

ESTTA Tracking number: **ESTTA966998**

Filing date: **04/15/2019**

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	SomosTV LLC
Granted to Date of previous extension	04/17/2019
Address	2601 Bayshore Drive Suite 1250 Miami, FL 33133 UNITED STATES
Correspondence information	Thomas W. Brooke Holland & Knight LLP 800 17th Street Suite 1100 Washington, DC 20006 UNITED STATES thomas.brooke@hkllaw.com, ptdocketing@hkllaw.com 2026637271

**Applicant Information**

Application No	79216002	Publication date	12/18/2018
Opposition Filing Date	04/15/2019	Opposition Period Ends	04/17/2019
International Registration No.	1364189	International Registration Date	06/13/2017
Applicant	DINAMEDIA MARKETING, S.L. C/Ana Mariscal 7 E-28223 Pozuelo de Alarc3n (MADRID) SPAIN		

**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: Commercial business management services; commercial administration of the licensing of the goods and services of others; conducting market studies; advertising services
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: communications via global computer networks; radio and television program broadcasting and transmission services; cinematographic film broadcasting and transmission services
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Television entertainment program services namely, providing non-downloadable movies and television shows via a video-on-demand service, as

well as recommendations regarding movies and television shows; production and distribution of radio and television programs; film editing, production and distribution services; radio and television program editing and production services; television show production services; cinema presentations, namely, provision of cinema facilities

## 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.	4646815	Application Date	08/13/2013
Registration Date	11/25/2014	Foreign Priority Date	NONE
Word Mark	FLIX LATINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2014/03/31 First Use In Commerce: 2014/03/31 Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-on-demand service; Television broadcasting		

Attachments	flixolefinal_04_15_2019_15_35_29_132.pdf(103787 bytes )
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Signature	/Thomas W. Brooke/
Name	Thomas W. Brooke
Date	04/15/2019

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

SomosTV, LLC	:	
	:	
Opposer,	:	
	:	Opposition No.
v.	:	Application Serial No. 79/216,002
	:	<b>FLIXOLE' (Stylized)</b>
	:	
Dinamedia Marketing, S.L.,	:	
Applicant.	:	

Attorney Docket No. 123541/1

**NOTICE OF OPPOSITION**

In the matter of Application Serial No. 79/216,002 **FLIXOLE' (Stylized)**(Hereinafter "Applicant's Mark"), covering "Commercial business management services; commercial administration of the licensing of the goods and services of others; conducting market studies; advertising services" in International Class 35, "communications via global computer networks; radio and television program broadcasting and transmission services; cinematographic film broadcasting and transmission services" in International Class 38, and "Television entertainment program services namely, providing non-downloadable movies and television shows via a video-on-demand service, as well as recommendations regarding movies and television shows; production and distribution of radio and television programs; film editing, production and distribution services; radio and television program editing and production services; television show production services; cinema presentations, namely, provision of cinema facilities" in Internaional Class 41, filed on June 13, 2017 by Dinamedia Marketing, S.L. (hereinafter "Applicant"), and published in the Official Gazette of December 18, 2018; SomosTV, LLC (hereinafter "Opposer") is the owner of the mark **FLIX LATINO** for "Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-

on-demand service; Television broadcasting” and believes it will be damaged by the registration of Applicant's Mark and hereby opposes the registration of same.

As grounds for the opposition Opposer declares as follows:

1. Opposer has provided broadcasting services and provided access to films and television programs in the United States under its **FLIX LATINO** mark for over five years.
2. Opposer is the owner of the valid and subsisting U.S. Trademark Registration 4,646,815 **FLIX LATINO** covering: "Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-on-demand service; Television broadcasting."
3. Applicant has or should have had constructive knowledge of the existence of Opposer and its use in commerce of the **FLIX LATINO** marks at the time Applicant filed the subject application.
4. Applicant's mark **FLIX OLE' (Stylized)** creates a similar commercial impression to that created by Opposer's **FLIX LATINO** mark.
5. Applicant's services and the services listed in Opposer's U.S. Trademark Application include similar, if not identical services directed to the same consumers.
6. Applicant's services will be sold through similar channels of trade to the same class of customers as the channels of trade and classes of customers used by Opposer.
7. In view of Opposer's use and registration of its **FLIX LATINO** mark, the resemblance of Applicant's Mark and Opposer's Mark, and the related nature of the services offered by the parties, and the related nature of the classes of consumers, registration of Applicant's Mark for Applicant's services will injure Opposer by causing a likelihood of customer confusion, mistake or deception as

to the source of the respective services of Applicant and Opposer, to Opposer's damage, and in violation of the provisions of the Trademark Act Section 2(d) of the Trademark Act of 1946, 15 U.S.C. Section 1052(d).

WHEREOF, Opposer prays that this Notice of Opposition be sustained and registration of Application Serial No. 79/216,002 **FLIXOLE' (Stylized)** be refused.

Respectfully submitted,

SomosTV, LLC

By: 

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Date: Apr. 15, 2019

Counsel for Opposer