

ESTTA Tracking number: **ESTTA217136**

Filing date: **06/11/2008**

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	Laziza Holding Company
Granted to Date of previous extension	06/11/2008
Address	Allenby Street, Khawam Building Beirut, LEBANON

Attorney information	Joanne Ludovici-Lint McDermott Will & Emery LLP 600 13th Street, NW Washington, DC 20005-3096 UNITED STATES jludovici-lint@mwe.com, sabrown@mwe.com, ksandacz@mwe.com, washington_ip_docket@mwe.com Phone:202-756-8000
----------------------	--

**Applicant Information**

Application No	77039182	Publication date	02/12/2008
Opposition Filing Date	06/11/2008	Opposition Period Ends	06/11/2008
International Registration No.	NONE	International Registration Date	NONE
Applicant	Convenience Food Industries (Private) Limited 17-H/II, BLOCK-6, P.E.C.H.S. Karachi, 75400 PAKISTAN		

**Goods/Services Affected by Opposition**

Class 032. All goods and services in the class are opposed, namely: Aerated water; mineral water; syrups and other preparations for making beverages, namely, red syrups of herbs and flowers, sardai/thandai syrups, and fruit, flower, and herb extracts
---

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2858232	Application Date	02/16/2000
Registration Date	06/29/2004	Foreign Priority	NONE

		Date	
Word Mark	LAZIZA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1931/00/00 First Use In Commerce: 2001/03/00 Beer, non-alcoholic beer and non-alcoholic malt beverages		

Attachments	75921158#TMSN.gif ( 1 page )( bytes ) NOO - LAZIZA (Urdu).pdf ( 5 pages )(23121 bytes )
-------------	--

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joanne Ludovici-Lint/
Name	Joanne Ludovici-Lint
Date	06/11/2008

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

---

LAZIZA HOLDING COMPANY,	)	
	)	
Opposer,	)	Opposition No. _____
	)	Serial No. 77/039,182
v.	)	
	)	Mark: LAZIZA (in Urdu)
CONVENIENCE FOOD INDUSTRIES	)	INTERNATIONAL (and Design)
(PRIVATE) LIMITED,	)	
	)	
Applicant.	)	

---

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

Re: Application No.: 77/039,182  
Mark: LAZIZA (in Urdu) INTERNATIONAL (and design)  
Applicant: Convenience Food Industries (Private) Limited  
Filed: November 8, 2006  
Published: February 12, 2008  
International Class: 32  
For: Aerated water; mineral water; syrups and other preparations for making beverages,  
namely, red syrups of herbs and flowers, sardai/thandai syrups, and fruit, flower, and  
herb extracts

NOTICE OF OPPOSITION

Dear Sir:

LAZIZA HOLDING COMPANY (“Opposer”), a corporation organized and existing under the laws of Lebanon, having its principal place of business at Allenby Street, Khawam Building, Beirut, Lebanon, by and through its attorneys, hereby states that it will be damaged by registration of the mark “LAZIZA (in Urdu) INTERNATIONAL (and design),”<sup>1</sup> covered by

---

<sup>1</sup> Opposer notes that the USPTO’s Trademark Applications and Registrations Retrieval (TARR) lists the word element of the herein-opposed mark as simply “INTERNATIONAL.” However, TARR also shows that “[t]he non-Latin characters in the mark transliterate to LAZIZA . . . .” Applicant has advised the USPTO that the non-Latin characters are in the Urdu language (*see* Response to Office Action filed by Applicant on September 21, 2007).

U.S. Application No. 77/039,182, owned by CONVENIENCE FOOD INDUSTRIES (PRIVATE) LIMITED (“Applicant”), and hereby opposes registration of same.

The grounds for the notice are as follows:

1. Opposer offers in U.S. commerce, *inter alia*, non-alcoholic beer and non-alcoholic malt beverages.
2. Since before the priority date of Applicant’s application to register the mark “LAZIZA (in Urdu) INTERNATIONAL (and design)” in Class 32, and prior to any use of the mark “LAZIZA (in Urdu) INTERNATIONAL (and design)” by Applicant in U.S. commerce for beverages, Opposer has used, advertised and promoted in U.S. commerce, and continues to use, advertise and promote in U.S. commerce, the mark LAZIZA in connection with Opposer’s aforementioned goods.
3. Opposer owns extensive common law rights to the mark LAZIZA for beverages that pre-date Applicant’s rights in “LAZIZA (in Urdu) INTERNATIONAL (and design)” for beverages, if any. In addition, Opposer owns U.S. Trademark Registration No. 2,858,232 for “beer, non-alcoholic beer and non-alcoholic malt beverages,” in International Class 32, which was registered on June 29, 2004.
4. Opposer has expended substantial resources to advertise and promote the aforementioned goods, all in connection with the mark LAZIZA.
5. By reason of Opposer’s advertisement, sale, offering for sale, promotion and world-wide distribution of Opposer’s goods under the mark LAZIZA, the mark LAZIZA in connection with beverages has come to be recognized as signifying Opposer. Opposer has built up extensive goodwill in the mark LAZIZA for beverages.
6. Before the filing date of Applicant’s application to register the mark “LAZIZA (in Urdu) INTERNATIONAL (and design)” in Class 32, and prior to any use of the mark “LAZIZA

(in Urdu) INTERNATIONAL (and design)” by Applicant in U.S. commerce for beverages, consumers had come to recognize the mark LAZIZA used in connection with beverages as identifying beverages emanating exclusively from Opposer.

7. On November 8, 2006, Applicant filed an application to register “LAZIZA (in Urdu) INTERNATIONAL (and design)” for goods identified as “Aerated water; mineral water; syrups and other preparations for making beverages, namely, red syrups of herbs and flowers, sardai/thandai syrups, and fruit, flower, and herb extracts,” in Class 32 (Application No. 77/039,182). The subject application was published for opposition on February 12, 2008 in the Official Gazette (Trademarks) of the United States Patent and Trademark Office.

8. Opposer was granted an extension of time until June 11, 2008 to file a notice of opposition. Therefore, this Notice of Opposition is being timely filed.

9. Applicant’s applied-for goods are similar and related to the goods with which Opposer uses its LAZIZA mark.

10. Opposer’s mark, LAZIZA, is very similar to Applicant’s applied-for mark, “LAZIZA (in Urdu) INTERNATIONAL (and design),” and Applicant’s use and registration of “LAZIZA (in Urdu) INTERNATIONAL (and design)” with the goods set forth in Applicant’s application are likely to cause confusion, deception, and/or mistake among the relevant public with regard to Opposer and Opposer’s LAZIZA mark.

11. Applicant’s use and registration of the mark “LAZIZA (in Urdu) INTERNATIONAL (and design)” in connection with the goods set forth in Applicant’s application are likely to falsely suggest a connection with Opposer and Opposer’s LAZIZA mark.

12. Applicant’s use and registration of the mark “LAZIZA (in Urdu) INTERNATIONAL (and design)” in connection with the goods set forth in Applicant’s



CERTIFICATE OF SERVICE

Opposer LAZIZA HOLDING COMPANY hereby certifies that a copy of this NOTICE OF OPPOSITION has been served upon counsel of record for Applicant CONVENIENCE FOOD INDUSTRIES (PRIVATE) LIMITED on this 11th day of June, 2008, by first class mail, postage prepaid, at the following address:

David E. Weslow, Esq.  
Sutherland Asbill & Brennan LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004-2415

/Joanne Ludovici-Lint/  
Attorney for Opposer