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

Proceeding	91211436
Party	Plaintiff Armando PÃ©rez, and ACP IP, LLC
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Submission	Motion to Amend Pleading/Amended Pleading
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/624,694: DÁLE! DO IT  
Published in the *Official Gazette* on April 23, 2013

_____	)	
ACP IP, LLC,	)	
	)	
<b>Opposer,</b>	)	
	)	
v.	)	<b>Opposition No. 91211436</b>
	)	
ERIC INSUA,	)	
	)	
<b>Applicant.</b>	)	
_____	)	

**AMENDED NOTICE OF OPPOSITION**

Opposer ACP IP, LLC (“ACP IP”) opposes Eric Insua’s application to register DÁLE! DO IT in International Class 25 (the “Application”) because ACP IP will be damaged by the registration of the Application.

The grounds for opposition are:

**APPLICANT’S BACKGROUND**

1. Applicant seeks to register DÁLE! DO IT in International Class 25 for clothing, namely, t-shirts, sweatshirts, sleepwear; headgear, namely, hats and caps, swimwear and shorts (the “Class 25 Goods”).

2. Applicant filed the Application on May 14, 2012 based on Applicant’s alleged intent to use the applied-for DÁLE! DO IT mark.

**ACP IP’S BACKGROUND**

3. ACP IP, LLC is a Florida limited liability company with a principal address of 235 Altara Avenue, Coral Gables, FL 33146.

4. ACP IP, LLC was formed in 2011 to own and license brands related to Armando Pérez, a musician and performer professionally known as Pitbull.

5. “Dalé,” a Spanish word meaning “let’s go,” is a prominent lyric in Pitbull’s music and has become Pitbull’s primary tagline.

6. Since March 23, 2012, ACP IP has sold DALÉ-branded shirts.

7. On March 15, 2013, ACP IP filed U.S. Application Serial No. 85/877,669 to register DALÉ in International Class 25 for clothing, headwear, and footwear.

8. On May 31, 2013, the USPTO issued an office action against U.S. Application Serial No. 85/877,669, based, in part, on the Application as a prior pending application.

9. ACP IP’s use and registration of DALÉ for clothing, headwear, and footwear will be impaired by registration of the Application.

#### **PRIORITY AND LIKELIHOOD OF CONFUSION**

10. ACP IP has used the mark DALÉ in connection with shirts since at least as early as March 23, 2012.

11. ACP IP has acquired common-law rights in the DALÉ mark throughout the United States based on its use of the DALÉ mark on shirts.

12. Applicant filed the Application on May 14, 2012, after ACP IP began using DALE on shirts on March 23, 2012.

13. Applicant’s applied-for DÁLE! DO IT mark fully incorporates the term “DÁLE,” which is substantially identical in sight, sound, meaning, and commercial impression to ACP IP’s DALÉ mark.

14. Applicant’s applied-for Class 25 Goods are identical to or related to the shirts on which ACP IP has used the DÁLE mark.

15. Applicant's use and registration of DÁLE! DO IT is likely to cause confusion, mistake, and deception regarding the source and origin of Applicant's Class 25 Goods within the meaning of Trademark Act Sections 32 and 43(a), and will injure and damage the goodwill symbolized by ACP IP's DALÉ mark within the meaning of Trademark Act Section 13(a).

16. Accordingly, Applicant's applied-for mark is not registrable under Trademark Act Section 2(d) because it resembles ACP IP's DALÉ mark and is likely to cause confusion, mistake, and deception.

**CONCLUSION**

17. ACP IP requests that this opposition be sustained and registration of Application Serial No. 85/624,694 be refused.

Dated: November 27, 2013

Respectfully submitted,  
**GREENBERG TRAUERIG LLP**



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Joel R. Feldman, Esq.  
Kristen L. Fancher, Esq.

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**CERTIFICATE OF ELECTRONIC TRANSMISSION**

Date: November 27, 2013

I certify that this paper is being transmitted electronically to the Trademark Trial and Appeal Board of the United States Patent & Trademark Office, on the date indicated above, through the ESTTA electronic filing system at the web site <http://estta.uspto.gov/>.



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Joel R. Feldman, Esq.

**CERTIFICATE OF SERVICE**

I certify that on November 27, 2013, I served the foregoing Amended Notice of Opposition by electronic mail (by agreement) to Applicant's attorney of record at the following email addresses:

[oruiz@malloylaw.com](mailto:oruiz@malloylaw.com)  
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