

ESTTA Tracking number: **ESTTA969745**

Filing date: **04/26/2019**

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	Isaco International Corporation
Granted to Date of previous extension	04/28/2019
Address	5980 Miami Lakes Drive Miami, FL 33014 UNITED STATES

Attorney information	Scott W. Smilie Patzik, Frank & Samotny Ltd. 200 S. Wacker Drive, Suite 2700 Chicago, IL 60606 UNITED STATES ipdocket@pfs-law.com (312) 551-3066
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Applicant Information

Application No	87681969	Publication date	10/30/2018
Opposition Filing Date	04/26/2019	Opposition Period Ends	04/28/2019
Applicant	CARNAGEFESTIVAL LLC c/o David Weise & Associates, Inc. 16000 Ventura Blvd., Ste. 600 Encino, CA 91436 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, shirts, t-shirts, long sleeve shirts, sweatshirts, hats
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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.	3660872	Application Date	01/27/2009
Registration Date	07/28/2009	Foreign Priority Date	NONE

Word Mark	PAPI
Design Mark	<h1>PAPI</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/05/05 First Use In Commerce: 1995/05/05 Hosiery, socks, ties, underwear, boxers, briefs, neckties, loungewear, pajamas, nightwear, robes, sleep pants, sleep shorts, baseball caps, swimsuits, undershirts, shirts, zippered sweatshirts

U.S. Registration No.	4292533	Application Date	11/16/2007
Registration Date	02/19/2013	Foreign Priority Date	NONE

Word Mark	PAPI
Design Mark	<h1>PAPI</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/05/05 First Use In Commerce: 1995/05/05 Footwear; shoes, sandals; active wear, namely, shirts and shorts; formalwear, namely, socks; pants, shorts, sleepwear, hats, belts, and athletic wear, namely, T-shirts, shorts, warm-up pants, athletic support underwear and swimsuits

U.S. Registration No.	2161178	Application Date	06/23/1995
Registration Date	06/02/1998	Foreign Priority Date	NONE

Word Mark	PAPI
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/05/05 First Use In Commerce: 1995/05/05 wearing apparel for men, namely, T-shirts, hats, undergarments, jogging suits, warm up pants, sweat shirts, sweat shorts, [bodysuits, leotards, leg warmers, ski

	suits, ski pants,] swimwear, bathing suits, beach and bathing coverups, tops,[jackets, coats, sport coats,] knit shirts, polo shirts, pullovers, vests, tank tops, [jumpsuits, playsuits, wind resistant jackets, playsuits,] athletic footwear[, headbands, sweat bands and neckerchieves]
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Attachments	77657694#TMSN.png(bytes) 77331178#TMSN.png(bytes) 3048.209_Notice of Opposition - PAPI GORDO.pdf(512534 bytes)
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Signature	/Scott W. Smilie/
Name	Scott W. Smilie
Date	04/26/2019

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

**In the Matter of Trademark Application Serial No. 87/681,969
Published October 30, 2018.**

ISACO INTERNATIONAL CORPORATION,)	
Opposer,)	
)	Opposition No. _____
v.)	
)	
CARNAGEFESTIVAL LLC)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Isaco International Corporation, a corporation duly organized and existing under the laws of the State of Florida, having an address at 5980 Miami Lakes Drive, Miami Lakes, Florida, 33014, believes that it may be damaged by registration of the mark PAPI GORDO shown in Application Serial No. 87/681,969 and accordingly hereby opposes issuance of same relative to the goods in International Class 025.

As grounds for this opposition, it is alleged that:

1. Since long prior to Applicant's November 13, 2017 filing date, Opposer or Opposer's predecessor-in-interest has been using the PAPI mark in association with clothing.

2. Opposer is the owner of United States Trademark Registration No. 2,161,178 for the mark "PAPI" for wearing apparel for men, namely, T-shirts, hats, undergarments, jogging suits, warm up pants, sweat shirts, sweat shorts, swimwear, bathing suits, beach and bathing coverups, tops, knit shirts, polo shirts, pullovers, vests, tank tops, athletic footwear, in International Class 25, which was registered on the Principal Register on June 2, 1998, based upon application Serial No. 74/702,454 filed in the United States Patent and Trademark Office on June 23, 1995, based on actual use at least as early as May 5, 1995. A copy of the Certificate

of Registration and a current printout of information from the electronic database records of the USPTO showing current status and title for United States Trademark Registration No. 2,161,178 are attached as Exhibit 1.

