

ESTTA Tracking number: **ESTTA821121**

Filing date: **05/16/2017**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	NOVECENTO INTELLECTUAL PROPERTY, LLC		
Entity	LIMITED LIABILITY COM-PANY	Citizenship	Florida
Address	1333 SOUTH MIAMI AVE SUITE #306 MIAMI, FL 33130 UNITED STATES		

Attorney information	Jesus Sanchelima Sanchelima & Associates P.A. 235 SW Le Jeune Rd Miami, FL 33134 UNITED STATES jesus@sanchelima.com, legal@sanchelima.com Phone:3054471617
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Applicant Information

Application No	87306702	Publication date	04/18/2017
Opposition Filing Date	05/16/2017	Opposition Period Ends	05/18/2017
Applicant	Plan Do See America, Inc. 25 Broadway, Suite 1010 New York, NY 10004 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Hotel and restaurant services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4177395	Application Date	04/17/2007
Registration Date	07/24/2012	Foreign Priority Date	NONE
Word Mark	NOVECENTO		
Design Mark	NOVECENTO		

Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 1991/10/00 First Use In Commerce: 1991/10/00 Restaurant Services

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Signature	/js/
Name	Jesus Sanchelima
Date	05/16/2017

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

In Re:
Serial No. 87/306,702
Filing date: January 19, 2017
Mark: 900 and design
For: *hotel and restaurant services* in international class 043.

Novecento Intellectual Property, LLC
Opposer,

v.

Opposition No.

Plan Do See America, Inc.
Applicant,

_____)

NOTICE OF OPPOSITION

Opposer, Novecento Intellectual Property, LLC, a limited liability company of Florida, with its principal place of business at 1333 South Miami Ave, Suite 306, Miami, Florida 33130, believes that it is, and will be damaged by the above-identified application of the mark “900 and design” for the services identified above and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

I. FACTS

1. Opposer has used, and continues to use, in commerce regulated by Congress the mark NOVECENTO for restaurant services since at least as early as October 1991.

2. Opposer filed an application to register its mark NOVECENTO for restaurant services in International class 043, which matured as registration No. 4,177,395 on July 24, 2012.
3. The English translation of the mark NOVECENTO is 900.
4. On January 19, 2017, Plan Do See America, Inc. (hereinafter “Applicant”) filed an application to register the mark “900 and design” for hotel and restaurant services.

II. PRIORITY

5. Opposer has used in commerce the mark NOVECENTO for restaurant services from four restaurant locations from a date prior to the filing of Applicant’s application.
6. Opposer has generated sales receipts from its restaurant services that exceed \$50,000,000 in the past five years with more than \$500,000.00 advertising its service mark NOVECENTO.
7. Applicant’s mark “900 and design” when used for hotel and restaurant services, is likely to cause confusion or mistake in the market as to the source and/or sponsorship of Applicant’s services with Opposer’s mark NOVECENTO for the same restaurant services.

III. DAMAGES

8. Opposer is damaged by Applicant’s application since Opposer cannot control the nature and quality of the services rendered, or to be rendered, by Applicant and identified by the mark “900 and design”.

WHEREFORE, Opposer prays that Applicant’s registration application identified with serial No. 87/306,702 be denied and the present opposition sustained.

Dated: May 16, 2017

Respectfully submitted,

/Jesus Sanchelima/

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed electronically on this 16th day of May 2017 to:

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By: /s/ Jesus Sanchelima
Jesus Sanchelima