

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
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Alexandria, VA 22313-1451
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CME

Mailed: November 9, 2015

Opposition No. 91210103

*The Coca-Cola Company*¹

v.

*Alberto Soler d/b/a Coki Loco and
Miriam Soler*

Before Cataldo, Taylor, and Greenbaum,
Administrative Trademark Judges.

By the Board:

On January 12, 2015, Applicants filed a petition to the Director regarding the final decision that the Board issued in this proceeding on December 10, 2014 (the “Final Decision”). On July 13, 2015, the Office of the Deputy Commissioner for Trademark Examination Policy dismissed the petition and remanded it to the Board for consideration “as a request for rehearing *en banc*.” 41 TTABVUE and 44 TTABVUE. We now address this filing, as authorized by the Chief Judge of the Trademark Trial and Appeal Board.

By way of background, the Board in its Final Decision found that the involved application was *void ab initio* because it was not filed by the correct party or

¹ The Board notes Opposer’s power of attorney appointing new counsel, filed July 17, 2015. The Board’s records have been updated accordingly.

parties. *See* 36 TTABVUE 5. Accordingly, the Board dismissed the opposition as moot and refused registration of the involved mark to Applicants. *See id.*

On January 12, 2015, Applicants filed a request for reconsideration of the Final Decision arguing, among other things, that the Board acted corruptly in issuing the Final Decision and “violated the laws of due process, [the] Fifth Amendment, the Federal Rules of Evidence and its own rule[s] of process, TBMP 700/704, by entering judgment against [Applicants] by considering pleaded statements not yet introduce[d] into evidence.” 40 TTABVUE 2-4. On May 2, 2015, the Board issued an order denying Applicants’ request for reconsideration because Applicants had not “supported their conclusory allegations” with any legal authority and had not “otherwise demonstrated that the Board erred in reaching the Final Decision.” 43 TTABVUE 3.

Applicants’ request for rehearing *en banc* sets forth the same conclusory allegations that Applicants asserted in their request for reconsideration, namely, that “the Board being all corrupt all in the interest of The Coca-Cola Company by entering judgment against Applicants for ab void initio [sic] by the Board considering pleaded statements as evidence to determine why judgment. The pleaded statements has [sic] not been introduced at trial thus, the Board bias and prejudice used in violation of Due Process, [the] Federal Rules of Evidence and the Board’s own rules TBMP 700/704/706.” 41 TTABVUE 1. As in their request for reconsideration, Applicants have not cited any legal authority to support their

position, and we are not aware of any. Accordingly, Applicants' request for a rehearing *en banc* is **DENIED**.

As we have previously advised, the Board will not acknowledge or consider any further filings from Applicants that assert arguments similar to any other arguments that Applicants have previously raised in this proceeding.² See 43 TTABVUE 3.

² Because the Office of the Deputy Commissioner for Trademark Examination Policy construed Applicants' petition as a request for rehearing and remanded the filing to the Board for consideration, we have considered this filing notwithstanding that the arguments therein are duplicative of the arguments that Applicants advanced in their request for reconsideration.