

ESTTA Tracking number: **ESTTA877068**

Filing date: **02/13/2018**

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	La Michoacana Meat Market TM Holdings, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	8845 Long Point Houston, TX 77055 UNITED STATES		

Attorney information	JL Jennie Salazar JL Salazar Law Firm P.O. Box 131004 Houston, TX 77219 UNITED STATES Email: paralegal@jlsalazar.com Phone: 7135281200		
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### Applicant Information

Application No	87590239	Publication date	01/16/2018
Opposition Filing Date	02/13/2018	Opposition Period Ends	02/15/2018
Applicant	BONITO MICHOACAN CORP. 8910 Pecan Place Houston, TX 77071 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Supermarkets

### Grounds for Opposition


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

U.S. Registration No.	3669454	Application Date	08/12/2006
Registration Date	08/18/2009	Foreign Priority Date	NONE
Word Mark	LA MICHOACANA MEAT MARKET		

Design Mark	LA MICHOACANA MEAT MARKET		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1986/01/01 First Use In Commerce: 1986/01/01 Retail meat market stores		

U.S. Registration No.	4662100	Application Date	11/22/2013
Registration Date	12/30/2014	Foreign Priority Date	NONE
Word Mark	LA MICHOACANA MEAT MARKET		
Design Mark	LA MICHOACANA MEAT MARKET		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1986/01/01 First Use In Commerce: 1986/01/01 Retail grocery stores; Retail markets featuring meats; Supermarkets		

U.S. Registration No.	4662101	Application Date	11/22/2013
Registration Date	12/30/2014	Foreign Priority Date	NONE
Word Mark	LA MICHOACANA MEAT MARKET SINCE 1986		
Design Mark			
Description of	The mark consists of the words "LA MICHOACANA MEAT MARKET SINCE		

Mark	1986". The background of the mark is a white semi-circle with a decorative border. Both the semi-circle and border are outlined in black. The semi-circle and the decorative border include a double-edged design element on the left and right-side of the semi-circle and border. The words "LA MICHOACANA" are in all capital stylized blockletters in black with a white border and then a black border and are also in a semi-circle shape near the top of the semi-circle. The words "MEAT MARKET" are in all capital stylized block letters in black near the bottom of the semi-circle in a straight line. The words "SINCE 1986" appear below the words "MEAT MARKET" and are in all capital letters in black in a stylized font.
Goods/Services	Class 035. First use: First Use: 2011/12/28 First Use In Commerce: 2011/12/28 Retail grocery stores; Retail markets featuring meat; Supermarkets

U.S. Registration No.	4662104	Application Date	11/22/2013
Registration Date	12/30/2014	Foreign Priority Date	NONE

Word Mark	LA MICHOACANA MEAT MARKET SINCE 1986
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Description of Mark	The mark consists of the words" LA MICHOACANA MEAT MARKET SINCE 1986". The background of the mark is an orange semi-circle with a decorative beige border. Both the semi-circle and border are outlined in black. The orange semi-circle and the decorative beige border include a double-edged design element on the left and right-side of the semi-circle and border. The words "LA MICHOACANA" are in all capital stylized block letters in red with a white border and then a black border and are also in a semi-circle shape near the top of the orange semi-circle. The words "MEAT MARKET" are in all capital stylized block letters in black near the bottom of the orange semi-circle in a straight line. The words "SINCE 1986" appear below the words "MEAT MARKET" and are in all capital letters in black in a stylized font.
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Goods/Services	Class 035. First use: First Use: 2011/12/28 First Use In Commerce: 2011/12/28 Retail grocery stores; Retail markets featuring meat; Supermarkets
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Attachments	78950855#TMSN.png( bytes ) 86126726#TMSN.png( bytes ) 86126977#TMSN.png( bytes ) 86127101#TMSN.png( bytes ) LMMM - BONITO - 239 Design Opp.pdf(62551 bytes ) EXHIBIT A1 - A4 COMBINED.pdf(3304819 bytes )
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Signature	/JL Jennie Salazar/
Name	JL Jennie Salazar
Date	02/13/2018

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

In the matter of Trademark Application Serial No.

