

ESTTA Tracking number: **ESTTA1260328**

Filing date: **01/17/2023**

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

|                        |  |
|------------------------|--|
| Proceeding no.         | 91247473   |
| Party                  | Defendant<br>Industria De Alimentos Zenu S.A.S   |
| Correspondence address | ETHAN HORWITZ<br>CARLTON FIELDS, PA<br>PO BOX 3239<br>TAMPA, FL 33601-3239<br>UNITED STATES<br>Primary email: trademarks@carltonfields.com<br>Secondary email(s): ehorwitz@carltonfields.com, zmohamed@carltonfields.com<br>813-223-7000 |
| Submission             | Other Motions/Submissions  |
| Filer's name           | Zayn Mohamed   |
| Filer's email          | trademarks@carltonfields.com, ehorwitz@carltonfields.com, zmohamed@carltonfields.com   |
| Signature              | /Zayn Mohamed/   |
| Date                   | 01/17/2023   |
| Attachments            | Response to Board Order of January 13 2023.pdf(124108 bytes )  |

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

-----X  
LATINFOOD U.S. CORP. d/b/a ZENU PRODUCTS, :  
INC. :  
 :  
Opposer, : Opposition No. 91247473  
 :  
v. :  
 :  
INDUSTRIA DE ALIMENTOS ZENU S.A.S., :  
 :  
Applicant. :  
-----X

**RESPONSE TO BOARD**  
**ORDER OF January 13, 2023**

Industria de Alimentos Zenu S.A.S. (“Applicant”) hereby responds to the Board’s order dated January 13, 2023 requesting that the Board be informed of the status of the civil action which occasioned the suspension of the subject opposition proceeding.

**Status of Civil Action**

Applicant hereby advises the Board that the proceeding between the Applicant and Latinfood U.S. Corp. d/b/a Zenu Products, Inc. (“Opposer”) and Wilson Zuluaga in United States District Court, District of New Jersey (16-CV-6576) is currently pending.

Applicant respectfully requests that the subject opposition proceeding remain suspended in view of the ongoing civil proceeding.

Dated: January 17, 2023

CARLTON FIELDS, P.A.  
Attorneys for Applicant  
Industria de Alimentos Zenu S.A.S.

By: /s/ Ethan Horwitz

Ethan Horwitz  
Ahmed-Zayn Mohamed

405 Lexington Avenue, 36th Floor  
New York, New York 10174  
(212) 380-9617  
ehorwitz@carltonfields.com

**CERTIFICATE OF TRANSMISSION**

I hereby certify that the foregoing RESPONSE TO BOARD ORDER OF JANUARY 13, 2023 is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://estta.uspto.gov/> on the date noted below:

Date: January 17, 2023

By: /s/ Ethan Horwitz  
Ethan Horwitz  
One of the Attorneys for Applicant  
Industria de Alimentos Zenu S.A.S.

**CERTIFICATE OF SERVICE**

I hereby certify that a courtesy copy of the foregoing RESPONSE TO BOARD ORDER OF JANUARY 13, 2023 is being served upon the email of record for Opposer as listed with the USPTO:

Mark J. Ingber  
The Ingber Law Firm  
51 JFK Parkway First Floor West, Suite 159  
Short Hills, New Jersey 07078  
[Ingber.lawfirm@gmail.com](mailto:Ingber.lawfirm@gmail.com)

on the date noted below:

Date: January 17, 2023

By: /s/ Ethan Horwitz  
Ethan Horwitz  
One of the Attorneys for Applicant  
Industria de Alimentos Zenu S.A.S.