

ESTTA Tracking number: **ESTTA385019**

Filing date: **12/21/2010**

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	Casa Editorial GES Inc. dba El Colusa News		
Entity	Corporation	Citizenship	florida
Address	2550 nw 72 avenue suite 308 MIAMI, FL 33122 UNITED STATES		

Attorney information	Samuel B. \\\ Reiner & Reiner One Datran Center 9100 S. Dadeland Blvd. Suite 901 Miami, FL 33156 UNITED STATES sbr@reinerslaw.com Phone:305-670-8282		
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Applicant Information

Application No	77916400	Publication date	11/23/2010
Opposition Filing Date	12/21/2010	Opposition Period Ends	12/23/2010
Applicant	DVC USA CORP. 3735 Grande Wood Blvd. 7-30 Orlando, FL 32837 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 016. All goods and services in the class are opposed, namely: Publications and printed publications, namely, newspapers and magazines featuring news, business, travel, health, beauty, lifestyles, celebrities and showbusiness; printed periodicals featuring news, business, travel, health, beauty, lifestyles, celebrities and showbusiness</p>
<p>Class 035. All goods and services in the class are opposed, namely: Advertising services; televised advertising services; Advertising text publication services; Online advertising via a computer communications network; On-line advertising on computer communication networks; On-line advertising and marketing services; Dissemination of advertising material, namely, leaflets, brochures and printed matter; Distribution and dissemination of advertising materials, namely, leaflets, printed material, and samples; Promoting the sale of goods and services of others through the distribution of printed material; Dissemination of advertising for others via the Internet; Dissemination of advertising matter; Sales promotion services for third parties; Publicity and sales promotion services; telemarketing services</p>

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Please be advised that I represent Casa Editorial GES, Inc. the owner of various state, federal and common-law rights in the trade name "El Colusa News." I would like to advise you, as the reviewing attorney, that my client has owned and operated that trade name in commerce since 1999, principally as a printed publication furnishing advertising services, distributed nationally and internationally, in both print and electronic media. A copy of my client's corporate registration, as well as its fictitious name registration in the State of Florida, has been faxed in (April 21, 2010) for your reference. A simple Google search will bring you directly to my client's site. The applicant, D.V.C. USA Corp., Inc., formed on December 15, 2009 in the State of Florida, is apparently attempting to establish national trademark recognition by the misappropriation of my client's trade name. The applicant's principal, Carlos A. Piedrahita has previous experience relating to the fraudulent misuse of my client's trade name, having previously misrepresented a relationship with my client, to various other legitimate businesses in Colombia. The applicant has never commercially utilized the alleged trademark it seeks, and my client has operated with it for over ten (10) years. Arturo Perez-Guerrero, apparently operating from a San Juan P.O. Box, may have been misinformed by his client (the applicant). Samuel B. "Clay" Reiner, II, Esq

Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EL COLUSA NEWS		
Goods/Services	Logo is name of the corporation's DBA EL COLUSA NEWS. Which is also the name of their publication which has been in business with the mark since 1999. The corresponding Corporation number is P99000057308, the DBA # G02275900163, federal number: 65-0929583		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	<p>Goods and Services: Logo is name of the corporation's DBA EL COLUSA NEWS. Which is also the name of their publication which has been in business with the mark since 1999. The corresponding Corporation number is P99000057308, the DBA # G02275900163, federal number: 65-0929583</p>

Attachments	COLUSA LOGO1.jpg faxFromClay.pdf (7 pages)(174651 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	/Silvana Martinez/
Name	Silvana Martinez
Date	12/21/2010

**REINER & REINER, P.A.
ATTORNEYS AT LAW**

Phone No. (305) 670-8282
Facsimile (305) 670-8989
E-mail sbr@reinerslaw.com

9100 South Dadeland Blvd.
Suite 1408
Miami, Florida 33156-7816

FACSIMILE COVER SHEET

PLEASE DELIVER IMMEDIATELY!

TO: ALEX S. KEAM, ESQ.
FAX: (571) 273-9114
DATE: April 22, 2010
FROM: Samuel "Clay" Reiner, II, Esq.

RE: "El Colusa News"; SERIAL NUMBER 77916400

Please review the enclosed correspondence regarding the above reference.

If you have any questions, please do not hesitate to contact me.

Thank you.

SBR:dle

This facsimile consists of 6 page(s) including the cover page. If you do not receive all the pages, or if you encounter any other difficulty, please call Peter or Diana at the phone number listed above.

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS FACSIMILE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS FACSIMILE OR THE INFORMATION CONTAINED HEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY MY OFFICE IMMEDIATELY AND RETURN THE ORIGINAL FACSIMILE TO ME BY FIRST CLASS MAIL OR OVERNIGHT DELIVERY. I WILL REIMBURSE ALL REASONABLE COSTS INCURRED.

**Reiner &
Reiner**
Attorneys at Law

Samuel B. "Clay" Reiner, II, Esq.
sbr@reinerslaw.com

David P. Reiner, II, Esq.
dpr@reinerslaw.com

Monica Gomez, Esq.
mgomez@reinerslaw.com

April 21, 2010

VIA FACSIMILE (571) 273-9114 ONLY

Alex S. Keam, Esq.
Law Office 114
U.S.P.T.O.
P.O. Box 1451
Alexandria, Virginia 22313-1451

RE: "El Colusa News"; SERIAL NUMBER 77916400

Dear Mr. Keam:

Please be advised that I represent Casa Editorial GES, Inc., the owner of various state, federal and common-law rights in the trade name "El Colusa News." I would like to advise you, as the reviewing attorney, that my client has owned and operated that trade name in commerce since 1999, principally as a printed publication furnishing advertising services distributed nationally and internationally, in both print and electronic media. A copy of my client's corporate registration, as well as its fictitious name registration in the State of Florida, are attached for your reference. A simple Google search will bring you directly to my client's site.

