

ESTTA Tracking number: **ESTTA1062873**

Filing date: **06/18/2020**

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	Lamarko, Inc.		
Entity	Corporation	Citizenship	South Carolina
Address	531 So. Main Street, #201 Greenville, SC 29601 UNITED STATES		

Attorney information	Natalma M. McKnew Fox Rothschild LLP 2 West Washington Street, #1100 Greenville, SC 29601 UNITED STATES tmcknew@foxrothschild.com, tepting@foxrothschild.com, ipdocket@foxrothschild.com, bballew@foxrothschild.com 864-751-7600		
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Applicant Information

Application No	88290495	Publication date	06/16/2020
Opposition Filing Date	06/18/2020	Opposition Period Ends	07/16/2020
Applicant	P.D.N 8878 S. EASTERN AVE STE104 Las Vegas, NV 89123 UNITED STATES		

Goods/Services Affected by Opposition

Class 043. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Restaurant services
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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. Application No.	88371509	Application Date	04/04/2019
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LIMONCELLO		

Design Mark	LIMONCELLO
Description of Mark	NONE
Goods/Services	Class 043. First use: First Use: 2017/10/26 First Use In Commerce: 2017/10/26 Restaurant services; catering

Attachments	88371509#TMSN.png(bytes) Lamarko Opposition.pdf(15877 bytes)
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Signature	/Natalma M. McKnew/
Name	Natalma M. McKnew
Date	06/18/2020

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

In the Matter of Application No. 88/290,495

For the Mark: LIMONCELLO FRESH ITALIAN KITCHEN

Published in the Official Gazette on June 16, 2020

Lamarko, Inc.,)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
P.D.N., LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Lamarko, Inc., a South Carolina corporation located and doing business at 531 So. Main Street, #201, Greenville, South Carolina 29601 (“Opposer”), will be damaged by the registration of the mark recited in the application referenced above, and hereby opposes same. To the best of Opposer’s knowledge, the name and address of the current owner of Serial No. 88/290,495 (“Applicant’s Application”) is P.D.N., LLC, 8878 S. Eastern Ave., Ste. 104, Las Vegas, Nevada 89123.

As grounds for this Opposition, Opposer alleges as follows:

1. Opposer is the owner of U.S. Application No. 88/371,509, filed April 4, 2019, for the mark, “LIMONCELLO” (“Opposer’s Application”).
2. Since at least as early as October 2017, Opposer adopted and has continuously used, without abandonment, the mark “LIMONCELLO” (“Opposer’s Mark”) in connection restaurant services and catering, as set forth in Opposer’s Application (“Opposer’s Services”).

3. Opposer's continuous public use and promotion of Opposer's Mark has been of such nature and extent as to create, in the mind of the relevant public, an association of Opposer's LIMONCELLO mark with a single source of Opposer's Services.

4. Opposer's Mark is of great value, identifies services originating with Opposer, and distinguishes the services of Opposer from all similar services of others. Opposer has built up a large and considerably valuable business and goodwill in its Mark.

5. Opposer's use of its Mark predates the filing of Applicant's Application, thus establishing the priority of Opposer's Mark.

6. On information and belief, Applicant P.D.N., LLC is a limited liability company formed pursuant to the laws of Nevada, with an address of 8878 S. Eastern Ave., Ste. 104, Las Vegas, Nevada 89123.

7. Applicant's Application, filed on February 6, 2019, seeks registration of LIMONCELLO FRESH ITALIAN KITCHEN in International Class 043 for use in connection with restaurant services ("Applicant's Services").

8. Applicant's LIMONCELLO FRESH ITALIAN KITCHEN claimed mark ("Applicant's Mark"), is so similar to Opposer's Mark, and is in fact almost identical to Opposer's Mark, that confusion will result between Opposer's use of its LIMONCELLO Mark in connection with Opposer's Services, on the one hand, and the conflicting use by Applicant's use of its claimed mark in connection with Applicant's Services, on the other hand.

9. In view of the near identity of Opposer's Marks and Applicant's Services, Applicant's use of its claimed LIMONCELLO FRESH ITALIAN KITCHEN mark in connection with Applicant's Services is likely to deceive the relevant consumer into believing that

Applicant's Services emanate from Opposer and/or that Applicant's Services are associated with or approved, endorsed, authorized or sponsored by Opposer, thereby damaging Opposer.

10. For the reasons set forth above, registration of Applicant's claimed LIMONCELLO FRESH ITALIAN KITCHEN mark, Application No. 88/290,495 will damage Opposer.

WHEREFORE, Opposer respectfully requests that the within Opposition be upheld and that U.S. Application Serial No. 88/290,495 be denied registration.

This Notice of Opposition is submitted together with the statutory filing fee of \$400. Should any additional fee be required, please charge the same to Deposit Account No. 501943.

Opposer appoints Thomas W. Epting and Natalma M. McKnew, along with the law firm of Fox Rothschild LLP, having as one of its offices located at 2 West Washington Street, Suite 1100, Greenville, South Carolina 29601, to transact all business on its behalf in connection with this Opposition.

CURRENT ADDRESS OF APPLICANT

To the best of Opposer's knowledge, the current address of the Applicant is 8878 S. Eastern Ave., Ste 104, Las Vegas, Nevada 89123.

Respectfully submitted,

By: s/Natalma M. McKnew/
Natalma McKnew, Esq.
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Attorneys for Opposer Lamarko, Inc.

Dated: June 18, 2020

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v.)	
)	
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)	
Applicant.)	

CERTIFICATE OF MAILING

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the following parties by mailing said copy on June 18, 2020 via First Class Mail, postage prepaid to:

P.D.N., LLC
8878 S. Eastern Ave., Ste 104
Las Vegas, Nevada 89123

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