3. United States Trademark Registration No. 2,161,178 is in full force and effect and comprises conclusive evidence of the validity of the "PAPI" mark, of Opposer's ownership and of Opposer's exclusive right to use the "PAPI" mark in commerce and interstate commerce on or in connection with the goods specified in the Certificate of Registration, and as constructive notice of Opposer's claim of ownership under Title 15 U.S.C. §§ 1057, 1072, and 1115.

4. Opposer is the owner of United States Trademark Registration No. 3,660,872 for the mark "PAPI" for hosiery, socks, ties, underwear, boxers, briefs, neckties, loungewear, pajamas, nightwear, robes, sleep pants, sleep shorts, baseball caps, swimsuits, undershirts, shirts, zippered sweatshirts, in International Class 25, which was registered on the Principal Register on July 28, 2009, based upon application Serial No. 77/657,694 filed in the United States Patent and Trademark Office on January 27, 2009, based on actual use at least as early as May 5, 1995. A copy of the Certificate of Registration and a current printout of information from the electronic database records of the USPTO showing current status for United States Trademark Registration No. 3,660,872 are attached as Exhibit 2.

5. United States Trademark Registration No. 3,660,872 is in full force and effect and comprises conclusive evidence of the validity of the "PAPI" mark, of Opposer's ownership and of Opposer's exclusive right to use the "PAPI" mark in commerce and interstate commerce on or in connection with the goods specified in the Certificate of Registration, and as constructive notice of Opposer's claim of ownership under Title 15 U.S.C. §§ 1057, 1072, and 1115.

6. Opposer is the owner of United States Trademark Registration No. 4,292,533 for the mark "PAPI" for Footwear; shoes, sandals; active wear, namely, shirts and shorts;

formalwear, namely, socks; pants, shorts, sleepwear, hats, belts, and athletic wear, namely, T-shirts, shorts, warm-up pants, athletic support underwear and swimsuits, in International Class 25, which was registered on the Principal Register on February 19, 2013, based upon application Serial No. 77/331,178 filed in the United States Patent and Trademark Office on November 16, 2007, based on actual use at least as early as May 5, 1995. A copy of the Certificate of Registration and a current printout of information from the electronic database records of the USPTO showing current status for United States Trademark Registration No. 4,292,533 are attached as Exhibit 3.

7. United States Trademark Registration No. 4,292,533 is in full force and effect and comprises conclusive evidence of the validity of the "PAPI" mark, of Opposer's ownership and of Opposer's exclusive right to use the "PAPI" mark in commerce and interstate commerce on or in connection with the goods specified in the Certificate of Registration, and as constructive notice of Opposer's claim of ownership under Title 15 U.S.C. §§ 1057, 1072, and 1115.

COUNT I

Likelihood of Confusion

8. By reason of Opposer's and/or Opposer's predecessor-in-interest's use of the "PAPI" mark long prior to Applicant's filing of its application to register the "PAPI GORDO" mark, Opposer has rights superior to any rights of Applicant.

9. Opposer and/or Opposer's predecessor-in-interest has spent substantial sums in advertising and promotion and has sold substantial quantities of goods under its "PAPI" mark.

10. Opposer's "PAPI" mark has become impressed upon the minds of the trade and public as identifying Opposer's products, and as indicating the source of origin of products so marked as emanating from Opposer.

11. Opposer has built up a large and valuable business in its use of the "PAPI" mark, and its goodwill in this mark is of great value.

12. The word PAPI GORDO can be broken into two components, "PAPI" and "GORDO."

13. The first part of the PAPI GORDO mark is identical to and pronounced the same as Opposer's PAPI mark.

14. The word PAPI incorporates Opposer's PAPI mark in its entirety and adds the modifying word "GORDO" to it.

15. People seeing the PAPI GORDO mark will thus assume that the goods sold thereunder are a variation or otherwise related to the PAPI mark

16. Opposer's "PAPI" mark and registration, and Applicant's "PAPI GORDO" mark are confusingly similar to each other in sound, pronunciation and commercial impression.

17. Opposer's goods, in connection with which Opposer uses its "PAPI" mark, and Applicant's goods in International Class 25, for which Applicant is attempting to register the "PAPI GORDO" mark in Application Serial No. 87/681,969, are the same or similar.

