

ESTTA Tracking number: **ESTTA1072809**

Filing date: **08/05/2020**

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

Applicants	Paz, Zohar
Application Serial Number	88714249
Application Filing Date	12/04/2019
Mark	KABOOM CEREAL
Date of Publication	04/07/2020
Extension Granted to	General Mills, Inc.
Extension Granted Until	08/05/2020
Attachments	KaboomDeny.pdf(225769 bytes )
Applicant's Correspondence Information	ZOHAR PAZ 8592 WEST SUNRISE BLVD APT 403 PLANTATION, FL 33322 UNITED STATES Primary Email: zohar.paz@hotmail.com 754-234-5311

## Objection to the Grant of

## Further Extensions of Time to Oppose

Applicant, Paz, Zohar, objects to the further grant of extensions of time to oppose to General Mills, Inc.. The reasons for Applicant's objection are fully set out in the attached statement of objections.

The undersigned represents that this submission is being made by Applicant or someone authorized to represent Applicant before the United States Patent and Trademark Office, and with Applicant's consent to submit this filing.

Respectfully submitted,  
/Zohar Paz/  
Zohar Paz  
Zohar.Paz@Hotmail.com  
08/05/2020

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the matter of Trademark Serial No. **8871429**  
For the Mark **KABOOM CEREAL**

Applicant: Zohar Paz  
8592 West Sunrise Blvd # 403  
Plantation, Fl. 33332

August 4th 2020

**APPLICANT’S OBJECTION TO A FURTHER EXTENSION TO OPPOSE**

**ARGUMENT**

Applicant hereby objects to Opposer’s possible request for a final 60 day extension. *See* TBMP § 207.02, the potential Opposer may request one final extension of time for an additional sixty days, but only with the consent of applicant or a showing of extraordinary circumstances.

**(1) NO EXTRAORDINARY CIRCUMSTANCES**

Opposer cannot show any extraordinary circumstance for an extension and should not be allowed to utilize the COVID 19 situation as an “**Extraordinary Circumstance**” because Opposer has already been in **constant communication about this matter with their Attorneys since March 4<sup>th</sup> 2020 a period of over 5 months.**

**(2) OPPOSER HAS NO STANDING**

Upon information and belief Opposer has no standing to file an Opposition. Opposer does not own any registered trademarks that would cause a likelihood of confusion with Applicants mark **KABOOM CEREAL** under Section 2(d) for “Breakfast Cereals”. In addition Opposer does not have a personal stake in the outcome of this Opposition proceeding. In addition Opposer does not have any reasonable basis to believe it will be damaged.

### **(3) COLLATERAL ESTOPPEL/LATCHES**

Upon information and belief Opposer **was** the owner of Registration No.0870570 for **KABOOM** for “Ready to Eat Breakfast Cereal” which was previously **cancelled by the USPTO** under Section 8 on January 15<sup>th</sup> 2020.

Upon information and belief Opposer has been aware of Applicant’s **KABOOM CEREAL** application since **March 4<sup>th</sup> 2020**, a period of over five months ago when Applicant received a threatening cease and desist letter from Opposers counsel. Opposer has already consulted with their Attorney over five months ago but has used the excuse “that they needed to consult with their Attorney” as grounds to file their second extension request.

### **(4) BURDEN OF PROOF**

Opposer has the burden of proof (on a more-likely-than-not, “preponderance of the evidence” standard) to support the allegations in their proposed Notice of Opposition and demonstrate that the TTAB should sustain the opposition. Upon information and belief Opposer cannot support any of their allegations of a likelihood of confusion with Applicants mark under Section 2(d) for Breakfast Cereals because Opposers Registration No.0870570 for **KABOOM** for “Ready to Eat Breakfast Cereal” was **cancelled by the USPTO** under Section 8 on January 15<sup>th</sup> 2020

### **(5) HARASSMENT**

Opposer has been aware of Applicants **KABOOM CEREAL** application since March 4<sup>th</sup> 2020, a period of over **five months ago** because Applicant previously received a threatening cease and desist letter from Opposers counsel. In response to Opposers cease and desist letter, Applicant in good faith, requested that Opposer submit proof of their alleged use of their **KABOOM** mark and Applicant would abandon their application. Opposer flatly refused to submit any proof and instead proceeded to file two opposition extensions in order to harass Applicant. This harassment is causing financial damage to Applicant because he cannot proceed

with his business model to launch a **KABOOM CEREAL** with this litigation threat over his head.

**THEREFORE** Applicant respectfully request you **DENY** any further extension to Oppose Applicant's application.

Respectfully submitted,

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