

ESTTA Tracking number: **ESTTA555368**

Filing date: **08/21/2013**

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	Sysco Corporation
Granted to Date of previous extension	08/21/2013
Address	1390 Enclave Parkway Houston, TX 77077-1390 UNITED STATES
Correspondence information	Nathan C. Belzer Attorney for Opposer Belzer PC 2905 Bull St. Savannah, GA 31405 UNITED STATES nbelzer@belzerlaw.com Phone:912-236-3001

Applicant Information

Application No	85775742	Publication date	04/23/2013
Opposition Filing Date	08/21/2013	Opposition Period Ends	08/21/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	CONSORCIO ONIX, S.A. DE C.V. AV. LA PAZ No. 2375, COL. OBRERA CENTRO GUADALAJARA, MEXICO		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Alcoholic beverages except beers

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.	2077821	Application Date	03/29/1994
Registration Date	07/08/1997	Foreign Priority Date	NONE
Word Mark	VIDA LATINA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 fruits and vegetables; namely, black beans, pinto beans, soy beans, red pepper, yuca, and plantains; croquettes consisting of a flour or corn batter with ham, pork, or cheese; [milk;] cheeses; meats; namely, ham, pork, and beef; [and olive oil] Class 030. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 rice and mojo criollo (a blend of spices); tamales made of beef or pork;

U.S. Registration No.	2060973	Application Date	04/01/1996
Registration Date	05/13/1997	Foreign Priority Date	NONE
Word Mark	VIDA LATINA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 [vegetable oil and extra virgin olive oil] Class 030. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 rice, bitter orange marinating sauce, [barbecue sauce,] and all purpose seasoning		

U.S. Registration No.	2060973	Application Date	04/01/1996
Registration Date	05/13/1997	Foreign Priority Date	NONE
Word Mark	VIDA LATINA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 [vegetable oil and extra virgin olive oil] Class 030. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 rice, bitter orange marinating sauce, [barbecue sauce,] and all purpose seasoning		

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Attachments	Notice of Opposition - VIDA LATINA.pdf(79376 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	/Nathan C. Belzer/
Name	Nathan C. Belzer
Date	08/21/2013

mojo criollo (a blend of spices); tamales made of beef or pork; rice, bitter orange marinating sauce, and all purpose seasoning in International Class 30.

2. Opposer is currently the owner of the following federal trademark registrations related to the VIDA LATINA mark: Registration Nos. 2,060,973 and 2,077,821 for the mark VIDA LATINA.

3. Applicant's mark is identical to the VIDA LATINA mark used by the Opposer.

4. Further, the goods listed in Applicant's application are related to the goods offered by Opposer under its VIDA LATINA mark.

5. Based on the foregoing, Opposer believes that Applicant's marks so resembles Opposer's previously used mark as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

Wherefore, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

Sysco Corporation

Date: 8/21/13

By: /Nathan C. Belzer/
Nathan C. Belzer
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