCHERITA

Goods:                               processed, canned, and fresh meats, poultry and game;  
   processed, canned, and fresh seafood; processed fruits and  
   vegetables; processed and fresh dairy products, namely,  
   milk, cheese, drinking yogurt, and sour cream; processed  
   nuts and processed edible seeds; edible oils and fats;  
   prepared entrees consisting primarily of meat, poultry, fish  
   or vegetables

Published:                            January 9, 2007

V&V Supremo Foods, Inc.	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
Corporative Brandings and Investments,	)	
S.A. de C.V.	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

V&V Supremo Foods, Inc., an Illinois corporation having its principal place of business in Chicago, Illinois (“Opposer”), believes that it will be damaged by the registration of the mark RANCHERITA, Serial No. 78/377,220 (“Applicant’s Mark”), applied for by Corporative Brandings and Investments, S.A. de C.V., a Mexican

corporation with its principal place of business in Mexico ("Applicant"), and hereby opposes said application for registration.

As grounds for the Opposition, Opposer states as follows:

1. Opposer, directly and through its related companies, has been engaged in the business of manufacturing, distributing, and selling Mexican food products, including cheese, in commerce.

2. Opposer has been using the mark RANCHERITO in connection with cheese in commerce since at least as early as 1964 (hereinafter "Opposer's Mark"). Pursuant to an Order of the United States District Court for the Northern District of Illinois, Eastern Division, dated June 1, 1988 in Civil Action No. 86-C-8695 (the "Court Order"), the Commissioner was directed to issue a concurrent use trademark registration to Opposer for the mark RANCHERITO limited to the geographical area of the states of Illinois, Indiana, Michigan, and Wisconsin. This concurrent use registration (Reg. No. 1,613,065) was inadvertently allowed to lapse. Consequently, Opposer filed a "Concurrent Use Application Based Upon Court Order" covering Opposer's Mark for "cheese" in International Class 29 in the U.S.P.T.O. on March 16, 2005. The application was assigned Serial No. 76/633,439. The application is currently suspended.

3. Opposer has been providing goods under Opposer's Mark prior to Applicant's filing of the intent-to-use application.

4. Opposer has made a substantial investment in marketing, promoting and advertising Opposer's Mark. Opposer's Mark has achieved widespread public recognition as a mark signifying Opposer's high quality goods in the four-state geographical area set forth in the Court Order. Opposer has built up substantial and invaluable good will in Opposer's Mark.

5. Notwithstanding Opposer's prior rights in Opposer's Mark, on or about March 2, 2004, Applicant applied to register the mark RANCHERITA on an intent-to-use basis (Serial No. 78/377,220). The application was published for opposition on January 9, 2007 covering "processed, canned, and fresh meats, poultry and game; processed, canned, and fresh seafood; processed fruits and vegetables; processed and fresh dairy products, namely, milk, cheese, drinking yogurt, and sour cream; processed nuts and processed edible seeds; edible oils and fats; prepared entrees consisting primarily of meat, poultry, fish or vegetables" in International Class 29.

6. Applicant's Mark and Opposer's Mark are similar in sound, appearance, and meaning.

7. Upon information and belief, Applicant uses or intends to use Applicant's Mark in connection with goods related to Opposer's goods.

8. Applicant's Mark, as used in connection with Applicant's goods, is likely to cause confusion, or to cause mistake, or deceive the purchasing public, all to Opposer's damage.

9. The purchasing public, upon seeing Applicant's Mark used in connection with Applicant's goods, is likely to mistakenly believe that such goods originate with, have some connection with, or are sponsored by, Opposer.

10. The registration of Applicant's Mark will seriously damage Opposer. Applicant's Mark has been cited as a potential bar to registration of Opposer's Mark and the subject application is one of the applications causing Applicant's Concurrent Use Application to be suspended in the U.S.P.T.O.

WHEREFORE, Opposer V&V Supremo Foods, Inc. prays that its opposition be sustained under Section 2(d) of the Trademark Act and that Application Serial No. 78/377,220 be denied registration.

A filing fee in the amount of \$300.00 (three hundred dollars) is submitted herewith. The Commissioner is authorized to deduct any deficiency or credit any overpayment to Deposit Account No. 231925.

Respectfully submitted,

V&V Supremo Foods, Inc.

Dated: March 12, 2007

By:



Jeffery A. Handelman, Esq.

Thomas M. Williams, Esq.

Michael K. Hendershot, Esq.

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