18. There are no limitations in the PAPI GORDO application for where the clothing will travel. Accordingly, both Opposer's goods and Applicant's goods as identified and recited in Application Serial No. 87/681,969, would travel in the same or similar channels of trade.

19. Accordingly, there is a likelihood of confusion between Opposer's "PAPI" mark and Applicant's "PAPI GORDO" mark.

20. Applicant's "PAPI GORDO" mark is deceptively similar to Opposer's "PAPI" mark so as to cause confusion and lead to deception as to the origin of Applicant's goods. If Applicant is permitted to register "PAPI GORDO" for its goods in International Class 25, as specified in Application Serial No. 87/681,969, confusion in the public and trade resulting in

damage and injury to Opposer is likely to be caused and would result by reason of the similarity between Applicant's "PAPI GORDO" and Opposer's "PAPI" marks, in that purchasers could be likely to buy Applicant's goods as specified in Application Serial No. 87/681,969 and mistake them for goods made, marketed or sponsored by Opposer. Any defect, objection or fault found with such goods of Applicant marketed under the "PAPI GORDO" mark could necessarily reflect upon and seriously injure the reputation and goodwill which Opposer has long prior established for its goods sold under Opposer's "PAPI" mark.

WHEREFORE, Opposer prays that application Serial No. 87/681,969 be rejected with respect to the goods in International Class 25, that no registration be issued to Applicant relative to the goods in International Class 25, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

/Max Shaftal/

Max Shaftal

Scott W. Smilie

Jordan Herzog

Jeffrey A. Pine

PATZIK, FRANK & SAMOTNY LTD.

200 South Wacker Drive, Suite 2700

Chicago, Illinois 60606

Tel: 312-551-8300

Fax: 312-551-1101

Email: ipdocket@pfs-law.com

Attorneys for Opposer

ISACO INTERNATIONAL

CORPORATION

Dated: April 26, 2019

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,161,178

United States Patent and Trademark Office

Registered June 2, 1998

**TRADEMARK
PRINCIPAL REGISTER**

PAPI

**PAPI SPORTSWEAR INC. (DELAWARE CORPORATION)
45 W. 34TH STREET, SUITE 807
NEW YORK, NY 10001, ASSIGNEE OF
SUBLIME MUSIC, INC. (CALIFORNIA CORPORATION)
LOS ANGELES, CA 90028**

**FOR: WEARING APPAREL FOR MEN,
NAMELY, T-SHIRTS, HATS, UNDERGARMENTS,
JOGGING SUITS, WARM UP PANTS,
SWEAT SHIRTS, SWEAT SHORTS, BODY-SUITS,
LEOTARDS, LEG WARMERS, SKI SUITS,
SKI PANTS, SWIMWEAR, BATHING SUITS,
BEACH AND BATHING COVERUPS,**

**TOPS, JACKETS, COATS, SPORT COATS, KNIT SHIRTS,
POLO SHIRTS, PULLOVERS, VESTS, TANK TOPS,
JUMPSUITS, PLAYSUITS, WIND RESISTANT JACKETS,
PLAYSUITS, ATHLETIC FOOTWEAR, HEADBANDS,
SWEAT BANDS AND NECKERCHIEVES, IN CLASS 25
(U.S. CLS. 22 AND 39).**

FIRST USE 5-5-1995; IN COMMERCE 5-5-1995.

SER. NO. 74-702,454, FILED 6-23-1995.

JACQUELINE A. LAVINE, EXAMINING ATTORNEY

EXHIBIT 1



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Typed Drawing

Word Mark PAPI
Goods and Services IC 025. US 022 039. G & S: wearing apparel for men, namely, T-shirts, hats, undergarments, jogging suits, warm up pants, sweat shirts, sweat shorts, [bodysuits, leotards, leg warmers, ski suits, ski pants.] swimwear, bathing suits, beach and bathing coverups, tops,[jackets, coats, sport coats,] knit shirts, polo shirts, pullovers, vests, tank tops, [jumpsuits, playsuits, wind resistant jackets, playsuits,] athletic footwear[, headbands, sweat bands and neckerchieves]. FIRST USE: 19950505. FIRST USE IN COMMERCE: 19950505

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74702454

Filing Date June 23, 1995

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 21, 1997

Registration Number 2161178

Registration Date June 2, 1998

Owner (REGISTRANT) PAPI SPORTSWEAR INC. CORPORATION DELAWARE 860 S. LOS ANGELES ST. LOS ANGELES CALIFORNIA 90014

(LAST LISTED OWNER) ISACO INTERNATIONAL CORPORATION CORPORATION FLORIDA 5980 Miami Lakes Drive Miami Lakes FLORIDA 33014

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Scott W. Smilie

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180612.

