

ESTTA Tracking number: **ESTTA317102**

Filing date: **11/16/2009**

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	ANZAR ENTERPRISES INC.
Granted to Date of previous extension	11/18/2009
Address	329 E. San Ysidro Blvd San Ysidro, CA 92173 UNITED STATES
Correspondence information	Jennifer Lee Taylor Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105 UNITED STATES jtaylor@mofo.com, mmcdaniel@mofo.com

**Applicant Information**

Application No	77562363	Publication date	07/21/2009
Opposition Filing Date	11/16/2009	Opposition Period Ends	11/18/2009
Applicant	Nacional Monte de Piedad, I.A.P. C.P. 06000 Monte de Piedad No. 7; Col. Centro; Mexico, D.F., MEXICO		

**Goods/Services Affected by Opposition**

Class 035. All goods and services in the class are opposed, namely: Retail stores featuring jewelry, tools, musical instruments, sporting goods and consumer electronics
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2920006	Application Date	06/12/2003
Registration Date	01/18/2005	Foreign Priority Date	NONE
Word Mark	MONTE DE PIEDAD		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 035. First use: First Use: 1981/12/31 First Use In Commerce: 1981/12/31 Retail store services featuring jewelry Class 036. First use: First Use: 1981/12/31 First Use In Commerce: 1981/12/31 Wire transfer, money exchange and money lending services

U.S. Registration No.	3344017	Application Date	05/15/2006
Registration Date	11/27/2007	Foreign Priority Date	NONE

Word Mark	MONTEDEPIEDAD
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1982/12/30 First Use In Commerce: 1982/12/30 Pawn broker services namely, money lending
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Attachments	78883141#TMSN.jpeg ( 1 page )( bytes ) Document.pdf ( 5 pages )(198458 bytes )
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### 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	/jlt2/
Name	Jennifer Lee Taylor
Date	11/16/2009

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

ANZAR ENTERPRISES, INC.,

Opposer,

vs.

NACIONAL MONTE DE PIEDAD, I.A.P.

Applicant.

Opposition No.: TO BE ASSIGNED

Application Serial No. 77/562,363

Filed on September 4, 2008

Published for Opposition on July 21, 2009

**NOTICE OF OPPOSITION**

Box TTAB FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Anzar Enterprises, Inc. (“Opposer”), a California corporation having its principal place of business at 329 San Ysidro Blvd., San Ysidro, California, 92173, believes that it will be damaged by registration of the mark shown in Application Serial No. 77/562,363 and hereby opposes the same.

As grounds for the opposition, it is alleged as follows:

1. Opposer is a business with seven locations in and near San Diego, California that offer a variety of financial services, including money lending services, pawn brokerage services, currency exchange services, and money transfer services, as well as retail sales of jewelry and other consumer items. Since at least as early as 1982, Opposer has continuously used the MONTE DE PIEDAD trademark in connection with this business and continues to this day to use the MONTE DE PIEDAD trademark in connection with this business.

2. Opposer owns U.S. Registration No. 2,920,006 for MONTE DE PIEDAD for “retail store services featuring jewelry” in International Class 35 and for “wire transfer, money exchange and money lending services” in International Class 36. U.S. Registration No. 2,920,006 issued on January 18, 2005. Opposer owns the mark covered by this registration, the registration itself, and the goodwill and reputation of the services connected with and symbolized by the mark. Attached hereto as Exhibit A is a true and correct copy of a print-out from the U.S. Patent and Trademark Office website for U.S. Registration No. 2,920,006.

3. Opposer owns U.S. Registration No. 3,344,017 for MONTE DE PIEDAD and Design for “pawn broker services namely, money lending” in International Class 36. U.S. Registration No. 3,344,017 issued on November 27, 2007. Opposer owns the mark covered by this registration, the registration itself, and the goodwill and reputation of the services connected with and symbolized by the mark. Attached hereto as Exhibit B is a true and correct copy of a print-out from the U.S. Patent and Trademark Office website for U.S. Registration No. 3,344,017.

