

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

WINTER

**Mailed: January 7, 2009**

**Opposition No. 91178943**

**Corporacion Cimex S.A.**

**v.**

**DM Enterprises &  
Distributors, Inc.**

On November 17, 2008, the Board, *inter alia*, granted partial summary judgment in favor of opposer on the ground of opposer's priority over applicant to register its mark under Article 7 of the General Inter-American Convention for Trademark and Commercial Protection of Washington, 1929 ("Pan American Convention"), 46 Stat. 2907, for "roasted coffee" in International Class 30. In the same order, the Board allowed opposer time to advise the Board whether opposer will go forward with its other pleaded grounds for opposition.

Opposer has timely advised the Board that it does not wish to go forward on its other pleaded grounds for opposition and that it requests that the Board enter final judgment sustaining the opposition.

**Opposition No. 91178943**

Accordingly, judgment is hereby entered against applicant and the opposition is sustained pursuant to Article 7 of the Pan American Convention, the opposition is dismissed without prejudice in regard to opposer's claims that applicant's mark is primarily geographically deceptively misdescriptive within the meaning of Trademark Act Section 2(e)(3) and deceptive within the meaning of Trademark Act Section 2(a), and registration to applicant is refused.

***By the Trademark Trial  
and Appeal Board***