Renewal 2ND RENEWAL 20180612

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Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,660,872

Registered July 28, 2009

**TRADEMARK
PRINCIPAL REGISTER**

PAPI

ISACO INTERNATIONAL CORPORATION
(FLORIDA CORPORATION)
5980 MIAMI LAKES DRIVE
MIAMI LAKES, FL 33014

FOR: HOSIERY, SOCKS, TIES, UNDERWEAR,
BOXERS, BRIEFS, NECKTIES, LOUNGEWEAR, PA-
JAMAS, NIGHTWEAR, ROBES, SLEEP PANTS,
SLEEP SHORTS, BASEBALL CAPS, SWIMSUITS,
UNDERSHIRTS, SHIRTS, ZIPPERED SWEAT-
SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-5-1995; IN COMMERCE 5-5-1995.

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

OWNER OF U.S. REG. NO. 2,161,178.

THE ENGLISH TRANSLATION OF "PAPI" IN
THE MARK IS PAPA.

SER. NO. 77-657,694, FILED 1-27-2009.

BRENDAN MCCAULEY, EXAMINING ATTORNEY

EXHIBIT 2



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PAPI

Word Mark	PAPI
Translations	The English translation of "PAPI" in the mark is papa.
Goods and Services	IC 025. US 022 039. G & S: Hosiery, socks, ties, underwear, boxers, briefs, neckties, loungewear, pajamas, nightwear, robes, sleep pants, sleep shorts, baseball caps, swimsuits, undershirts, shirts, zippered sweatshirts. FIRST USE: 19950505. FIRST USE IN COMMERCE: 19950505
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77657694
Filing Date	January 27, 2009
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	May 12, 2009
Registration Number	3660872
Registration Date	July 28, 2009
Owner	(REGISTRANT) ISACO INTERNATIONAL CORPORATION CORPORATION FLORIDA 5980 Miami Lakes Drive Miami Lakes FLORIDA 33014
Attorney of Record	Scott W. Smilie
Prior Registrations	2161178

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
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United States of America
United States Patent and Trademark Office

PAPI

Reg. No. 4,292,533

Registered Feb. 19, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

ISACO INTERNATIONAL CORPORATION (FLORIDA CORPORATION)
5980 MIAMI LAKES DRIVE
MIAMI LAKES, FL 33014

FOR: FOOTWEAR; SHOES, SANDALS; ACTIVE WEAR, NAMELY, SHIRTS AND SHORTS, FORMALWEAR, NAMELY, SOCKS; PANTS, SHORTS, SLEEPWEAR, HATS, BELTS, AND ATHLETIC WEAR, NAMELY, T-SHIRTS, SHORTS, WARM-UP PANTS, ATHLETIC SUPPORT UNDERWEAR AND SWIMSUITS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE: 5-5-1995; IN COMMERCE 5-5-1995.

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

OWNER OF U.S. REG. NO. 2,161,178.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS PAPA.

SN 77-331,178, FILED 11-16-2007.

ELLEN BURNS, EXAMINING ATTORNEY



Lisa Street Lee
Acting Director of the United States Patent and Trademark Office

EXHIBIT 3



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PAPI

Word Mark PAPI

Translations The foreign wording in the mark translates into English as papa.

Goods and Services IC 025. US 022 039. G & S: Footwear; shoes, sandals; active wear, namely, shirts and shorts; formalwear, namely, socks; pants, shorts, sleepwear, hats, belts, and athletic wear, namely, T-shirts, shorts, warm-up pants, athletic support underwear and swimsuits. FIRST USE: 19950505. FIRST USE IN COMMERCE: 19950505

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77331178

Filing Date November 16, 2007

Current Basis 1A

Original Filing Basis 1B

Published for Opposition October 6, 2009

Registration Number 4292533

Registration Date February 19, 2013

Owner (REGISTRANT) ISACO INTERNATIONAL CORPORATION CORPORATION FLORIDA 5980 Miami Lakes Drive Miami Lakes FLORIDA 33014

Attorney of Record Scott W. Smilie

Prior Registrations 2161178

Type of Mark TRADEMARK
Register PRINCIPAL
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