

ESTTA Tracking number: **ESTTA722469**

Filing date: **01/25/2016**

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

Proceeding	91220529
Party	Plaintiff Antonio Puig, S.A.
Correspondence Address	BROOKS R BRUNEAU FISHERBROYLES 100 OVERLOOK CTR FL 2 PRINCETON, NJ 08540-7814 UNITED STATES brooks.bruneau@fisherbroyles.com
Submission	Other Motions/Papers
Filer's Name	Brooks R. Bruneau
Filer's e-mail	docketing@fisherbroyles.com, brooks.bruneau@fisherbroyles.com, denise.mcculloch@fisherbroyles.com
Signature	/brooks r. bruneau/
Date	01/25/2016
Attachments	OPPOSER'S MOTION FOR SUSPENSION HENO DE ESPANA 1 25 2016.pdf(68391 bytes) DECLARATION IN SUPPORT OF OPPOSER'S MOTION FOR SUSPENSION 1 25 2016.pdf(35981 bytes) EXHIBIT 1 to Declaration in Support of Opposer's Motion for Suspension.pdf(61874 bytes) EXHIBIT 2 to Declaration in Support of Opposer's Motion for Suspension.pdf(61541 bytes) EXHIBIT 3 to Declaration in Support of Opposer's Motion for Suspension.pdf(61735 bytes) EXHIBIT 4 to Declaration in Support of Opposer's Motion for Suspension.pdf(62203 bytes) Exhibit 5 to Declaration in Support of Opposer's Motion for Suspension.pdf(41772 bytes)

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

ANTONIO PUIG, S.A.,

Opposer,

v.

J. PINON ENTERPRISES OF
TAMPA, INC.,

Applicant.

Opposition No.: **91220529**

Application No.: 86042404

Mark: HENO DE ESPAÑA

Date of Publication: August 12, 2014

OPPOSER'S MOTION FOR SUSPENSION

Opposer, Antonio Puig, S.A., respectfully requests that the Board suspend the above captioned Opposition proceeding until oppositions against three directly related pending applications filed by the Applicant and related entities may be consolidated into this matter under TBMP §511.

The mark presently being opposed is HENO DE ESPAÑA, application serial No. 86042404. The three filed applications by Applicant and its affiliated entities are as follows:

Trademark	Application No.	Filing Date	Class 3 Goods
HENO FRAGRANCE	86806149	November 2, 2015	Baby lotion; Bath lotion; Body and beauty care cosmetics; Body creams; Body splash
HENO FROM SPAIN	86747691	September 4, 2015	Body and beauty care cosmetics
FRAGANCIA HENO ESPANA	86605470	April 22, 2015	Colognes, perfumes and cosmetics; Eau de perfume Colognes, perfumes and cosmetics; Eau de perfume

These trademark applications are hereinafter referred to as "Additional HENO Applications".

Each of these three pending Additional HENO Applications are in class 3 for identical, nearly identical and/or related goods to the “Cosmetic soaps; Cosmetics and cosmetic preparations” listed in the HENO DE ESPAÑA application being opposed in this proceeding. Accordingly, when these applications publish they will have to be opposed by Opposer given they all utilize the term “HENO” which is the common term between HENO DE ESPAÑA and Opposer’s three HENO DE PRAVIA marks asserted in connection with this Opposition proceeding.¹ As a result, all the matters involve common questions of law and fact, making it more efficient and less burdensome for the Board to hear all matters at once. Moreover, there will be cost savings for all parties involved.

Procedural History

Opposer filed its Opposition No. 91220529 against the HENO DE ESPAÑA Application Serial No. 86042404 on February 4, 2015. An Answer was filed on March 23, 2015 and the parties held their discovery conference and then entered into settlement discussions. As a result, the matter has been suspended and no discovery has taken place to date. Suspension in this matter ended on January 9, 2016 when settlement discussions stalled because Applicant directly, and through related entities, filed the three Additional HENO Applications and did not want any settlement to affect the registration or use of those other “HENO” marks [that were not voluntarily disclosed during negotiations but located by Opposer].

¹ Opposer is the only entity with the term HENO registered in class 3 or any other class.

Additional HENO Applications Owners

J. Pinon Enterprises Of Tampa, Inc. is the owner of the HENO DE ESPAÑA trademark application being opposed in this current proceeding. See Exhibit 1 to the Declaration in Support of Opposer's Motion to Suspend (herein after "Supporting Declaration"). It is also the owner of the HENO FROM SPAIN ² Application Serial No. 86747691. See Exhibit 2 to the Supporting Declaration. So the current Applicant directly owns one of the Additional HENO Applications.

