

ESTTA Tracking number: **ESTTA546648**

Filing date: **07/03/2013**

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	Caliente Resorts, LLC.
Granted to Date of previous extension	07/07/2013
Address	21240 Gran Via Blvd. Land O Lakes, FL 34637 UNITED STATES
Correspondence information	Caliente Resorts, LLC. 21240 Gran Via Blvd. Land O Lakes, FL 34637 UNITED STATES ddenning@calienteresorts.com

Applicant Information

Application No	85100398	Publication date	01/08/2013
Opposition Filing Date	07/03/2013	Opposition Period Ends	07/07/2013
Applicant	Caliente Cab Restaurant Co., Inc. 61 Seventh Avenue New York, NY 10016 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. All goods and services in the class are opposed, namely: Beer

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)
Genericness	Trademark Act section 23

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Caliente		

Goods/Services	Beer
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Attachments	Caliente Resorts1.txt(983 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	/Douglas Denning/
Name	Caliente Resorts, LLC.
Date	07/03/2013

1. Caliente Resorts, LLC. has standing to oppose the mark Caliente for goods and services of Beer. Caliente Resorts, LLC. believes it would be damaged by the registered mark causing dilution by tarnishment under section 1125(c).
2. The legal grounds Caliente Resorts, LLC. asserts are likelihood of confusion, priority, bad faith, and a well know famous mark.
3. Caliente Resorts is a world known clothing optional resort operating since 2001
4. Caliente Resorts has been selling Caliente Beer since 2005.
5. Caliente Resorts believes that by granting this mark, it will cause confusion with Caliente selling beer at Caliente Resort.
6. Caliente Resorts believes it has priority since it has been selling beer with that mark since 2005.
7. Caliente Resorts believes that through its marketing efforts has developed the Caliente mark for beer and it is now a well known famous mark.
8. It also asserts that Caliente Cab Restaurant is using bad faith in filing for this mark