

ESTTA Tracking number: **ESTTA693099**

Filing date: **09/01/2015**

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

Proceeding	91210302
Party	Defendant Maria del Pilar, Reyes Malla and Guillermo Risk Rodriguez, dba Ciggaros Don Guillermo C por A
Correspondence Address	MARIA DEL PILAR REYES MALLA DBA CIGARROS DON GUILLERMO C POR A C FRANCISCO PRATS RAMIREZ NO 159, ENSANCHE PIANINI SANTO DOMINGO, DOMINICAN REPUBLIC mariareyes6150@yahoo.com, dguillermocigar@yahoo.com
Submission	Other Motions/Papers
Filer's Name	Maria del Pilar Reyes
Filer's e-mail	mariareyes6150@yahoo.com
Signature	//MariadelPilar Reyes//
Date	09/01/2015
Attachments	RESOLUTION NOTIFICATION.pdf(193284 bytes)

RESOLUTION NOTIFICATION

ACT NO. 348/20156 In the city of Santo Domingo, Dominican Republic on the 6th day of July of the year two thousand and fifteen (2015).-----

ACTING UNDER REQUIREMENT OF THE DISTINCTIVE SIGNS OF THE OFFICE OF INDUSTRIAL PROPERTY which has its domicile at Avenida Los Próceres No. 11, Jardines del Norte of this city of Santo Domingo, National District, Dominican Republic; place where the requesting party have made a formal and expressive choice to be its domicile for all purposes and legal consequence in the present act, duly represented by its intern Director LIC. MICHELLE MARIE GUZMAN SOÑE, Dominican, of age, providing its identification and card No. 001-1772785.-----

I RAFAEL ROSARIO MELO GONZALEZ, Ordinary sheriff of the Penal Chamber of Appeals in Santo Domingo, Identification No. 013-0002957-4 Residing at Calle Guayubín Olivo Sector El Brisal Manzana 13, Calle No. 21 Santo Domingo Este.

EXPRESSLY and in virtue of the previous request I have transferred myself within this city under the limits of my jurisdiction to the following addresses: FISRT: Calle Jacinto Mañón No. 25, Edificio Profesional JM Suite 201, Ens. Paraiso, Santo Domingo, Distrito Nacional, Dominican Republic, where is located the professional offices of LICDA LETICIA DE JESUS CAMINERO CARVAJAL, representing CIGARROS DON GUILLERMO C por A , according to the consigned address of the requesting party and once I arrived there, I spoke personally to .-----Ilegible which identified herself as her assistant, and being a person with the qualifications to be served acts of this nature, as has been declared and as my personal knowledge; SECOND: Calle Viriato Fiallo No. 60, Ens Julieta, Santo Domingo, Distrito Nacional, Dominican Republic which this being the personal domicile of LCDOS. ORLANDO JORGE MERA AND PATRICIA VILLEGAS DE JORGE, representing LA AURORA, S.A., according to the address consigned in the files of my requesting party and once I was there personally speaking with _____ whom declared to be _____ of the requesting, person with the qualification to be served acts of this nature, as declared and according to my personal knowledge. I HAVE NOTIFIED to the required parties, leaving them a copy at the head of the present act resolution No. 00000279, dated may 28th, 2015, issued by the Intern Director of the Department of Distinctive Signs, assisted by two examiners with the purpose to an action to annul for no use interposed on August 5th, 2014 against registry No. 196494 corresponding to marl GUILLERMO LEON (DESIGNATION) in international class 34, which is regulated text is bellow as follows.-

FIRST: DECLARES in a regular and valid form the nullity interposed by CIGARROS DON GUILLERMO C. POR A., dully represented by LICDA LETICIA DE JESUS CAMINERO CARVAJAL. SECOND: admits regarding the background the nullity action interposed August 5th, 2014 by CIGARROS DON GUILLERMO C por A., owners of registry No. 96502 dated May 15th, 1998 that supports the DON GUILLERMO mark (DENOMINATIVE) international class No. 34 dully represented by LICDA LETICIA DE JESUS CAMINERO CARVAJAL against registry No. 196494 dated July 17th, 2012 corresponding to mark GUILLERMO LEON (DENOMINATIVE) International Class No. 34 whose owned by LA AURORA S.A., for being granted the mark of the challenged mark in contravention with law 20-00 regarding Intellectual Property, according to the body of the present resolution. THIRD: DECLARES the nullity of the mark GUILLERMO LEON (DENOMINATIVE), International class No. 34 registry No. 196494 which is owned by LA AURORA, S.A. FOURTH: the present resolution will be available to be published on the Official Informational Bulletin of ONAPI as established by Article 159 of law No. 20-00 at the same time, it will be dully notified to the parties involved in the process. GIVEN in the city of Santo Domingo, Dominican Republic, National District, capital of the Dominican Republic on the 28th day of May, two thousand and fifteen (2015).

In the same way I have notified the requiring parties that they have fifteen (15) days from this present notification to appeal before the General Director according to Article 157 of law 20-00 of the Intellectual property dated may 8th, 2000, in the same way in virtue of vested on decree No. 180-03 that modifies the ruling of application in law No. 20-00 on Intellectual property No. 59-01 dated June 1st, 2001, in its article 22 added to Article 75.2, it shall a 30 days period to interposed an appeal and file for reconsideration of the present resolution.

UNDER THE WIDEST RESERVES OF RIGHTS AND ACTIONS

And also so that my requiring parties do not plead ignorance of the present act, in the way I have notified leaving two true copies of this and the present resolution, in the hands of the person which I spoke personally in the place I went, which contains (3) sheets and the present resolution which has (12) sheets dully signed and stamped by myself, deputy sheriff CERTIFY AND ATTEST.-----

Cost RD\$ 2000.00

SHERIFF

ENDORSED

RESOLUTION No. 0000279

Contesting party	CIGARROS DON GUILLERMO C POR A
Mark	DON GUIILLERMO (DENOMINATIVE) International Class 34)
Registry	No. 96502 dated May 15 th , 1998
Representative	LCDA LETICIA DE JESUS CAMINERO CARVAJAL
Contested party	LA AURORA S.A.
Mark	GUIILLERMO LEON (DENOMINATIVE) International Class 34)
Registry	No. 196494 dated July 17 th 2012
Representative	LCDOS PATRICIA VILLEGAS DE JORGE and ORLANDO JORGE MERA
Action	nullity
DATE	august 5th, 2014

In the city of Santo Domingo, National District, Capital of the Dominican Republic, THE DIRECTOR OF THE DISTINCTIVE SIGNS DEPARTMENT IN THE NATIONAL OFFICE OF INDUSTRIAL PROPERTY (ONAPI) assisted by two (2) examiners, according to the stipulated in articles 92, 146 and 154 of law No. 20-00 dated may 8th, 2000 has enacted in its legal attributions the following resolution:

IN ACTION TO ANNUL filed on august 5th, 2014 by CIGARROS DON GUILLERMO C POR A owner of registry No. 96502 dated May 15th, 1998 which protects the marl DON GUIILLERMO (DENOMINATIVE) international class No. 34 dully represented by LICDA LETICIA DE JESUS CAMINERO CALVAJAL, domiciled at Calle Jacinto Mañón No. 25, Edificio Profesional JM, suite 201, Ensanche Paraíso, Santo Domingo, Distrito Nacional, República Dominicana, on the basis of the established dispositions in Articles No. 74 and 92 of law 20-00 in accordance with Industrial property.

