

ESTTA Tracking number: **ESTTA516935**

Filing date: **01/18/2013**

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	Allnue Natural Inc.
Granted to Date of previous extension	01/19/2013
Address	5850 NW 3RD ST Miami, FL 33126 UNITED STATES
Party who filed Extension of time to oppose	Allnue Natural, Inc.
Relationship to party who filed Extension of time to oppose	The correct spelling for the Opposer is Allnue Natural Inc.

Attorney information	Jesus Sanchelima, Esq. Sanchelima & Associates, P.A. 235 SW Le Jeune Road Miami, FL 33134 UNITED STATES legal@sanchelima.com Phone:305-447-1617
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**Applicant Information**

Application No	85618357	Publication date	11/20/2012
Opposition Filing Date	01/18/2013	Opposition Period Ends	01/19/2013
Applicant	Dorta, Alfredo F. 10001 SW 20 St. Miami, FL 33165 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. First Use: 2010/08/20 First Use In Commerce: 2011/01/20 All goods and services in the class are opposed, namely: Cosmetic preparations for skin care; Cosmetic preparations for the hair and scalp; Wrinkle-minimizing cosmetic preparations for topical facial use
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**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 No.	85822835	Application Date	01/14/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALLNUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2011/01/02 First Use In Commerce: 2011/01/02 Herbal supplements		

Attachments	85822835#TMSN.jpeg ( 1 page )( bytes ) 130118cd.NoticeOfOpposition.pdf ( 3 pages )(102844 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	/js/
Name	Jesus Sanchelima, Esq.
Date	01/18/2013

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

In RE:

Serial No. **85/618,357**

Publication date: **November 20, 2012**

Mark: **ALLNUE and design**

For: *cosmetic preparations for skin care; cosmetic preparations for the hair and scalp; wrinkle-minimizing cosmetic preparations for topical facial use*

**Allnue Natural Inc.**

Opposer,

**Opposition No.**

v.

**Alfredo F. Dorta**

Applicant.

**NOTICE OF OPPOSITION**

Allnue Natural Inc. (hereinafter "Opposer"), a corporation of Florida, with a principal place of business at 5850 NW 3rd Street, Miami, Florida 33126, believes that it will be damaged by registration of the mark shown in application serial No. 85/618,357 filed by Alfredo F. Dorta (hereinafter "Applicant"), on May 7, 2012 and published in the *Official Gazette* on November 20, 2012. Opposer requested a 30-day extension to oppose. Pursuant to 15 U.S.C. §1063, by and through its attorneys, Opposer opposes the registration of this mark.

As grounds for the opposition, Opposer alleges that:

1. Applicant filed its application for the above referenced mark for *cosmetic preparations for skin care; cosmetic preparations for the hair and scalp; wrinkle-minimizing cosmetic preparations for topical facial use*, on May 7, 2012 based on alleged first use of August 20, 2010.

2. On January 14, 2013, Opposer filed a trademark application for “**ALLNUE**” for *herbal supplements* in international class 005 and was assigned serial number 85/822,835.
3. Opposer has superior rights to the mark based on its adoption of the mark “**ALLNUE**” and valid and prior continuous use in commerce of the identified mark “**ALLNUE**” in connection with the sale of *herbal supplements* prior to Opposer’s filing date and legal use of the mark subject to this application, if any. Opposer traverses Applicant’s date of first use.
4. Opposer paid for the design used with the mark “**ALLNUE**” and Applicant knew that Opposer had adopted the mark for its herbal supplements prior to Applicant’s first date of use, if any.
5. Opposer has been using the mark “**ALLNUE**” since, at least as early as January 2, 2011 and in commerce since as early as January 2, 2011 to this date. Said mark of Opposer is symbolic of extensive goodwill and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.
6. In view of the identical nature of the respective marks and the related goods of the respective parties, Applicant’s above-identified mark so resembles Opposer’s mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive as to the source or sponsorship of the goods in question. Therefore, it is expected that Opposer’s mark application will be denied and thus prevented from availing itself from the benefit of registration under the Lanham Act with the consequent damage.
7. For the aforesaid reasons, registration of Applicant’s proposed mark “**ALLNUE and design**” will result in damage to Opposer and Applicant’s registration application should be refused.

WHEREFORE, Opposer prays that the opposition be sustained and application serial No. 85/618,357 be rejected and denied.

Respectfully submitted,

Attorneys for Opposer:

/s/ Jesus Sanchelima  
Jesus Sanchelima, Esq.  
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Miami, FL 33134-1762  
Telephone: (305) 447-1617  
Facsimile: (305) 445-8484

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was *mailed on* this 18<sup>th</sup> day  
of January 2013 to:

Alfredo F. Dorta  
10001 SW 20<sup>th</sup> Street  
Miami, Florida 33165

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By: /s/ Jesus Sanchelima  
Jesus Sanchelima