87/590239

For the mark:

BONITO MICHOACÁN MEAT MARKET

(and design)

Published in the Official Gazette on Jan 16, 2018

LA MICHOACANA MEAT MARKET TM  
HOLDINGS, LLC.

Opposer,

-v.-

BONITO MICHOACAN CORP.

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

La Michoacana Meat Market TM Holdings, LLC (“Opposer”), a Delaware Limited Liability Company with its principal place of business at 8845 Long Point, Houston, Texas 77055, believes that it will be damaged by registration of the mark BONITO MICHOACÁN MEAT MARKET shown in Application Serial No. 87590239 (“Applicant’s Mark”), and hereby opposes the same.



The grounds for opposition are as follows:

1. On August 30, 2017, BONITO MICHOACAN CORP. (“Applicant”) filed Trademark Application Serial No. 87590239 of the mark BONITO MICHOACÁN MEAT MARKET (and design) in class 035 for “Supermarkets” (the “ ‘239 Application”).

2. According to the USPTO TESS Database, the ‘239 Application was filed under § 1(b) as an ‘intent to use’ application.

3. The ‘239 Application was published for opposition in the Official Gazette on January 16, 2018. This opposition is timely filed in advance of the February 15, 2018 deadline for filing the opposition.

4. Opposer owns a family of federal, state, and common law marks including the words “LA MICHOACANA”. Opposer also owns federal and common law marks including the words LA MICHOACANA MEAT MARKET (the “LA MICHOACANA MEAT MARKET Family of Marks”). Below is a list of four of Opposer’s federally registered trademarks:

	<u>MARK NAME</u>	<u>REG/APP NO.</u>	<u>GOODS/SERVICES</u>
1	LA MICHOACANA MEAT MARKET	REG NO. - 3669454	Retail meat market stores
2	LA MICHOACANA MEAT MARKET	REG NO. - 4662100	Retail grocery stores; Retail markets featuring meats; Supermarkets.
3		REG NO. - 4662101	Retail grocery stores; Retail markets featuring meat; Supermarkets.
4		REG NO. - 4662104	Retail grocery stores; Retail markets featuring meat; Supermarkets.

A true and correct copy of the Registration Certificates are attached as Exhibits A1-A4.

5. All of the registered marks in paragraph 4 are on the Principal Register. *See*, Exhibits A1-A4. Registration No. 3669454 for LA MICHOACANA MEAT MARKET is now incontestable (“Opposer’s Incontestible Mark”). *See*, Exhibit A1.

6. Opposer commenced use of Opposer’s Incontestible Mark in connection with its identified goods and services at least as early as January 1, 1986 and has continuously used such mark since that time. Opposer has also commenced use of the LA MICHOACANA MEAT MARKET Family of Marks in paragraph 4 above for years and has continued such use.

7. Opposer has established goodwill and exclusive rights in and to the LA MICHOACANA MEAT MARKET Family of Marks since prior to the filing date of the ‘239 Application.

8. Applicant’s Mark and Opposer’s LA MICHOACANA MEAT MARKET Family of Marks both include the same dominant term “MICHOACAN” or “MICHOACANA” in combination with “MEAT MARKET”, and both are used in connection with grocery stores, supermarkets, and/or meat markets and associated trade channels. Based on these similarities, Applicant’s Mark would likely create confusion, mistake, or deception in the minds of prospective purchasers as to the origin or source of the Opposer’s goods and services associated with its LA MICHOACANA MEAT MARKET Family of Marks and/or Opposer’s other LA MICHOACANA mark(s).

9. Based on the forgoing, Opposer reasonably believes it will be damaged by the registration of the ‘239 Application because such registration would give color of exclusive statutory rights to Applicant in violation and derogation of the prior superior rights of Opposer.

10. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2(d) of the Lanham Act, and Opposer believes that it would be damaged thereby.

WHEREFORE, Opposer prays that said Application Serial No. 87590239 be refused, that registration of the mark therein shown be denied, and that the Opposition be sustained in favor of Opposer.

Enclosed herewith is authorization to charge the filing fee for the fees due for this Opposition. Please apply any charges not covered or any credits, to Deposit Account 50-5170 (Reference Number LMMM-Bonito).

Dated: February 13, 2018

/JL Jennie Salazar/  
Registration No.: 45,065  
The JL Salazar Law Firm, pllc  
PO BOX 131004  
Houston, Texas 77219  
Phone: 713-528-1200  
Fax: 713-528-1202  
Email: [jls@jlsalazar.com](mailto:jls@jlsalazar.com)

Attorney for Opposer  
Member, State Bar of Texas

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing NOTICE OF OPPOSITION was served by e-mail on February 13, 2018 on counsel for Applicant at the following address of record:

HEATHER A. SAPP  
LEGALFORCE RAPC WORLDWIDE, P.C.  
446 E SOUTHERN AVE  
TEMPE, ARIZONA UNITED STATES 85282  
trademarks@legalforce.com

Dated: February 13, 2018

/JL Jennie Salazar/  
Registration No.: 45,065  
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Email: [jls@jlsalazar.com](mailto:jls@jlsalazar.com)

Attorney for Opposer  
Member, State Bar of Texas

# EXHIBIT A1

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,669,454**

**Registered Aug. 18, 2009**

## **SERVICE MARK PRINCIPAL REGISTER**

LA MICHOACANA MEAT MARKET

LA MICHOACANA MEAT MARKET, INC.  
(TEXAS CORPORATION)  
888 W. SAM HOUSTON PARKWAY S., SUITE 150  
HOUSTON, TX 770421933

FOR: RETAIL MEAT MARKET STORES, IN  
CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "MEAT MARKET", APART FROM  
THE MARK AS SHOWN.

THE FOREIGN WORDING IN THE MARK  
TRANSLATES INTO ENGLISH AS "THE WOMAN  
FROM MICHOACAN".

SER. NO. 78-950,855, FILED 8-12-2006.

SANI KHOURI, EXAMINING ATTORNEY

EXHIBIT A2

**United States of America**  
United States Patent and Trademark Office

LA MICHOACANA MEAT MARKET

**Reg. No. 4,662,100**

**Registered Dec. 30, 2014**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

LA MICHOACANA MEAT MARKET TM HOLDINGS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
8845 LONG POINT  
HOUSTON, TX 77055

FOR: RETAIL GROCERY STORES; RETAIL MARKETS FEATURING MEATS; SUPERMARKETS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 1-1-1986; IN COMMERCE 1-1-1986.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,669,454.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEAT MARKET", APART FROM THE MARK AS SHOWN.

THE ENGLISH TRANSLATION OF "LA MICHOACANA" IN THE MARK IS "THE GIRL FROM MICHOACÁN".

SER. NO. 86-126,726, FILED 11-22-2013.

ELLEN B. AWRICH, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

EXHIBIT A3

United States of America  
United States Patent and Trademark Office



Reg. No. 4,662,101

Registered Dec. 30, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

LA MICHOCANA MEAT MARKET TM HOLDINGS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
8845 LONG POINT  
HOUSTON, TX 77055

FOR: RETAIL GROCERY STORES; RETAIL MARKETS FEATURING MEAT; SUPERMARKETS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-28-2011; IN COMMERCE 12-28-2011.

