UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Mailed: July 3, 2002

Opposition No 91152004
Serial No. 75899318

FRANK C TURNER
FELSMAN BRADLEY VADEN GUNTER & DILLON
1 RIVERWAY STE 1100
HOUSTON, TX 77056-1929

PUEBLO INTERNATIONAL, INC.

v.

IFS Financial Corporation

JOHN M. CONE
AKIN, GUMP, STRAUSS, HAUER & FELD, LLP
P. O. BOX 688
DALLAS, TX 75313-0688

George Woods, Legal Assistant:

A notice of opposition to the registration sought in the above-identified application has been filed. A copy of the notice is attached.

ANSWER IS DUE FORTY DAYS after the mailing date hereof. (See Patent and Trademark Rule 1.7 for expiration date falling on Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. The parties are reminded of the recent amendments to the Trademark Rules that became effective October 9, 1998. See Notice of Final Rulemaking published in the *Official Gazette* on September 29, 1998 at 1214 TMOG 145. Slight corrections to the rules, resulting in a correction notice, were published in the *Official Gazette* on October 20, 1998 at 1215 TMOG 64.

A copy of the recent amendments to the Trademark Rules, as well as the *Trademark Trial and Appeal Board Manual of Procedure* (TBMP), is available at http://www.uspto.gov.

Discovery and testimony periods are set as follows:

Discovery period to open:	**July 23, 2002**
Discovery period to close:	**January 19, 2003**
30-day testimony period for party in position of plaintiff to close:	**April 19, 2003**
30-day testimony period for party in position of defendant to close:	**June 18, 2003**
15-day rebuttal testimony period for plaintiff to close:	**August 02, 2003**

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled *"Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board,"* 1235 TMOG 68 (June 20, 2000). A hard copy of the *Official Gazette* containing this notice is available for a fee from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Telephone (202) 512-1800). The notice is also available at http://www.uspto.gov. Interlocutory matters which the Board agrees to discuss or decide by phone conference may be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

TTAB

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

PUEBLO INTERNATIONAL, LLC,

Opposer, **OPPOSITION NO.**

vs.

IFS FINANCIAL CORPORATION

Applicant.

06-10-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #34

Application Serial No. 75/899,318
Mark: PUEBLO FINANCIAL CORPORATION
Filed: January 19, 2000
Published: February 12, 2002, TM 367

Assistant Commissioner for Trademarks
BOX TTAB - FEE
2900 Crystal Drive
Arlington, VA 22202-3513

NOTICE OF OPPOSITION

Sir:

PUEBLO INTERNATIONAL, LLC, ("Pueblo") a Delaware limited liability corporation formerly known as Pueblo International Inc., having obtained an extension of time until June 10, 2002 to file an opposition to the above-referenced mark, hereby files this opposition and would show the Board as follows:

TRADEMARK TRIAL AND APPEAL BOARD
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1. Pueblo has a principal place of business at Campo Rico Avenue, Corner Loiza Expressway, Carolina, Puerto Rico 00982 and a mailing address at G.P.O. Box 3288, San Juan, Puerto Rico 00936.

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2. Pueblo believes that it might be damaged by the registration of the above referenced mark to Applicant IFS FINANCIAL CORPORATION ("IFS").

3. Pueblo has used the name and mark PUEBLO in relation to its supermarket business since at least as long ago as 1955, and owns registered trademarks consisting of or including PUEBLO, including U.S. Registration Nos. 1,997,786 for the mark PUEBLO and 2,509,402 for the mark PUEBLOXTRA, each for use in connection with "supermarket and retail grocery store services." Pueblo also sells PUEBLO brand food products and owns registrations of PUEBLO for those products in many countries of Central America.

4. Other goods and services available to consumers at Pueblo's supermarkets and retail grocery stores include commercial and financial transactions such as money transfers, mail services, bill paying services, banking services, and entertainment services.

5. Pueblo uses a variety of means to advertise its stores and the broad range of goods and services available at its stores, including but not limited to print and visual media, print advertisements, mail, and event sponsorships.

6. PUEBLO and PUEBLOXTRA stores are universally known in Puerto Rico and the U.S. Virgin Islands and to people from those islands now residing on the United States mainland.

7. IFS's business, operated under the name Pueblo Financial Corporation, uses names and marks consisting of or including the word PUEBLO, and markets services promoting consumer goods and services of others through direct mailing, telemarketing, print advertising, event sponsorships, radio and television advertising, and advertising on a global computer network.

8. IFS's business targets Hispanic consumers in the United States.

9. People from Puerto Rico and the U.S. Virgin Islands make up a substantial part of the U.S. Hispanic market. These people are likely to associate IFS's business with that of Pueblo, given the broad range of goods and services offered in Pueblo's stores.

10. Pueblo has invested many years and substantial sums of money in creating and developing goodwill for its PUEBLO and PUEBLOXTRA brand among the Puerto Rican and Virgin Islands communities. Potential customers for IFS's services are likely to be confused, deceived or mistaken in thinking that IFS's services are in some way associated, affiliated, sponsored or approved by Pueblo.

11. Pueblo's marks PUEBLO and PUEBLOXTRA are famous marks. IFS's use of the mark applied for would cause dilution of the distinctive quality of Pueblo's marks.

WHEREFORE, Pueblo International, LLC prays that application S.N. 75/899,318 be refused in accordance with the provisions of Section 13(a) of the Lanham Act.

A duplicate copy of this paper and the required fee for opposition are enclosed herewith.

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the papers enclosed herein are being deposited with the United States Postal Service as Express Mail Label No. EL 843248689 US on the date indicated below and in an envelope addressed to: Assistant Commissioner for Trademarks, Box TTAB - Fee, 2900 Crystal Drive, Arlington, VA 22202-3513.

CAROL YOUNG
(Typed name of person mailing paper)

Carol Young
(Signature of person mailing paper)

Date: June 10, 2002

EL843248689US

Date: June 10, 2002

Respectfully submitted,

John M. Cone/PH

JOHN M. CONE, Reg. No. 30,538
AKIN, GUMP, STRAUSS, HAUER
& FELD, L.L.P.
P.O. Box 688
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June 10, 2002

06-10-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #34

Assistant Commissioner for Trademarks
BOX TTAB - FEE
2900 Crystal Drive
Arlington, VA 22202-3513

Sir:

Enclosed is a Notice of Opposition in duplicate, a check in the amount of $300.00 to cover the filing fee, and a return postcard.

Please address all correspondence to JOHN M. CONE of the firm of AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., P.O. Box 688, Dallas, Texas 75313-0688.

The Commissioner of Patents & Trademarks is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 01-0657. A duplicate copy of this letter is enclosed for that purpose.

Respectfully submitted,

Priscilla L. Ferguson

PLF:cy
Enclosures

Opposer:	Pueblo International, LLC
Applicant:	IFS Financial Corporation
Serial No.:	75/899,318
Published:	February 12, 2002 TM 367
Filed:	January 19, 2000
Statutory Fee:	$300.00
Atty Docket:	072591-0002-74638

cc: Fernando Jose Bonilla (w/enclosure)

02 JUN 18 AM 12:27
TRADEMARK TRIAL AND APPEAL BOARD

AN EQUAL OPPORTUNITY EMPLOYER

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RETURN TO SENDER
:FELSMAN BRADLEY VADE GUNTER DILLON
NOT DELIVERABLE AS ADDRESSED
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