The current Applicant, J. Pinon Enterprises Of Tampa, Inc. is also the correspondent of record for the FRAGANCIA HENO ESPANA application Serial No. 86605470, which lists its owner as JOAQUIN PINON, the person that signed the HENO DE ESPAÑA application as President of J. Pinon Enterprises Of Tampa, Inc. See Exhibit 3 to the Supporting Declaration. So the President of the current Applicant, J. Pinon Enterprises Of Tampa, Inc., owns one of the Additional HENO Applications.

The most recently filed of the Additional HENO Applications is HENO FRAGRANCE Application Serial No. 86806149, filed on November 2, 2015 in the name of J.P. Enterprises of Tampa, Inc. That application was signed by Joaquin Pinion as President, who is also President of J. Pinion Enterprises of Tamp, Inc., and the Applicant for the HENO DE ESPAÑA application being opposed in this current Opposition. See Exhibit 4 to the Supporting Declaration.

As further evidence of common ownership and/or action by a related entity, in all three of the Additional HENO Applications the correspondence email address is joaquinpinon@aol.com , which is exactly the same correspondence email address as for the currently opposed HENO DE ESPAÑA application. See Exhibits 1-4 to the Supporting Declaration.

² "Heno from Spain" is the English translation of "Heno de Espana".

At the end of the day, the currently opposed HENO DE ESPAÑA application and the Additional HENO Applications are owned by, administered by, or were executed by the current Applicant, J. Pinion Enterprises of Tamp, Inc. or its President, Joaquin Pinon. Accordingly, Opposition of the Additional HENO Applications will in fact involve effectively the same parties, in addition to common questions of law and fact. Even if Applicant denies the affiliations listed above, the Board has the authority to consolidate matters with different parties that represent common issues of law and facts, which is the case here with all using the term “Heno” in class 3 when there are no other registered and pending marks using that term in any class.

Legal Argument

Pursuant to 37 C.F.R. §2.117(c), the Board has the authority to suspend proceedings for good cause upon motion of one of the parties. In this case, Opposer seeks suspension of the above captioned Opposition of HENO DE ESPAÑA until such time as the Additional HENO Applications either publish or go abandoned. If published, Opposer is obligated and will oppose those three Additional HENO Applications to protect its HENO DE PRAVIA trademark rights for the same reasons expressed in the Notice of Opposition to this current proceeding. Given the early stage status of the current matter, the Board and the parties benefit from one proceeding addressing all four “HENO” class 3 applications, especially since the Applicant has been the one employing the strategy to keep filing HENO applications that are just variations on its HENO DE ESPAÑA class 3 opposed application.

A request for suspension of proceedings pending the outcome of action at the U.S. Trademark Office is not without precedent. In the case of *Tamarkin Company v. Seaway Food Town, Inc.*, 34 USPQ 2d 1587 (TTAB 1995), the Board suspended that opposition proceeding pending the outcome of an ex parte prosecution of one of the parties’ pending applications. The

need for time to have the Trademark Office complete its actions is very similar in this case because if the Additional HENO Applications publish the opposition issues will be the same before the Board, and involve effectively the same parties.³ That is the foundation for consolidation under TBMP §51, which warrants the suspension of this matter in order for the cases to be litigated and heard simultaneously by the Board. There is no prejudice to the Applicant in this case, because the current proceeding has not extended into any served discovery to date due to settlement discussions that aborted due to the Additional HENO Applications. Also, if the Applicant is going to continue to apply for “HENO” marks it is best to have the Board rule on these all together and act as precedent for possible future variants.

If and when any of those Additional HENO Applications publish Opposer will immediately file Notices of Opposition and move for consolidation under TBMP §511. Then, all four “HENO” matters, can proceed into one efficient consolidated discovery phase, and then onto one trial before the Board.

For the foregoing reasons, it is respectfully requested that the Board grant Opposer’s request for suspension of these current proceedings until the Additional HENO Applications can be consolidated into this action.

³ As further evidence of the common questions of law and fact, the Board should know Opposer filed Letters of Protest against each of the above captioned three Additional HENO Applications, and all three were granted. See Exhibit 5 to the Supporting Declaration. Office Actions have been issued refusing registration of the HENO FROM SPAIN and the FRAGANCIA HENO ESPANA applications under Trademark Act Section 2(d) based upon Opposer’s asserted HENO DE PRAVIA U.S. Registration Nos. 2274389, 0517892, and 0120568, and the same is expected for HENO FRAGRANCE.