The applicant, D.V.C. USA Corp., Inc., formed on December 15, 2009 in the State of Florida, is apparently attempting to establish national trademark recognition by the misappropriation of my client's trade name. The applicant's principal, Carlos A. Piedrahita has previous experience relating to the fraudulent misuse of my client's trade name, having previously misrepresented a relationship with my client, to various other legitimate businesses in Colombia. The applicant has never commercially utilized the alleged trademark it seeks, and my client has operated with it for over ten (10) years. Puerto Rican attorney, Arturo Perez-Guerrero, apparently operating from a San Juan P.O. Box, may have been misinformed by his client.

For the record, D.V.C. USA Corp. is an alleged Florida corporation with its principal place of business located in the mailbox of a UPS store in Kissimmee, Florida. The office of the alleged registered agent, Carlos A. Piedrahita, is similarly situated.

If you need any further information, or confirmation of any of the foregoing, please do not hesitate to contact me. Please consider this as an objection to the establishment of any rights by the applicant, in my client's prior established mark.

Thank you.

Alex S. Keam, Esq.
April 21, 2010
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'SBR', with a long, sweeping underline that extends to the left and then curves back to the right.

SAMUEL B. REINER, II

SBR:dle
cc: Casa Editorial, GES, Inc.

W:\54200-Keam-Ltr-01.wpd



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Fictitious Name Search

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Fictitious Name Detail

Fictitious Name

EL COLUSA NEWS

Filing Information

Registration Number G02275900163
 Status ACTIVE
 Filed Date 10/03/2002
 Expiration Date 12/31/2012
 Current Owners 1
 County MIAMI-DADE
 Total Pages 2
 Events Filed 1
 FEI/EIN Number NONE

Mailing Address

2650 NW 72ND AVE
 STE 308
 MIAMI, FL 33122

Owner Information

CASA EDITORIAL GES, INC
 2650 NW 72ND AVE STE 308
 MIAMI, FL 33122
 FEI/EIN Number: 65-0929583
 Document Number: P99000057308

Document Images

10/03/2002 -- REGISTRATION
 12/24/2007 -- RENEWAL

Note: This is not official record. See documents if question or conflict.

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FILED
Oct 03, 2002 8:00 am
Secretary of State

APPLICATION FOR
REGISTRATION OF FICTITIOUS NAME

Section 1

1. El Colusa News
Fictitious Name to be Registered

2. 2550 NW 72nd Ave.
Mailing Address of Business

3. County of Dade

4. City of Miami Florida 33122
Zip Code

5. FEI Number: 05-0929583

002275800163
-10/03/02--01002--023
***80.00
This space for office use only

Section 2

A. Owner(s) of Fictitious Name If Individual(s) (use additional sheets if necessary):

1. Last First M.I. Address City State Zip Code SS#

2. Last First M.I. Address City State Zip Code SS#

B. Owner(s) of Fictitious Name If Corporation(s) (use additional sheets if necessary):

1. Casa Editorial GES INC
Corporate Name

2550 NW 72nd Ave.
Address

Miami FL 33122
City State Zip Code

Corporate Document Number: P99000057308

FEI Number: 05-0929583

Applied for Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] Date _____
Signature of Owner Date

Phone Number: 305-412-9944
Phone Number: _____

Section 4

FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:

I (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date Signature of Owner Date

Certificate of Status — \$10 Certified Copy — \$30

FILING FEE: \$50

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<u>Detail by Entity Name</u>					
<u>Florida Profit Corporation</u>					
CASA EDITORIAL GES, INC.					
<u>Filing Information</u>					
Document Number	P99000057308				
FEI/EIN Number	850929583				
Date Filed	06/24/1999				
State	FL				
Status	ACTIVE				
Last Event	REINSTATEMENT				
Event Date Filed	12/05/2000				
Event Effective Date	NONE				
<u>Principal Address</u>					
2550 NW 72 AVE 308 MIAMI FL 33122					
Changed 09/08/2002					
<u>Mailing Address</u>					
PO BOX 165739 MIAMI FL 33116					
Changed 09/08/2002					
<u>Registered Agent Name & Address</u>					
MARTINEZ, SILVANA 2550 NW 72 AVE STE 308 MIAMI FL 33122 US					
Name Changed: 04/30/2008					
Address Changed: 03/27/2003					
<u>Officer/Director Detail</u>					
<u>Name & Address</u>					
Title D					
MARTINEZ, SILVANA 2550 NORTHWEST 72 AVENUE SUITE 308 MIAMI FL 33122					
<u>Annual Reports</u>					

Report Year Filed Date

2007 03/30/2007
2008 04/30/2008
2009 04/28/2009

Document Images

- 04/28/2009 -- ANNUAL REPORT
- 04/30/2008 -- ANNUAL REPORT
- 03/30/2007 -- ANNUAL REPORT
- 04/05/2006 -- ANNUAL REPORT
- 04/11/2005 -- ANNUAL REPORT
- 04/16/2004 -- ANNUAL REPORT
- 03/27/2003 -- ANNUAL REPORT
- 09/08/2002 -- ANNUAL REPORT
- 05/14/2001 -- ANNUAL REPORT
- 12/05/2000 -- REINSTATEMENT
- 08/24/1999 -- Domestic Profit

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