

ESTTA Tracking number: **ESTTA1013718**

Filing date: **11/06/2019**

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	TGMJM Intellectual Holdings, LLC		
Entity	Limited Liability Company	Citizenship	New Jersey
Address	136 Willow Drive Old Tappan, NJ 07675 UNITED STATES		

Attorney information	Gregory J. Winsky, Esquire Archer & Greiner, P.C. 33 East Euclid Avenue One Centennial Square Haddonfield, NJ 08033 UNITED STATES patents@archerlaw.com 856-616-2610
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**Applicant Information**

Application No	88530671	Publication date	10/15/2019
Opposition Filing Date	11/06/2019	Opposition Period Ends	11/14/2019
Applicant	M & C OF ORLANDO, LLC C/O LegalForce RAPC Worldwide 446 E Southern Ave Tempe, AZ 85282 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 033. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Spirits and liqueurs
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**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.	3446992	Application Date	07/18/2006
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	PAPI		

Design Mark	<h1>Papi</h1>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 2007/11/01 First Use In Commerce: 2007/11/01 Wines

Attachments	78932416#TMSN.png( bytes ) GuaropapiOpposition.pdf(13985 bytes )
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Signature	/Gregory J. Winsky/
Name	Gregory J. Winsky, Esquire
Date	11/06/2019

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

In the matter of Application Ser. No. 88530671

TGMJM Intellectual Holdings, LLC	:	Opposition No.
	:	
	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	
M & C of Orlando, LLC,	:	
	:	
	:	
Applicant	:	
	:	

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**NOTICE OF OPPOSITION**

TGMJM Intellectual Holdings, LLC (“Opposer” or “TGMJM”), a New Jersey limited liability company having its principal place of business at 136 Willow Drive, Old Tappan, New Jersey 07675, believes it is and will be damaged by the registration of the mark GUAROPAPI shown in Application Serial No. 88530671 (the “Opposed Mark”), by M & C of Orlando, LLC, a Florida limited liability company located at 2166 Orinoco Dr., Suite 448, Orlando, Florida 32877 (“Applicant”), and files this notice of opposition pursuant to 37 C.F.R. 2.101(b). The grounds for opposition are stated below.

1. Opposer is the owner of the registered trademark PAPI (Reg. No. 3,446,992) for wines.

2. As early as September 2006 and before the filing date of the application for the Opposed Mark, Opposer has used its PAPI mark to market and sell wines.

3. PAPI branded products have been sold in the United States, and internationally, as early as September 2006.

4. Opposer has marketed its PAPI products to a variety of audiences in a variety of ways, including hiring PAPI sales representatives, sponsoring promotional events, purchasing advertising signage, and utilizing giveaway items and premium wearable items to promote the brand.

5. Since conceiving the idea for its PAPI brand, Opposer has invested approximately \$2,000,000.00 dollars in research, development and commercialization to build its PAPI brand throughout the United States.

6. By virtue of its sales, advertising, and promotions, Opposer owns valuable goodwill symbolized in its PAPI mark.

On July 23, 2019, Applicant filed Application Serial No. 88530671 to register GUAROPAPI for the following goods:

Class	Description
33	Spirits and Liqueurs

7. Applicant filed its '453 application pursuant to Section 1(b) of the Lanham Act.

8. Applicant's application to register the Opposed Mark is without Opposer's consent.

9. Applicant's application to register the Opposed Mark is likely to result in confusion, mistake, or deception with Opposer's PAPI mark, or in the belief that Applicant's goods are in some way connected with, licensed, or approved by Opposer, or that Opposer is a sponsor, business partner of, or otherwise affiliated with Applicant.

10. Accordingly, registration by Applicant of the Opposed Mark would be damaging to Opposer.

WHEREFORE, Opposer prays that its opposition be sustained and registration of the Opposed Mark be refused in its entirety.

Opposer submits the requisite filing fee of \$300 for the opposition.

Respectfully submitted,

By: /s/ Gregory J. Winsky  
Gregory J. Winsky  
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*Attorneys for Opposer*  
*TGMJM Intellectual Holdings, LLC*

Dated: November 5, 2019

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 5th day of November, 2019 a true copy of the foregoing NOTICE OF OPPOSITION was served on counsel for the Applicant by sending the same via U.S. First Class mail, postage prepaid, and emailed to:

Michael Markos, Esq.  
LegalForce RAPC Worldwide, P.C.  
446 E. Southern Avenue  
Tempe, AZ 85282  
trademarks@legalforce.com

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 5th day of November, 2019.

By: /s/ Gregory J. Winsky  
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*Attorneys for Opposer  
TGMJM Intellectual Holdings, LLC*