

ESTTA Tracking number: **ESTTA670069**

Filing date: **05/01/2015**

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	General Cigar Co., Inc.
Granted to Date of previous extension	05/02/2015
Address	10900 Nuckols Road, Suite 100 Glen Allen, VA 23060 UNITED STATES
Attorney information	Scott Greenberg Locke Lord LLP 3 World Financial Center New York, NY 10281 UNITED STATES ptotmcommunication@lockelord.com, sgreenberg@lockelord.com Phone:(212) 415-8512

Applicant Information

Application No	86301803	Publication date	03/03/2015
Opposition Filing Date	05/01/2015	Opposition Period Ends	05/02/2015
Applicant	Lambo Trading, LLC 2201 NW 102nd Place #2 Miami, FL 33172 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cigars

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.	842739	Application Date	10/27/1966
Registration Date	01/23/1968	Foreign Priority Date	NONE
Word Mark	REY DEL MUNDO		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 034. First use: First Use: 1966/10/06 First Use In Commerce: 1966/10/06 CIGARS

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EL REY DEL MUNDO		
Goods/Services	Cigar products		

Attachments	SN 86301803 Notice of Opposition.pdf(46353 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	/Scott Greenberg/
Name	Scott Greenberg
Date	05/01/2015

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

In the matter of:

Application Serial No. 86/301803 for the mark EL REY DEL MUNDO MARCA
INDEPENDIENTE and Design
Published: March 3, 2015

GENERAL CIGAR CO., INC.)	
)	
Opposer,)	Opposition No. _____
)	
v.)	
)	
LAMBO TRADING, LLC)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Lambo Trading, LLC (hereinafter "Applicant") has applied to register the following mark (hereinafter "Applicant's Mark"):



The subject application for Applicant's Mark, Serial Number 86/301803, was published for opposition in the Official Gazette of March 3, 2015 and covers the following goods: Cigars, in International Class 34. The subject application includes disclaimers of the following words and phrases apart from the mark as shown: "MARCA INDEPENDIENTE", "FABRICA DE TABACOS", "PROVEEDOR DE LA REAL CASA" AND "LAMBO TRADING".

General Cigar Co., Inc., a corporation organized and existing under the laws of the state of Delaware with its principal place of business at 10900 Nuckols Road, Suite 100, Glen Allen Virginia 23060, believes that it will be damaged by registration of the mark shown in Application Serial Number 86/301803 as applied to said goods and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. General Cigar Co., Inc. (hereinafter, including its predecessors and related companies, "Opposer") is and for many years has been engaged in the business of manufacturing and distributing cigars and related products throughout the United States and numerous jurisdictions around the world. Opposer is one of the largest manufacturers and marketers of brand name premium cigars in the U.S.

2. Since a time long prior to the filing date of the opposed application, Opposer has used the mark EL REY DEL MUNDO in commerce in connection with its cigar products.

3. Opposer's EL REY DEL MUNDO mark has been extensively advertised and promoted in commerce, and has received substantial third-party publicity.

4. Opposer's EL REY DEL MUNDO mark is inherently distinctive and is highly distinctive to relevant purchasers.

5. Opposer's EL REY DEL MUNDO mark is widely and favorably known to the trade and public.

6. The EL REY DEL MUNDO mark is of great value to Opposer and serves to identify high quality products originating with Opposer and to distinguish Opposer's products from those of others. Opposer is the owner of the EL REY DEL MUNDO mark and the underlying goodwill in connection therewith.

7. Opposer is the owner of United States Trademark Registration No. 842,739,

issued January 23, 1968, for the mark REY DEL MUNDO in connection with “cigars” in International Class 34. Said registration is valid and subsisting, unrevoked and uncanceled, and in full force and effect. In addition, said registration has become incontestable under 15 U.S.C. Section 1065.

8. “El” is the Spanish word for “The”.

9. “REY DEL MUNDO” and “EL REY DEL MUNDO” make the same commercial impression.

10. With the opposed application, Applicant seeks to register Applicant’s Mark for “Cigars” in International Class 34.

11. The opposed application for the Applicant’s Mark was filed on June 5, 2014.

12. The opposed application for the Applicant’s Mark was filed based on an alleged bona fide intention to use the mark in commerce under Section 1(b) of the Trademark Act of 1946, as amended (15 U.S.C. Section 1051(b)).

13. The phrase “EL REY DEL MUNDO” is the first thing that appears at the top of Applicant’s Mark.

14. The phrase “EL REY DEL MUNDO” is displayed in larger lettering than any of the other words in Applicant’s Mark.

15. Opposer’s goods are cigars.

16. Applicant’s identified goods are “cigars”.

17. Opposer would be damaged by the registration of the Applicant’s Mark in that said mark so closely resembles Opposer’s mark EL REY DEL MUNDO and Opposer’s registered mark REY DEL MUNDO as to be likely, when applied to the goods of Applicant, to cause confusion, mistake and deception, with consequent damage to Opposer’s business and

goodwill, and such registration will otherwise give color of the right to use, exclusive ownership and other statutory benefits in the Applicant's Mark to Applicant in violation and derogation of the prior and superior rights of Opposer.

18. Registration should, therefore, be refused pursuant to Section 2(d) of the Trademark Act of 1946, as amended (15 U.S.C. Section 1052(d)) on the ground that Applicant's Mark so resembles Opposer's mark EL REY DEL MUNDO and Opposer's registered mark REY DEL MUNDO, as to be likely, when applied to the goods of the Applicant, to cause confusion, mistake or deception

WHEREFORE, Opposer respectfully requests that its Opposition be sustained and that the application to register the mark in Application Serial Number 86/301803 be denied.

The filing fee for this opposition is being filed online.

Dated: May 1, 2015

By: 

Scott Greenberg
LOCKE LORD LLP
3 World Financial Center
New York, New York 10281-2101
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Facsimile No.: (212) 303-2754
Attorneys for General Cigar Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice Of Opposition was served on Applicant by mailing said copy on May 1, 2015, via First Class Mail, postage prepaid, to Applicant's attorney and correspondent of record as follows:

Robert J. Sayfie, Esq.
The Patent Law Office of Robert J. Sayfi
1200 Brickell Avenue, Suite 1950
Miami, FLORIDA 33131

A handwritten signature in black ink, appearing to read "Scott Greenberg", written over a horizontal line.

Scott Greenberg