

ESTTA Tracking number: **ESTTA507585**

Filing date: **11/27/2012**

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	Taco John's Seasonings, Limited Partnership		
Entity	Partnership	Citizenship	Wyoming
Composed Of:	Janet K. Taylor Stock Trust, a Wyoming trust, Janet K. Taylor, Trustee and U.S. Citizen and Mrs. Harold Holmes, a U.S. Citizen.		
Address	808 W. 20th Street Cheyenne, WY 82001 UNITED STATES		

Correspondence information	Harold R. Bruno, III Attorney at Law Robinson Waters & O'Doriso, P.C. 1099 18th Street Suite 2600 Denver, CO 80202-1926 UNITED STATES hbruno@rwolaw.com Phone:303-297-2600 (x110)
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Applicant Information

Application No	85677393	Publication date	10/30/2012
Opposition Filing Date	11/27/2012	Opposition Period Ends	11/29/2012
Applicant	David Wu Investments, Inc. 3421 N. Lakeview Drive Tampa, FL 33618 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. All goods and services in the class are opposed, namely: Fast-food restaurant services; Restaurant services; Serving food and drinks; Take-out restaurant services
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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.	3534006	Application Date	04/15/2008
Registration Date	11/18/2008	Foreign Priority Date	NONE
Word Mark	TJ		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2008/03/04 First Use In Commerce: 2008/03/04 Restaurant services

U.S. Registration No.	3804213	Application Date	02/18/2009
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	TJ		
Design Mark			
Description of Mark	The mark consists of The letters "TJ" in a circle.		
Goods/Services	Class 043. First use: First Use: 2010/03/24 First Use In Commerce: 2010/03/24 Restaurant services		

U.S. Registration No.	3798881	Application Date	09/29/2009
Registration Date	06/08/2010	Foreign Priority Date	NONE
Word Mark	TJ TACO JOHN'S TJ SINCE 1969		

Design Mark	
Description of Mark	The mark consists of Man wearing sombrero in circle design.
Goods/Services	Class 043. First use: First Use: 2009/05/31 First Use In Commerce: 2009/05/31 Restaurant services

Attachments	77448748#TMSN.jpeg (1 page)(bytes) 77673050#TMSN.jpeg (1 page)(bytes) 77837425#TMSN.jpeg (1 page)(bytes) noticeofopposition (00403168).PDF (2 pages)(27139 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 Overnight Courier on this date.

Signature	/s Harold R. Bruno, III /
Name	Harold R. Bruno, III
Date	11/27/2012

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

In the matter of Application Serial No. 85677393
Filed on July 15, 2012
For the Mark TJ's Taco Bar
Published in the *Official Gazette (Trademarks)* October 30, 2012

TACO JOHN'S SEASONINGS,)	
LIMITED PARTNERSHIP)	
)	
)	Opposition No.
Opposer,)	
)	
vs.)	
)	
DAVID WU INVESTMENTS, INC.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Taco John's Seasonings, Limited Partnership (the "Opposer"), by and through its undersigned counsel, hereby submits this Notice of Opposition and states that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same as follows:

1. The Opposer is a Wyoming limited partnership.
2. The Opposer is a licensor of service marks to Taco John's International, Inc. ("TJI") a franchisor of fast service Mexican restaurants throughout the United States that emphasize the sale of tacos.
3. The Opposer owns registration numbers, 3534006, 3798881 and 3804213, filed April 15, 2008, September 29, 2009 and February 18, 2009, respectively, for the mark TJ and/or TJ and design.

4. Opposer first began licensing the marks to TJI at least as early as 2008 for fast service Mexican restaurants.

5 David Wu Investments, Inc. (the "Applicant") has not used its mark TJS Taco Bar and design but, rather seeks registration under 15 U.S.C. § 1051 (b) for fast-food restaurant services serving food and drinks for take-out restaurant services.

6. Pursuant to Section 2(d) of the Act, 15 U.S.C. § 1052(d), Applicant's mark so resembles a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer requests that the Applicant not be issued a registration for the mark, TJS TACO BAR and design, that Applicant's application be dismissed and that the Board takes such other and further action as it deems just and proper in the premises.

Respectfully submitted this 27th day of November, 2012.

ROBINSON WATERS & O'DORISIO, P.C.

s/ Harold R. Bruno, III

Harold R. Bruno, III, Esq.

1099 18th Street, Suite 2600

Denver, Colorado 80202

Phone: 303.297.2600

Facsimile: 303.297.2750

E-mail: hbruno@rwolaw.com

Attorneys for Taco John's Seasoning, LP