4. Opposer has continuously offered financial services, and has continuously promoted its financial services under the mark MONTE DE PIEDAD, since at least as early as 1982. Through its continuous use and promotion of its marks, Opposer has acquired common law rights in the MONTE DE PIEDAD trademarks.

5. By its Application Serial No. 77/562,371 herein opposed (the “Application”), Nacional Monte de Piedad, I.A.P. (“Applicant”) seeks to register the trademark EL MONTE DE MEXICO for “check cashing; credit and loan services; electronic transfer of money; insurance agency and brokerage; money order services; money transfer; pawn brokerage; pawn shops; providing temporary loans” in International Class 36.

6. This intent-to-use application was filed on September 4, 2008, substantially after Opposer's first use of its MONTE DE PIEDAD trademarks and substantially after the U.S. Patent and Trademark Office registered Opposer's MONTE DE PIEDAD trademarks.

7. The EL MONTE DE MEXICO mark is substantially similar in sight, sound, meaning, and commercial impression to Opposer's MONTE DE PIEDAD marks. Applicant seeks to

register a mark in the same style as Opposer's MONTE DE PIEDAD trademarks. Both Opposer's trademarks and Applicant's trademark contain the same initial terminology—MONTE DE—followed by another unrelated term. MONTE DE is Spanish for “mountain of.” Thus, Opposer's mark is translated as “mountain of piety” while Applicant's mark is translated as “the mountain of Mexico.” Spanish-speaking consumers will understand both of these marks to refer to “mountain of \_\_\_\_\_.”

8. The only difference between Applicant's MONTE DE PIEDAD mark and Opposer's mark is that Applicant has replaced the word PIEDAD (piety) with the word MEXICO, which is purely descriptive for a trademark applicant located in Mexico, such as Applicant, and will not serve to distinguish Applicant's services from Opposer's services. Indeed, Applicant's proposed “the mountain of Mexico” mark may cause consumers to believe that Applicant's services are merely an effort by Opposer to offer a “Mexican version” of its own long-established services.

9. Applicant has applied to register its mark for services that are identical to the services that Opposer has offered under the MONTE DE PIEDAD mark and for which Opposer has obtained its two U.S. trademark registrations—money lending services, pawn brokerage services, and money transfer services. On information and belief, Applicant's services are competitive with Opposer's services, are offered through the same or similar channels of trade, and will target the same or overlapping customer bases.

10. In view of the fact that Applicant's EL MONTE DE MEXICO mark is substantially similar in sight, sound, meaning and commercial impression to Opposer's MONTE DE PIEDAD marks; that Applicant's services and Opposer's services are competitive; and that the channels of trade and customer bases for Applicant's and Opposer's respective services appear to be the same or overlapping, Applicant's EL MONTE DE MEXICO mark so resembles Opposer's MONTE DE PIEDAD marks as to be likely to cause confusion, or to cause mistake, or to deceive. Opposer would thereby be injured by Applicant's registration of the EL MONTE DE MEXICO mark.

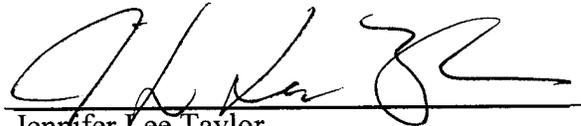
11. Filing Fee: The Patent & Trademark Office is authorized to charge \$300.00 for the Notice of Opposition to Morrison & Foerster LLP's Deposit Account 03-1952 (Reference No. 64772-6001.502).

WHEREFORE, Opposer prays that application Serial No. 77/562,363 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: November 16, 2009

By:



Jennifer Lee Taylor  
Attorney for Opposer  
Anzar Enterprises, Inc.

Morrison & Foerster LLP  
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San Francisco, California 94105-2482  
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**PROOF OF SERVICE BY MAIL**

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on November 16, 2009, I served a copy of:

**NOTICE OF OPPOSITION**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

D. Whitlow Bivens  
Musick, Peeler & Garrett LLP  
225 Broadway, Suite 1900  
San Diego, CA 92101

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 16<sup>th</sup> day of November 2009.

\_\_\_\_\_  
Mary S. McDaniel  
(typed)

  
\_\_\_\_\_  
(signature)