

ESTTA Tracking number: **ESTTA635094**

Filing date: **10/24/2014**

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	EI Charro Spirits, LLC
Granted to Date of previous extension	10/29/2014
Address	113 Great Buffalo Trace Franklin County, KY 40601 UNITED STATES
Attorney information	Morgan Champion Cooley LLP 1299 Pennsylvania Ave. NWSuite 700 Washington, DC 20004 UNITED STATES mchampion@cooley.com, tbontemps@cooley.com, trademarks@cooley.com Phone:202-728-7103

**Applicant Information**

Application No	86018048	Publication date	07/01/2014
Opposition Filing Date	10/24/2014	Opposition Period Ends	10/29/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Hurtado de Mendoza Godinez, Enrique Rafael Prolongacion Guadalupe 6980-9 Zapopan, Jalisco, MEXICO		

**Goods/Services Affected by Opposition**

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Tequila
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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. Registration No.	2344977	Application Date	12/29/1998
Registration Date	04/25/2000	Foreign Priority Date	NONE
Word Mark	EL CHARRO		

Design Mark	<b>EL CHARRO</b>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1995/12/11 First Use In Commerce: 1996/10/31 tequila

Attachments	75613242#TMSN.png( bytes ) El Charro Spirits--CHARRO BRAVO Notice of Opposition.pdf(14980 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	/Morgan Champion/
Name	Morgan Champion
Date	10/24/2014

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

In the matter of application Serial No. 86/018,048  
For the Trademark CHARRO BRAVO  
Published in the Official Gazette on July 1, 2014

EL CHARRO SPIRITS, LLC,	)	
	)	
Opposer,	)	
	)	Opposition No.
v.	)	
	)	
ENRIQUE RAFAEL HURTADO	)	
DE MENDOZA GODINEZ,	)	
	)	
Applicant.	)	
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	)	

**NOTICE OF OPPOSITION**

Opposer El Charro Spirits, LLC (“El Charro Spirits”), a Delaware corporation having its principal place of business at 113 Great Buffalo Trace, c/o Buffalo Trace Distillery, Franklin County, KY 40601, will be damaged by the issuance of a registration for the mark CHARRO BRAVO (the “Applicant’s Mark”), as applied for in Application Serial No. 86/018,048 filed on July 23, 2013 by Applicant Enrique Rafael Hurtado de Mendoza Godinez (“Applicant”). El Charro Spirits, having been granted an extension of time to oppose Applicants’ Mark, hereby opposes same.

As grounds for opposition, El Charro Spirits alleges:

1. El Charro Spirits has marketed and sold tequila in the United States for nearly 18 years.
2. El Charro Spirits owns United States Trademark Registration No. 2,344,977 for EL CHARRO, issued February 1, 2000 for “tequila.”

3. El Charro Spirits, through its predecessors-in-interest, has consistently and continually distilled, marketed, sold or otherwise distributed tequila under the EL CHARRO mark since at least as early as 1996. By virtue of its efforts and by virtue of the high quality of its tequila, the public has come to know, rely on, and recognize El Charro Spirits' EL CHARRO mark as a source identifier for El Charro Spirits' tequila products. El Charro Spirits has gained valuable reputation and substantial goodwill through the use and recognition of its EL CHARRO mark.

4. Upon information and belief, El Charro Spirits alleges that on July 23, 2013 Applicant filed an Application to register the mark CHARRO BRAVO on the basis of a foreign application filed for the same mark (Section 44(d)). Applicant has since amended the filing basis to rely on a foreign registration for the same mark (Section 44(e)). Applicant seeks registration in connection with "tequila."

5. Applicant's Mark is likely to be confused with and mistaken for El Charro Spirits' EL CHARRO mark because Applicant's Mark is confusingly similar in sight, sound, and meaning to the EL CHARRO mark. Because both marks contain the same dominant "CHARRO" component, Applicant's Mark is nearly identical visually and phonetically to El Charro Spirits' EL CHARRO mark. Thus, Applicant's Mark creates the same or a very similar commercial impression as El Charro Spirits' EL CHARRO mark

6. If Applicant's Mark is allowed to register, a likelihood of confusion will be created for consumers of tequila. Applicant's Mark is intended for use in connection with alcoholic beverage products that are identical with El Charro Spirits', namely, tequila.

7. Applicant's targeted customers and consumers are identical to the customers and consumers of El Charro Spirits' tequila beverages and products.

8. As Applicant's goods description contains no restrictions or limitations as to Applicant's channels of trade, El Charro Spirits may assume that Applicant's Mark, like El Charro Spirits' EL CHARRO mark, will be used in all accepted channels of trade. Therefore, in addition to overlapping consumer bases, Applicant's intended channels of trade for its tequila overlaps with the channels of trade used by El Charro Spirits in marketing, selling, or otherwise distributing its tequilas under the EL CHARRO mark.

9. If Applicant is permitted to register its CHARRO BRAVO mark for the goods specified in the Application herein opposed, consumer confusion resulting in damage and injury to El Charro Spirits would likely occur. Persons familiar with El Charro Spirits' tequila marks would likely perceive Applicants' products as associated or affiliated with or sponsored by El Charro Spirits. Such confusion would inevitably result in damage to El Charro Spirits.

10. Customers of El Charro Spirits' products and the relevant public are likely to misapprehend Applicant's Mark as an El Charro Spirits mark and/or believe in error that goods offered under the CHARRO BRAVO mark are offered by or in association with or under license from El Charro Spirits.

11. Any defect, objection to or fault found with Applicant's goods marketed under the CHARRO BRAVO mark would necessarily reflect on and seriously injure the reputation that El Charro Spirits has established for its tequila products.

12. Registration of Applicant's Mark would give Applicant *prima facie* evidence of the validity and ownership of Applicant's Mark and of Applicant's exclusive right to use Applicant's Mark, all to the detriment of El Charro Spirits.

13. Wherefore, for all the foregoing reasons, El Charro Spirits prays that this Opposition be sustained and that Application Serial No. 86/018,048 be denied and refused registration.

COOLEY LLP

Date: October 24, 2014

By: /Morgan Champion/

Morgan A. Champion, Esq.  
Todd S. Bontemps, Esq.  
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Washington, DC 20004  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 24, 2014 I mailed the foregoing NOTICE OF OPPOSITION regarding *El Charro Spirits, LLC v. Enrique Rafael Hurtado de Mendoza Godinez* to Counsel for Applicant by depositing a true and correct copy of the same with the United States Postal Service, first class mail, postage prepaid, in an envelope addressed to:

Thomas D. Foster, Esq.  
TDFoster - Intellectual Property Law  
11622 El Camino Real, Suite 100  
San Diego, CA 92130

Date: October 24, 2014

/Morgan Champion/  
Morgan A. Champion