Opposer additionally also requests the Board re-set the Schedule for this matter, allowing for a full 5 months of discovery if this motion is denied, and the same request is made if it is granted (after the granted suspension is lifted).

ANTONIO PUIG, S.A.

Date: 1/25/2016

By: /Brooks R. Bruneau/
Brooks R. Bruneau, Esq.
Attorney for Opposer
FISHERBROYLES, LLP
100 Overlook Center
Second Floor
Princeton, NJ 08540
Tel: 609-454-6772

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of Opposer's Motion for Suspension was electronically filed with the Trademark Trial and Appeal Board this 25th day of January, 2016.

/Brooks R. Bruneau/
(Signature)

1/25/2016

(Date of Signature)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Opposer's Motion for Suspension was served upon Applicant's counsel, via First Class Mail, postage prepaid and Email, on this 25th day of January, 2016 addressed as follows:

Francisco J. Ferreiro, Esq.
Malloy & Malloy, P.L.
2800 SW 3RD AVE
MIAMI, FL 33129
FFerreiro@malloylaw.com

ANTONIO PUIG, S.A.

Date: 1/25/2016

By: /Brooks R. Bruneau/
Brooks R. Bruneau, Esq.
Attorney for Opposer
FISHERBROYLES, LLP
100 Overlook Center
Second Floor
Princeton, NJ 08540
Tel: 609-454-6772

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

ANTONIO PUIG, S.A.,

Opposer,

v.

J. PINON ENTERPRISES OF
TAMPA, INC.,

Applicant.

Opposition No.: 91220529

Application No.: 86042404

Mark: HENO DE ESPAÑA

Date of Publication: August 12, 2014

DECLARATION IN SUPPORT OF OPPOSER'S MOTION FOR SUSPENSION

The undersigned hereby declares as follows:

1. Attached at Exhibit 1 is a true copy of the HENO DE ESPAÑA trademark application as filed listing J. Pinon Enterprises Of Tampa, Inc. as the owner.
2. Attached at Exhibit 2 is a true copy of the HENO FROM SPAIN trademark application as filed listing J. Pinon Enterprises Of Tampa, Inc. as the owner.
3. Attached at Exhibit 3 is a true copy of the FRAGANCIA HENO ESPANA application, which lists its owner as JOAQUIN PINON, the person that signed the HENO DE ESPAÑA application as President of J. Pinon Enterprises Of Tampa, Inc.
4. Attached at Exhibit 4 is a true copy of the HENO FRAGRANCE application, which lists its owner as J.P. Enterprises of Tampa, Inc., but the application was signed by JOAQUIN PINON as President, who is owner of the FRAGANCIA HENO ESPANA

application, and also President of J. Pinion Enterprises of Tamp, Inc., the Applicant in this current Opposition proceeding.

5. Attached at Exhibit 5 are true and complete copies of the Letter of Protest Memorandums accepting the protest and issued in connection with U.S. Trademark Application Serial Nos. 86605470 (FRAGANCIA HENO ESPANA), 86747691 (HENO FROM SPAIN), and 86806149 (HENO FRAGRANCE).

I, Brooks R. Bruneau, hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: January 25, 2016
(date)

by: /Brooks R. Bruneau/
Brooks R. Bruneau

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that a copy of Declaration in Support of Opposer's Motion for Suspension, with Exhibits, was electronically filed with the Trademark Trial and Appeal Board this 25th day of January, 2016.

/Brooks R. Bruneau/

(Signature)

1/25/2016

(Date of Signature)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Declaration in Support of Opposer's Motion for Suspension, with Exhibits, was served upon Applicant's counsel, via First Class Mail, postage prepaid, and Email, on this 25th day of January, 2016 addressed as follows:

Francisco J. Ferreiro, Esq.
MALLOY & MALLOY PL
2800 SW 3RD AVE
MIAMI, FL 33129
FFerreiro@malloylaw.com

Date: 1/25/2016

By: /Brooks R. Bruneau/
Brooks R. Bruneau, Esq.
Attorney for Opposer
FISHERBROYLES, LLP
100 Overlook Center
Second Floor
Princeton, NJ 08540
Tel: 609-454-6772

