

ESTTA Tracking number: **ESTTA765755**

Filing date: **08/21/2016**

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	Taza Systems, LLC
Granted to Date of previous extension	08/31/2016
Address	14518 Detroit Ave. Lakewood, OH 44107 UNITED STATES

Attorney information	Edward T. Saadi, Esq. EDWARD T. SAADI, LLC 970 Windham Court, Suite 7 Boardman, OH 44512 UNITED STATES EdwardSaadi@aol.com Phone:330-782-1954
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Applicant Information

Application No	86978652	Publication date	05/03/2016
Opposition Filing Date	08/21/2016	Opposition Period Ends	08/31/2016
Applicant	Tava Indian Kitchen, LLC 778 El Camino Real San Carlos, CA 95070 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2011/09/07 First Use In Commerce: 2012/02/27 All goods and services in the class are opposed, namely: Restaurant services; catering services; take-out food restaurant services
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Applicant Information

Application No	86978647	Publication date	05/10/2016
Opposition Filing Date	08/21/2016	Opposition Period Ends	
Applicant	Tava Indian Kitchen, LLC 778 El Camino Real San Carlos, CA 95070 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 2011/09/07 First Use In Commerce: 2012/02/27 All goods and services in the class are opposed, namely: Restaurant services; catering ser-

vices;take-out food restaurant services

Grounds for Opposition

Priority and likelihood of confusion

Trademark Act Section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3439240	Application Date	03/30/2007
Registration Date	06/03/2008	Foreign Priority Date	NONE
Word Mark	TAZA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2005/11/22 First Use In Commerce: 2005/11/22 Restaurant and bar services		

U.S. Registration No.	3213261	Application Date	05/05/2006
Registration Date	02/27/2007	Foreign Priority Date	NONE
Word Mark	TAZA A LEBANESE GRILL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 2005/11/22 First Use In Commerce: 2005/11/22 Restaurant and bar services		

U.S. Registration No.	3213262	Application Date	05/05/2006
Registration Date	02/27/2007	Foreign Priority Date	NONE

Word Mark	TAZA A LEBANESE GRILL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2005/11/22 First Use In Commerce: 2005/11/22 Restaurant and bar services

Attachments	77144660#TMSN.png(bytes) 78878164#TMSN.png(bytes) 78878171#TMSN.png(bytes) Opposition.pdf(5519994 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	/edward saadi/
Name	Edward T. Saadi, Esq.
Date	08/21/2016

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

3 Taza Systems, LLC,) **NOTICE OF OPPOSITION**
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9 Opposer, Taza Systems, LLC, a limited liability company of the State of Ohio, having a
10 principal place of business at 14518 Detroit Ave., Lakewood, Ohio, 44107, believes that it is
11 being and will be damaged by the registration of the mark **TAVA** shown in Application Serial
12 No. 86/978,652, and by the registration of the mark **TAVA INDIAN KITCHEN** shown in
13 Application Serial No. 86/978,647 and hereby opposes the same. As grounds for its opposition,
14 Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon
15 information and belief as to other matters:

17 **OPPOSER'S MARKS**

18 1. Opposer, Taza Systems, LLC, is a limited liability company of the State of Ohio,
19 having a principal place of business 14518 Detroit Ave., Lakewood, Ohio, 44107.

20 2. Since at least as early as November 22, 2005, Opposer, itself, or through its
21 predecessors, related companies, and licensees (collectively "Opposer"), has used its **TAZA**[®],

22 **TAZA A LEBANESE GRILL**[®], and  marks in commerce in connection
23 with the following goods: Restaurant and bar services.
24
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3. Opposer is the owner of the following valid and subsisting United States trademark registrations for the **TAZA**[®], **TAZA A LEBANESE GRILL**[®], and



marks (certificates of registration are attached as Exhibits A through C):

<u>Mark</u>	<u>Reg. No.</u> <u>Reg. Date</u>	<u>Date of First Use</u> <u>Date of First Use in</u> <u>Commerce</u>	<u>Services</u>
TAZA	3,439,240 June 3, 2008	November 22, 2005 November 22, 2005	Restaurant and bar services.
TAZA A LEBANESE GRILL	3,213,261 Feb. 27, 2007	November 22, 2005 November 22, 2005	Restaurant and bar services.
	3,213,262 Feb. 27, 2007	November 22, 2005 November 22, 2005	Restaurant and bar services.

APPLICANT'S APPLICATIONS

4. On May 20, 2015, Applicant, Tava Indian Kitchen, LLC, filed Application Serial No. 86/978,652 for the mark **TAVA** for the following goods and services, alleging a purported intent to use said mark:

Restaurant services; catering services; take-out food restaurant services. [Class 43]

5. On May 20, 2015, Applicant, Tava Indian Kitchen, LLC, filed Application Serial No. 86/978,647 for the mark **TAVA INDIAN KITCHEN** for the following goods and services, alleging a purported intent to use said mark:

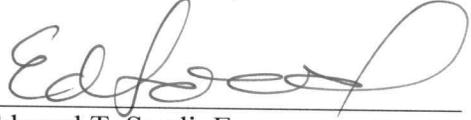
Restaurant services; catering services; take-out food restaurant services. [Class 43]

6. Applicant, Tava Indian Kitchen, LLC, is a California limited liability company with an address of 778 El Camino Real, San Carlos, California, 95070.

