

ESTTA Tracking number: **ESTTA884133**

Filing date: **03/19/2018**

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	fernando pina
Granted to Date of previous extension	03/21/2018
Address	P.O Box 112 Sunol, CA 94586 UNITED STATES

Correspondence information	fernando pina P.O Box 112 Sunol, CA 94586 UNITED STATES Email: expoaltrade@hotmail.com
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### Applicant Information

Application No	87305677	Publication date	11/21/2017
Opposition Filing Date	03/19/2018	Opposition Period Ends	03/21/2018
Applicant	TKO Libations, LLC 14022 Gray Wing St, San Antonio, TX78231 2520 King Arthur Boulevard Suite 109 Lewisville, TX 75056 UNITED STATES		

### Goods/Services Affected by Opposition


Class 032. First Use: 0 First Use In Commerce: 0 Opposed goods and services in the class: Beer
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Deceptiveness	Trademark Act Section 2(a)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4017578	Application Date	10/28/2009
Registration Date	08/30/2011	Foreign Priority Date	NONE
Word Mark	DON FERNANDO T.K.O.		

Design Mark	
Description of Mark	<p>The mark consists of the three dimensional configuration of a distinctive bottle container for Tequila, in the shape of a boxing glove, the superior label is black with the wording "TKO" in white with a golden edge, the frontal label is black with gold, the design of the lion is red with white edges, the lion's boxing gloves are black, the wording "DON FERNANDO" is in gold, the wording "T.K.O" is in white with gold edges</p>
Goods/Services	<p>Class 033. First use: First Use: 2007/01/18 First Use In Commerce: 2007/01/18 Tequila</p>

Attachments	<p>77859722#TMSN.png( bytes ) DF-TKO-USPTO.pdf(188543 bytes )</p>
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Signature	//FPF//
Name	fernando pina
Date	03/19/2018

It Is very likely for a potential consumer would be confused, mistaken, or deceived as to the source of the goods likelihood of confusion similarity of the marks, similarity and nature of the goods, and similarity of the trade channels of the goods

Similarities in appearance, sound, connotation and commercial impression.

TKO libations LLC.is misleading affirming and stating that Don Fernando TKO is not in the U.S. market it is a false argument we are currently in the market in many countries. United States, Japan, Spain and Mexico.

We strongly believe this will create confusion and miss lead customers in the Unites States Market.

The mark Don Fernando TKO our effort and work will be damaged by the registration of the mark TKO libations LLC.