EXHIBIT 1
To Declaration Support of Opposer's Motion for Suspension

Opposition No. 91220529

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86042404

Filing Date: 08/20/2013

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Heno de España
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Heno de España
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	J PINON ENTERPRISES OF TAMPA,INC
INTERNAL ADDRESS	1632 WEST 32 PL.
*STREET	1632 WEST 32 PL.
*CITY	HIALEAH
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	33012
PHONE	786-2368292

FAX	305-6398015
EMAIL ADDRESS	joaquinpinon@aol.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Cosmetic soaps; Cosmetics and cosmetic preparations
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	J PINON ENTERPRISES OF TAMPA,INC
FIRM NAME	J PINON ENTERPRISES OF TAMPA,INC
INTERNAL ADDRESS	1632 WEST 32 PL.
*STREET	1632 WEST 32 PL.
*CITY	HIALEAH
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33012
PHONE	786-2368292
FAX	305-6398015

*EMAIL ADDRESS	joaquinpinon@aol.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/jp/
* SIGNATORY'S NAME	JOAQUIN PINON
* SIGNATORY'S POSITION	PRESIDENT
SIGNATORY'S PHONE NUMBER	7862368292
* DATE SIGNED	08/20/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86042404

Filing Date: 08/20/2013

To the Commissioner for Trademarks:

MARK: Heno de España (Standard Characters, see [mark](#))

The literal element of the mark consists of Heno de España.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, J PINON ENTERPRISES OF TAMPA,INC, a corporation of Florida, having an address of
1632 WEST 32 PL.,
1632 WEST 32 PL.
HIALEAH, Florida 33012
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Cosmetic soaps; Cosmetics and cosmetic preparations

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

J PINON ENTERPRISES OF TAMPA,INC

J PINON ENTERPRISES OF TAMPA,INC

1632 WEST 32 PL.

1632 WEST 32 PL.

HIALEAH, Florida 33012

786-2368292(phone)

305-6398015(fax)

joaquinpinon@aol.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /jp/ Date Signed: 08/20/2013

Signatory's Name: JOAQUIN PINON

Signatory's Position: PRESIDENT

RAM Sale Number: 86042404

RAM Accounting Date: 08/20/2013

Serial Number: 86042404

Internet Transmission Date: Tue Aug 20 09:01:04 EDT 2013

TEAS Stamp: USPTO/FTK-XX.XXX.XX.XX-20130820090104625

156-86042404-500d269378e5f744f53ff2b1110

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-7335-20130820084623019332

Heno de España

EXHIBIT 2
To Declaration Support of Opposer's Motion for Suspension

Opposition No. 91220529

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86747691

Filing Date: 09/04/2015

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Heno from spain
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Heno from spain
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	J PINON ENTERPRISES OF TAMPA ,INC
*STREET	1632 W 32 PL
*CITY	HIALEAH
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33012
PHONE	7862368292
EMAIL ADDRESS	joaquinpinon@aol.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Body and beauty care cosmetics
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	J PINON ENTERPRISES OF TAMPA ,INC
FIRM NAME	J PINON ENTERPRISES OF TAMPA ,INC
*STREET	1632 W 32 PL
*CITY	HIALEAH
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33012
PHONE	7862368292
*EMAIL ADDRESS	joaquinpinon@aol.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS Plus

NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/JP/
* SIGNATORY'S NAME	JOAQUIN PINON
* SIGNATORY'S POSITION	PRESIDENT
SIGNATORY'S PHONE NUMBER	7862368292
* DATE SIGNED	09/04/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86747691

Filing Date: 09/04/2015

To the Commissioner for Trademarks:

MARK: Heno from spain (Standard Characters, see [mark](#))

The literal element of the mark consists of Heno from spain.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, J PINON ENTERPRISES OF TAMPA ,INC, a corporation of Florida, having an address of
1632 W 32 PL
HIALEAH, Florida 33012
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Body and beauty care cosmetics

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

J PINON ENTERPRISES OF TAMPA ,INC

J PINON ENTERPRISES OF TAMPA ,INC

1632 W 32 PL

HIALEAH, Florida 33012

7862368292(phone)

joaquinpinon@aol.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /JP/ Date Signed: 09/04/2015
Signatory's Name: JOAQUIN PINON
Signatory's Position: PRESIDENT

RAM Sale Number: 86747691
RAM Accounting Date: 09/04/2015

Serial Number: 86747691
Internet Transmission Date: Fri Sep 04 10:13:19 EDT 2015
TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XX-2015090410131937
6954-86747691-540156e4d3e2f1fbefa6ee7c72
ade65a8086bbafd236ecc48df37aa494990d928-
CC-10762-20150904094948589046