1 WHEREFORE, Opposer believes that it is being and will continue to be damaged by the
2 marks **TAVA** and **TAVA INDIAN KITCHEN** shown in Application Serial Nos. 86/978,652
3 and 86/978,647, and requests that the Notice of Opposition be sustained, and that the
4 applications for registration be refused.
5

6 Dated: August 21, 2016

TAZA SYSTEMS, LLC

7
8 By: 

Edward T. Saadi, Esq.

EDWARD T. SAADI, LLC

970 Windham Court, Suite 7

Boardman, OH 44512

(330) 782-1954

(330) 266-7489 (fax)

EdwardSaadi@aol.com

Attorney for Opposer

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing **NOTICE OF OPPOSITION** was served by first class U.S. mail, postage prepaid, on this 21th day of August, 2016, upon Applicant at the following address:

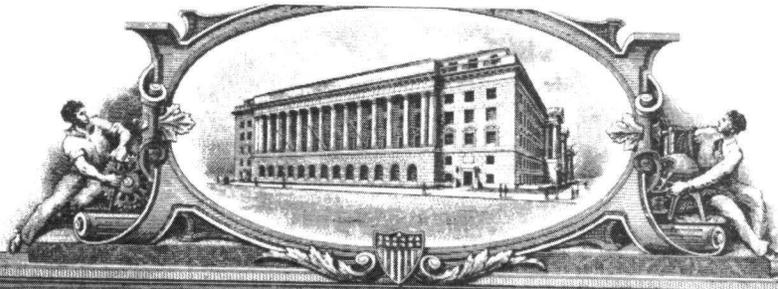
SCOTT S. HAVLUICK, ESQ.
HOLLAND & HART LLP
P.O. BOX 8749
DENVER, COLORADO 80201-8749



Edward T. Saadi, Esq.
EDWARD T. SAADI, LLC
Attorney for Opposer

Exhibit A

1988840



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 23, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,439,240 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 03, 2008*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

TAZA SYSTEMS, LLC

A LIMITED LIABILITY COMPANY OF OHIO

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office



P. Swain
P. SWAIN
Certifying Officer

Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,439,240

Registered June 3, 2008

SERVICE MARK
PRINCIPAL REGISTER

TAZA

TAZA FRESH, LLC (OHIO LTD LIAB CO)
14518 DETROIT AVENUE
LAKEWOOD, OH 44107

OWNER OF U.S. REG. NOS. 3,213,261 AND
3,213,262.

FOR: RESTAURANT AND BAR SERVICES, IN
CLASS 43 (U.S. CLS. 100 AND 101).

THE ENGLISH TRANSLATION OF "TAZA" IS
"FRESH".

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

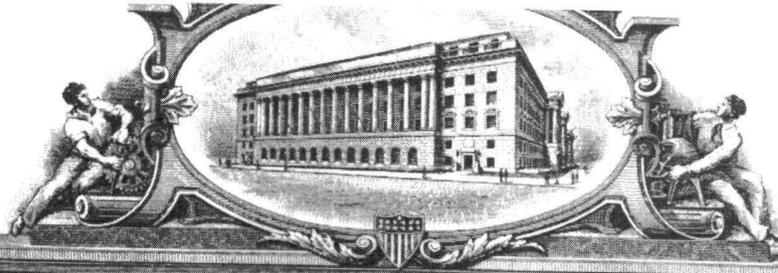
SER. NO. 77-144,660, FILED 3-30-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

LINDA ESTRADA, EXAMINING ATTORNEY

Exhibit B

1988840



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 23, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,213,261 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 27, 2007*
SECTION 8 & 15

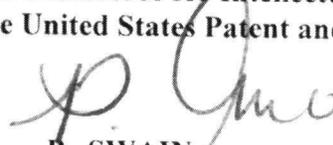
SAID RECORDS SHOW TITLE TO BE IN:

TAZA SYSTEMS, LLC

A LIMITED LIABILITY COMPANY OF OHIO

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


P. SWAIN
Certifying Officer



Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,213,261

Registered Feb. 27, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

TAZA A LEBANESE GRILL

CHAMOUN, FADY (UNITED STATES INDIVIDUAL)
4149 W. VALLEY DRIVE
FAIRVIEW PARK, OH 44126

FOR: RESTAURANT AND BAR SERVICES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE LEBANESE GRILL, APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF TAZA IS FRESH.

SER. NO. 78-878,164, FILED 5-5-2006.

JOHN HWANG, EXAMINING ATTORNEY

Exhibit C

1988840



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

February 23, 2016

THE ATTACHED U.S. TRADEMARK REGISTRATION 3,213,262 IS CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *February 27, 2007*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

TAZA SYSTEMS, LLC

A LIMITED LIABILITY COMPANY OF OHIO

By Authority of the

Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

P. SWAIN
Certifying Officer



Int. Cl.: 43

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 3,213,262

Registered Feb. 27, 2007

SERVICE MARK
PRINCIPAL REGISTER



CHAMOUN, FADY (UNITED STATES INDIVIDUAL)
4149 W. VALLEY DRIVE
FAIRVIEW PARK, OH 44126

FOR: RESTAURANT AND BAR SERVICES, IN
CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 11-22-2005; IN COMMERCE 11-22-2005.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE LEBANESE GRILL, APART FROM
THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF TAZA IS
FRESH.

SER. NO. 78-878,171, FILED 5-5-2006.

JOHN HWANG, EXAMINING ATTORNEY