

ESTTA Tracking number: **ESTTA683920**

Filing date: **07/15/2015**

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

Proceeding.	92058700
Applicant	Plaintiff Tequila Holdings, Inc.
Other Party	Defendant Basha Holdings, LLC
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

### **Motion for Suspension in View of Civil Proceeding With Consent**

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Tequila Holdings, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Tequila Holdings, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Tequila Holdings, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

//Lee Fredric Sharra//

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07/15/2015

ESTTA Tracking number: **ESTTA499183**

Filing date: **10/10/2012**

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	Tequila Holdings, Inc.
Granted to Date of previous extension	10/27/2012
Address	221 E Walnut Street, Suite 100 Pasadena, CA 91191 UNITED STATES

Attorney information	Lee Fredric Sharra 4313 Trouthaven Drive Murrysville, PA 15668 UNITED STATES lee.sharra@gmail.com Phone:4129021102
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### Applicant Information

Application No	85530161	Publication date	08/28/2012
Opposition Filing Date	10/10/2012	Opposition Period Ends	10/27/2012
Applicant	Basha Holdings, LLC 217 W. 16th Street, Apt. B New York, NY 10011 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: alcoholic beverages, namely, distilled spirits
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### 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.	3709577	Application Date	03/25/2008
Registration Date	11/10/2009	Foreign Priority Date	NONE
Word Mark	PAQUI		

Design Mark	<h1>PAQUI</h1>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2009/07/05 First Use In Commerce: 2009/07/05 Distilled Spirits

U.S. Registration No.	3772479	Application Date	06/12/2008
Registration Date	04/06/2010	Foreign Priority Date	NONE
Word Mark	PAQUÍ# SILVERA 100% DE AGAVE AZUL HECHO EN MÁ#XICO		
Design Mark			
Description of Mark	The mark consists of a circular design containing a stylized image of a person; the words "Paqui Silvera" are in the center; the words "100% De Agave Azul" and "Hecho en Mexico" form arches around the top and bottom of the circle.		
Goods/Services	Class 033. First use: First Use: 2009/07/02 First Use In Commerce: 2009/07/02 Distilled Spirits		

Attachments	77431012#TMSN.jpeg ( 1 page )( bytes ) 77497600#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 3 pages )(22348 bytes ) Exhibit 1.pdf ( 1 page )(857410 bytes ) CERTIFICATE OF SERVICE.pdf ( 1 page )(10663 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	/Lee Fredric Sharra/
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Name	Lee Fredric Sharra
Date	10/10/2012



1 3. Opposer continues to use the Registered Marks in interstate  
2 commerce for the registered goods and has not abandoned them  
3 (See Exhibit 1).

4 4. Applicant seeks to register the mark QUI in International  
5 Class 033 for tequila, Application Serial Number 85530161, filed  
6 on January 31, 2012 on the basis of 1(b) intent to use.

7 Applicant also has applied for a similar mark QUI Platinum,  
8 Application Serial Number 85696550, filed on August 6, 2012 on  
9 the basis of 1(b) intent to use.

10 5. Upon information and belief, Applicant has not made use of  
11 Applicant's Applied for marks.

12 6. Applicant's QUI 85530161 mark was published for opposition  
13 on August 28, 2012. Opposer filed a timely request for an  
14 extension of time to file an opposition on August 28, 2012. The  
15 request to extend time to oppose was granted until October 27,  
16 2012 on behalf of Opposer Tequila Holdings,  
17 Inc. This Notice of Opposition is therefore timely.

18 7. Opposer's registered marks, which were the subject of  
19 applications filed in 2008 have priority over Applicant's QUI  
20 mark filed in 2012.

21 8. Applicant's proposed QUI mark is to be used in connection  
22 with goods that are identical to the goods for which Opposer's  
23 Registered Marks are used, tequila, and have same channels of  
24 trade to reach a same audience of consumers.

25 9. Applicant's proposed mark so resembles Opposer's Registered  
26 Marks as to be likely, when used on or in connection with

1 Applicant's listed goods, to cause confusion or to cause mistake  
2 or to deceive the consumer as to the source of origin of those  
3 goods. In addition , the sound of Applicant's proposed mark QUI  
4 and Opposer's registered mark PaQui are sufficiently similar to  
5 cause confusion in that Qui is pronounced "Kee" and PaQui is  
6 pronounced "pah KEE" with the emphasis on the KEE syllable.  
7 Applicant's mark is sufficiently similar to Opposer's Registered  
8 Marks as to cause confusion and/or deception as to the source,  
9 sponsorship, approval, or affiliation of Applicant's services  
10 offered under Applicant's mark.

11 10. Registration should therefore be refused under 15  
12 U.S.C.§1052(d).

13 WHEREFORE, Opposer requests that registration of the mark  
14 subject to Application Serial No. 85530161 be refused and that  
15 this opposition be sustained in favor of Opposer. Opposer  
16 further requests such other and further relief to which it may  
17 be justly entitled in respect to Application Serial No.  
18 85696550.

19 Respectfully Submitted,  
20 /Lee Fredric Sharra/

21 Lee Fredric Sharra  
22 USPTO Reg. No. 43108  
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25 Lee Fredric Sharra  
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ATTORNEY FOR OPPOSER  
Tequila Holdings Inc.



**CERTIFICATE OF SERVICE**

This is to certify, in accordance with Rule 2.101(b) of the Trademark Rules of Practice, that I have this day served the foregoing Opposition on the Applicant, by causing a true and correct copy thereof to be deposited in the United States Mail, postage prepaid, addressed to the attorney of record for the Applicant as follows:

JANET L CULLUM  
COOLEY LLP  
1114 Avenue of the Americas  
New York, NY 10036

This 10th day of October, 2012.

*/Lee Fredric Sharra/*

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Lee Fredric Sharra