Heno from spain

EXHIBIT 3
To Declaration Support of Opposer's Motion for Suspension

Opposition No. 91220529

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86605470

Filing Date: 04/22/2015

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Fragancia Heno Espana
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Fragancia Heno Espana
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	JOAQUIN PINON
*STREET	1632 W 32nd Pl
*CITY	Hialeah
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33012
PHONE	786-2368292
EMAIL ADDRESS	joaquinpinon@aol.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Colognes, perfumes and cosmetics; Eau de perfume
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	J.Pinon Enterprises of Tampa,Inc
FIRM NAME	J.Pinon Enterprises of Tampa,Inc
*STREET	1632 W 32nd Pl
*CITY	Hialeah
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33012
PHONE	786-2368292
*EMAIL ADDRESS	joaquinpinon@aol.com; joaquinpinon@aol.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	

APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/jp/
* SIGNATORY'S NAME	JOAQUIN PINON
* SIGNATORY'S POSITION	PRESIDENT
SIGNATORY'S PHONE NUMBER	786-2368292
* DATE SIGNED	04/22/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86605470

Filing Date: 04/22/2015

To the Commissioner for Trademarks:

MARK: Fragancia Heno Espana (Standard Characters, see [mark](#))

The literal element of the mark consists of Fragancia Heno Espana.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, JOAQUIN PINON, a corporation of Florida, having an address of
1632 W 32nd Pl
Hialeah, Florida 33012
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Colognes, perfumes and cosmetics; Eau de perfume

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

J.Pinon Enterprises of Tampa,Inc

J.Pinon Enterprises of Tampa,Inc

1632 W 32nd Pl

Hialeah, Florida 33012

786-2368292(phone)

joaquinpinon@aol.com;joaquinpinon@aol.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1 class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. Section 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce on or in connection with the goods/services in the application, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /jp/ Date Signed: 04/22/2015

Signatory's Name: JOAQUIN PINON

Signatory's Position: PRESIDENT

RAM Sale Number: 86605470

RAM Accounting Date: 04/22/2015

Serial Number: 86605470

Internet Transmission Date: Wed Apr 22 08:40:28 EDT 2015

TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XX-2015042208402827

2248-86605470-5302dab3c3c8e8867c2ede7e95

dd6d231dd333f544765f5a7147532da558b13be-

CC-7686-20150422083247884320

Fragancia Heno Espana

EXHIBIT 4
To Declaration Support of Opposer's Motion for Suspension

Opposition No. 91220529

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86806149

Filing Date: 11/02/2015

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	Heno Fragrance
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	Heno Fragrance
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	J.P Enterprises of Tampa,Inc
*STREET	9311 N.w 121 Terr
*CITY	Hialeah Gardens
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants)	33018
PHONE	7862368293
EMAIL ADDRESS	joaquinpinon@aol.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Florida
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Baby lotion; Bath lotion; Body and beauty care cosmetics; Body creams; Body splash
*FILING BASIS	SECTION 1(b)
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	J.P Enterprises of Tampa,Inc
FIRM NAME	J.P Enterprises of Tampa,Inc
*STREET	9311 N.W 121 Terr
*CITY	Hialeah Gardens
*STATE (Required for U.S. applicants)	Florida
*COUNTRY	United States
*ZIP/POSTAL CODE	33018
PHONE	7862368293
*EMAIL ADDRESS	joaquinpinon@aol.com; joaquinpinon@aol.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	

APPLICATION FILING OPTION	TEAS Plus
NUMBER OF CLASSES	1
FEE PER CLASS	225
*TOTAL FEE PAID	225
SIGNATURE INFORMATION	
* SIGNATURE	/jp/
* SIGNATORY'S NAME	JOAQUIN PINON
* SIGNATORY'S POSITION	PRESIDENT
SIGNATORY'S PHONE NUMBER	7862368292
* DATE SIGNED	11/02/2015

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86806149

Filing Date: 11/02/2015

To the Commissioner for Trademarks:

MARK: Heno Fragrance (Standard Characters, see [mark](#))

The literal element of the mark consists of Heno Fragrance.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, J.P Enterprises of Tampa,Inc, a corporation of Florida, having an address of
9311 N.w 121 Terr
Hialeah Gardens, Florida 33018
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Baby lotion; Bath lotion; Body and beauty care cosmetics; Body creams; Body splash

Intent to Use: The applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services. (15 U.S.C. Section 1051(b)).

