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

Proceeding	91239139
Party	Defendant 3 Square, Inc.
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Date	10/01/2020
Attachments	San Pasqual v. 3 Square - 91239139 - STATEMENTS IN RESPONSE TO CON- CU RRENT USE APPLICATION- 10-01-2020.pdf(123412 bytes )

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SAN PASQUAL CASINO DEVELOPMENT :  
GROUP, INC. :  
  
Plaintiff :  
  
v. : Opposition No. 91239139 (Parent)  
  
3 SQUARE, INC., : Concurrent Use No. 94002916  
  
Defendant :

**STATEMENTS IN RESPONSE TO CONCURRENT USE APPLICATION**

Defendant 3 Square, Inc. (“3 Square”) hereby submits the following statements in response to the concurrent use application filed by Plaintiff San Pasqual Casino Development Group, Inc. (“San Pasqual”).

1. San Pasqual is not entitled to a concurrent use application because on information and belief it was aware of 3 Square’s prior use of the mark BLD before filing its applications.

2. San Pasqual is not entitled to any area of concurrent use beyond the ten (10) mile radius of the single location where it claims to have used the marks BLD and BLDs, in the restaurant located inside the San Pasqual Casino at 16300 Nyemii Pass Rd., Valley View, California 92082.

3. As the prior user of the marks BLD and BLD & Design and as the first to file and as the first to build a national reputation, 3 Square is entitled to use its mark throughout the United States.

4. If the Board finds that San Pasqual has met its burden of showing entitlement to a concurrent use registration, the only exception to 3 Square’s right to use the mark in the United