OWNER OF U.S. REG. NO. 3,669,454.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEAT MARKET SINCE 1986", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "LA MICHOCANA MEAT MARKET SINCE 1986". THE BACKGROUND OF THE MARK IS A WHITE SEMI-CIRCLE WITH A DECORATIVE BORDER. BOTH THE SEMI-CIRCLE AND BORDER ARE OUTLINED IN BLACK. THE SEMI-CIRCLE AND THE DECORATIVE BORDER INCLUDE A DOUBLE-EDGED DESIGN ELEMENT ON THE LEFT AND RIGHT-SIDE OF THE SEMI-CIRCLE AND BORDER. THE WORDS "LA MICHOCANA" ARE IN ALL CAPITAL STYLIZED BLOCK LETTERS IN BLACK WITH A WHITE BORDER AND THEN A BLACK BORDER AND ARE ALSO IN A SEMI-CIRCLE SHAPE NEAR THE TOP OF THE SEMI-CIRCLE. THE WORDS "MEAT MARKET" ARE IN ALL CAPITAL STYLIZED BLOCK LETTERS IN BLACK NEAR THE BOTTOM OF THE SEMI-CIRCLE IN A STRAIGHT LINE. THE WORDS "SINCE 1986" APPEAR BELOW THE WORDS "MEAT MARKET" AND ARE IN ALL CAPITAL LETTERS IN BLACK IN A STYLIZED FONT.

THE ENGLISH TRANSLATION OF "LA MICHOCANA" IN THE MARK IS "THE GIRL FROM MICHOCÁN".

SER. NO. 86-126,977, FILED 11-22-2013.



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

ELLEN B. AWRICH, EXAMINING ATTORNEY

EXHIBIT A4

United States of America  
United States Patent and Trademark Office



Reg. No. 4,662,104

Registered Dec. 30, 2014

Int. Cl.: 35

SERVICE MARK

PRINCIPAL REGISTER

LA MICHOCANA MEAT MARKET TM HOLDINGS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
8845 LONG POINT  
HOUSTON, TX 77055

FOR: RETAIL GROCERY STORES; RETAIL MARKETS FEATURING MEAT; SUPERMARKETS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-28-2011; IN COMMERCE 12-28-2011.

OWNER OF U.S. REG. NO. 3,669,454.

THE COLOR(S) ORANGE, BEIGE, BLACK, RED AND WHITE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MEAT MARKET SINCE 1986", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS "LA MICHOCANA MEAT MARKET SINCE 1986". THE BACKGROUND OF THE MARK IS AN ORANGE SEMI-CIRCLE WITH A DECORATIVE BEIGE BORDER. BOTH THE SEMI-CIRCLE AND BORDER ARE OUTLINED IN BLACK. THE ORANGE SEMI-CIRCLE AND THE DECORATIVE BEIGE BORDER INCLUDE A DOUBLE-EDGED DESIGN ELEMENT ON THE LEFT AND RIGHT-SIDE OF THE SEMI-CIRCLE AND BORDER. THE WORDS "LA MICHOCANA" ARE IN ALL CAPITAL STYLIZED BLOCK LETTERS IN RED WITH A WHITE BORDER AND THEN A BLACK BORDER AND ARE ALSO IN A SEMI-CIRCLE SHAPE NEAR THE TOP OF THE ORANGE SEMI-CIRCLE. THE WORDS "MEAT MARKET" ARE IN ALL CAPITAL STYLIZED BLOCK LETTERS IN BLACK NEAR THE BOTTOM OF THE ORANGE SEMI-CIRCLE IN A STRAIGHT LINE. THE WORDS "SINCE 1986" APPEAR BELOW THE WORDS "MEAT MARKET" AND ARE IN ALL CAPITAL LETTERS IN BLACK IN A STYLIZED FONT.

THE ENGLISH TRANSLATION OF "LA MICHOCANA" IN THE MARK IS "THE GIRL FROM MICHOCÁN".



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Deputy Director of the United States  
Patent and Trademark Office

SER. NO. 86-127,101, FILED 11-22-2013.

ELLEN B. AWRICH, EXAMINING ATTORNEY