The applicant's current Correspondence Information:

J.P Enterprises of Tampa,Inc

J.P Enterprises of Tampa,Inc

9311 N.W 121 Terr

Hialeah Gardens, Florida 33018

7862368293(phone)

joaquinpinon@aol.com;joaquinpinon@aol.com (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant or applicant's attorney at the e-mail address provided above. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in an additional processing fee of \$50 per international class of goods/services.

A fee payment in the amount of \$225 has been submitted with the application, representing payment for 1

class(es).

Declaration

The signatory believes that: if the applicant is filing the application under 15 U.S.C. § 1051(a), the applicant is the owner of the trademark/service mark sought to be registered; the applicant is using the mark in commerce on or in connection with the goods/services in the application; the specimen(s) shows the mark as used on or in connection with the goods/services in the application; and/or if the applicant filed an application under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e), the applicant has a bona fide intention, and is entitled, to use the mark in commerce on or in connection with the goods/services in the application. The signatory believes that to the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive. The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Signature: /jp/ Date Signed: 11/02/2015
Signatory's Name: JOAQUIN PINON
Signatory's Position: PRESIDENT

RAM Sale Number: 86806149
RAM Accounting Date: 11/02/2015

Serial Number: 86806149
Internet Transmission Date: Mon Nov 02 09:13:26 EST 2015
TEAS Stamp: USPTO/FTK-XXX.XX.XXX.XX-2015110209132641
4605-86806149-540a34b2d7b094442912adf1de
8ae4bb287184df54e6fb712d98d3ffc095ddce-
CC-9064-20151102084436886261

Heno Fragrance

EXHIBIT 5
To Declaration Support of Opposer's Motion for Suspension

Opposition No. 91220529

LETTER OF PROTEST MEMORANDUM

DATE: December 03, 2015

TO: Nicole Nguyen
Examining Attorney

FROM: Dawnmarie D. Sanok
Attorney Advisor
Office of the Deputy Commissioner
for Trademark Examination Policy

SUBJECT: Letter of protest concerning U.S. Application Serial No. 86/605470
For the mark FRAGANCIA HENO ESPANA

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in ex parte examination. TMEP §1715.02. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest:

Possible likelihood of confusion under Section 2(d) with the following registrations:

U.S. Registration Nos. 0120568, 0517892, and 2274389 for the mark HENO DE PRAVIA.

Please see copies of the registrations in the XSearch database.

NOTE: *The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.*

LETTER OF PROTEST MEMORANDUM

DATE: December 03, 2015

TO: Examining Attorney

FROM: Dawnmarie D. Sanok
Attorney Advisor
Office of the Deputy Commissioner
for Trademark Examination Policy

SUBJECT: Letter of protest concerning U.S. Application Serial No. 86/747691
For the mark HENO FROM SPAIN

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in ex parte examination. TMEP §1715.02. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest:

Possible likelihood of confusion under Section 2(d) with the following registrations:

U.S. Registration Nos. 0120568, 0517892, and 2274389 for the mark HENO DE PRAVIA.

Please see copies of the registrations in the XSearch database.

NOTE: *The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the ex parte examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.*

LETTER OF PROTEST MEMORANDUM

DATE: January 12, 2016

TO: Examining Attorney

FROM: Giselle Agosto
Attorney Advisor (On Detail)
Office of the Deputy Commissioner
for Trademark Examination Policy

SUBJECT: Letter of protest concerning U.S. Application Serial No. 86/806149
for the mark HENO FRAGRANCE

A letter of protest filed before publication has been accepted because the evidence submitted by the protester is relevant and may support a reasonable ground for refusal appropriate in *ex parte* examination. Therefore, you must consider the following and make an independent determination whether to issue a requirement or refusal based on the objections raised in the letter of protest. TMEP §1715.02.

Possible likelihood of confusion with the following marks:

U.S. Registration No.	Mark
2274389	HENO DE PRAVIA
0517892	HENO DE PRAVIA (stylized)
0120568	HENO DE PRAVIA (stylized)

Please see copies of the registrations in the X-search database.

NOTE: The acceptance of a letter of protest filed before publication is not a legal determination by the USPTO of registrability, nor is it meant to compromise the integrity of the *ex parte* examination process. It merely serves to bring the submitted evidence to the attention of the examining attorney, who determines whether a refusal or requirement should be raised or ultimately made final.