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

Proceeding	91210103
Party	Defendant Alberto Soler DBA Coki Loco and Miriam Soler
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Submission	Other Motions/Papers
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Date	07/15/2013
Attachments	TCCCdescriptiveness.pdf(51782 bytes)

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

In re: Applications 85/672,347 and 85/672,347

Marks: COLA DE COKI and COKI COLA HAPPY MOTION

Filed: April 04, 2012 and July 10, 2012

Published: October 02, 2102 and December 18, 2012

WILLIAM SOLER, DBA COLA DE COKI,

MIRIAM SOLER,

and

ALBERTO SOLER, DBA COKI LOCO

Applicants,

v.

Opposition: **91209094/ 91210103**

The Coca-Cola Company

Opposer.

_____ /

AMENDED MOTION TO DISMISS

(OPPOSER INADVERTENTLY CONCEDES DESCRIPTIVENESS)

Alberto Soler (hereinafter Soler), representative/applicant, hereby files the present amended motion to dismiss claiming that Opposer, The Coca-Cola Company (TCCC), unknowingly conceded descriptiveness in a different proceeding they pleaded related here. Thus, Soler's motion to dismiss should be granted unless TCCC pleads acquired distinctiveness to avoid dismissal.

Soler continues to speak and seek truth as follow;

1. On March 28 and also May 21, 2013, this Board suspended both of the present opposition proceedings due to Soler's motion to dismiss that claims in apart, TCCC failure to plead acquired distinctiveness to support damages under the grounds of confusion and dilution, filed Feb. 26/April 22, 2013. TCCC'S at the helm replied thereto by stating; you are weak don't know what you speak nor seek so you better flee.

Soler's passion breathes and speaks truth for the vision to seek happiness and the strength and wisdom to overcome those that will stand in the way.

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LIVE BY THE SWORD DIE BY THE SWORD UNLESS LIFE BY RIGHT

2. On June 28, 2013 but not so clever later and on July 10, 2013, Opposer, the top life of all trade, the Delaware Corporation called The Coca-Cola Company (TCCC), filed a cancellation petition against a Supplemental Register - called Coca Leaf. **92057485**, filed July 10, 2013. TCCC'S pleads that the mark is related here and thus obviously now sustaining Soler's right to state what is now here.

TCCC cancellation petition complains about priority/confusion and dilution to their great fame because of an authorized descriptive mark under the Lanham Act. Otter Products v. Base One Labs LLC, Cancellation 91200510 (Dec. 18, 2012 TTAB)

For the first time ever on the trademark record, TCCC complains pain to great fame by a merely descriptive mark.

TCCC'S captain has lost control of the ship.

The Board should grant Soler's motion to dismiss unless TCCC pleads and prove

acquired distinctiveness.

Soler does not savor judgment but thirst to walk and talk for the pursuant of happiness in the land that proclaims such right for all to seek.

CONCLUSION

3. Wherefore Soler spoke truth and respectfully requests the Board to follow.

Respectfully submitted,

/s/ALBERTO SOLER

Representative/Applicant

Email: thenewkidontheblock@live.com

C/O Jorge L. Flores P.A.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished via first class US mail and email attachment this 15th day of July 2013, to TCCC'S attorney of record:

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ALBERTO SOLER

