

ESTTA Tracking number: **ESTTA403550**

Filing date: **04/13/2011**

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	UMG Recordings, Inc.
Granted to Date of previous extension	04/13/2011
Address	2220 Colorado Avenue Santa Monica, CA 90404 UNITED STATES

Attorney information	David Donahue Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES ddonahue@fzlz.com Phone:212-813-5900
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Applicant Information

Application No	85075486	Publication date	12/14/2010
Opposition Filing Date	04/13/2011	Opposition Period Ends	04/13/2011
Applicant	Frecuencia Modulada Mexicana, S.A. de CV Colonia Anzures Del. Miguel Hidalgo Mariano Escobedo # 532 Mexico City, 11590 MEXICO		

Goods/Services Affected by Opposition

Class 041. First Use: 2010/06/01 First Use In Commerce: 2010/06/01 All goods and services in the class are opposed, namely: Arranging and conducting of concerts; Entertainment services in the nature of live musical performances; Entertainment services, namely, the provision of continuing programs and segments featuring music delivered by radio and the Internet

Grounds for Opposition

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

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	INVASION DEL CORRIDO		
Goods/Services	A wide variety of music- and entertainment-related services, including,		

	without limitation, arranging, promoting and conducting live musical concerts, and related goods, including, without limitation, sound recordings and audiovisual recordings, clothing, posters and various other articles of merchandise.
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Attachments	F0781307.PDF (4 pages)(20845 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/ddonahue/
Name	David Donahue
Date	04/13/2011

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

In the matter of Application Serial No. 85/075,486
Mark: INVASION DE CORRIDOS

UMG RECORDINGS, INC.

Opposer,

- against -

FRECUENCIA MODULADA MEXICANA,
S.A. DE CV,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer, UMG Recordings, Inc. (“Opposer”), a Delaware corporation with a business address at 2220 Colorado Avenue, Santa Monica, California 90404, believes that it would be damaged by the issuance of a registration for the mark INVASION DE CORRIDOS (“Applicant’s Mark”) applied for by Applicant, Frecuencia Modulada Mexicana, S.A. De CV (“Applicant”) in Application Serial No. 85/075,486 for all International Class 41 services identified therein (the “Application”), and therefore opposes the same. As grounds for this notice of opposition, Opposer, by its counsel, Fross Zelnick Lehrman & Zissu, P.C., states as follows:

1. Since at least as early as 2008, Opposer and its predecessors-in-interest and licensees (collectively, as applicable, “Opposer”) have continuously used, and Opposer is currently using, the INVASION DEL CORRIDO trademark (“Opposer’s Mark”) in connection with a wide variety of music- and entertainment-related services, including, without limitation, arranging, promoting and conducting live musical concerts, and related goods, including, without limitation, sound recordings and audiovisual recordings, clothing, posters and various other

articles of merchandise. As a result of such extensive use of Opposer's Mark and substantial promotion of goods and services offered under the mark, Opposer's Mark has become and is exclusively identified with Opposer and Opposer's goods and services. As such, Opposer's Mark represents significant goodwill of Opposer.

2. On June 30, 2010—long after Opposer obtained exclusive rights in Opposer's Mark—Applicant filed the Application, seeking to register Applicant's Mark based on its purported use of Applicant's Mark in connection with “Arranging and conducting of concerts; Entertainment services in the nature of live musical performances; Entertainment services, namely, the provision of continuing programs and segments featuring music delivered by radio and the Internet” in International Class 41 (collectively, “Applicant's Services”), and claiming a date of first use of June 1, 2010.

3. Opposer acquired rights in Opposer's Mark long before the filing date of the Application or any claimed first use (or commercial use) of Applicant's Mark by Applicant.

4. Applicant's Mark, which is merely a plural form of Opposer's Mark, is highly similar to Opposer's Mark in sight, sound and commercial meaning.

5. Applicant's Services are identical and/or closely related to the goods and services offered by Opposer under Opposer's Mark.

6. Applicant's use and/or registration of the Applicant's Mark for Applicant's Services is likely to cause confusion, cause mistake or to deceive the public, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

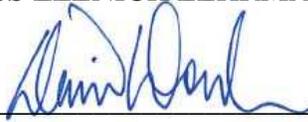
7. Registration to Applicant of Applicant's Mark would be inconsistent with Opposer's prior exclusive rights in Opposer's Mark and would threaten to destroy Opposer's investment and goodwill in such mark. Opposer therefore will be injured by registration of Applicant's Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 85/075,486 be denied registration.

Dated: New York, New York
April 13, 2011

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:  _____
David Donahue

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Attorneys for Opposer UMG Recordings, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April 2011, I caused a true and correct copy of the foregoing **NOTICE OF OPPOSITION** to be sent by U.S. Express Mail, postage pre-paid, in an envelope addressed to Applicant's correspondent of record as follows:

KEVIN M. GOLDBERG
FLETCHER, HEALD & HILDRETH, P.L.C.
1300 17TH ST N FL 11
ARLINGTON, VA 22209-3811



David Donahue