

ESTTA Tracking number: **ESTTA471398**

Filing date: **05/08/2012**

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	Mr Winston A Rosa		
Entity	Individual	Citizenship	UNITED STATES
Address	2190 Boston Road Apt. 3-J Bronx, NY 10462 UNITED STATES		

Correspondence information	Mr Winston A Rosa 2190 Boston Road Apt. 3-J Bronx, NY 10462 UNITED STATES fulanito@fulanitoreal.com Phone:347-981-2280		
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Applicant Information

Application No	85480930	Publication date	05/08/2012
Opposition Filing Date	05/08/2012	Opposition Period Ends	06/07/2012
Applicant	Rafael Robert Vargas 4965 Sw 165th Ave Miramar, FL 33027 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. First Use: 1997/11/20 First Use In Commerce: 1997/11/20 All goods and services in the class are opposed, namely: Arranging and conducting of concerts; Audio recording and production; Concert booking; Entertainment in the nature of live stage performances in the nature of concerts in the field of music by an individual; Entertainment services by a musical artist and producer, namely, musical composition for others and production of musical sound recordings; Entertainment services in the nature of live musical performances; Entertainment services in the nature of presenting live musical performances; Entertainment services in the nature of recording, production and post-production services in the field of music; Entertainment services in the nature of music performances; Entertainment services, namely, dance events by a recording artist; Entertainment, namely, live music concerts; Entertainment, namely, live performances by a musical band; Live performances by a musical group; Provision of information relating to live performances, road shows, live stage events, theatrical performances, live music concerts and audience participation in such events</p>

Grounds for Opposition

The mark is primarily merely a surname	Trademark Act section 2(e)(4)
Other	I created the musical group in question (Fulanito) and I am listed as W.Rosa on a copyright claimed on earliest date used. Registration Number / Date: PA0001041677 / 2001-03-27. I

	have been using the mark ever since. I also am filing a trademark with this mark. My Application # 85561870.
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Attachments	Fulanito Opposition.pdf (1 page)(65578 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	/Winston Rosa/
Name	Mr Winston A Rosa
Date	05/08/2012

Notice Of Opposition for the Trademark Registration # 85480930 (FULANITO)

I am pleading for a notice of cancellation of the Trademark Registration (Fulanito) # 85480930 on these grounds:

(1) As shown on the copyrightoffice.gov web site, the earliest records show me as W. Rosa (Winston Rosa) as Author/Composer and Copyright Claimant :

Type of Work: Music

Registration Number / Date: PA0001041677 / 2001-03-27

Title: El cepillo.

Appears in: [El hombre mas famoso de la tierra. Cutting Records CD 2034, c1997. Compact disc](#)

Publisher Number: Cutting Records CD 2034

Performer: Performed by Fulanito.

Copyright Claimant: EMI Virgin Music, Inc., Dose Rocks Music & W. Rosa publishing designee

Date of Creation: 1996

Date of Publication: 1996-08-27

Authorship on Application: words & music: Rafael Vargas & W. Rosa.

Other Title: El hombre mas famoso de la tierra

Names: [Vargas, Rafael](#)

[Rosa, W.](#)

[Fulanito](#)

[EMI Virgin Music, Inc.](#)

[Dose Rocks Music](#)

(2) My name also appears in almost all the copyright claims having to do with the mark FULANITO.

(3) Proof of original recording contracts show I was contracted to produce three musical albums as the mark FULANITO.

(4) Videos and Pictures since 1996 prove I was contracted to perform my songs as the mark FULANITO.

(5) I am also filing for the same trademark. My application # 85561870