

ESTTA Tracking number: **ESTTA1208371**

Filing date: **05/11/2022**

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	Bundoo Khan USA, LLC
Granted to date of previous extension	05/11/2022
Address	680 LANGSDORF DRIVE, SUITE #211 FULLERTON, CA 92831 UNITED STATES
Attorney information	FARAH P. BHATTI BUCHALTER, A PROFESSIONAL CORPORATION 18400 VON KARMAN AVE., SUITE 800 IRVINE, CA 92612 UNITED STATES Primary email: fbhatti@buchalter.com Secondary email(s): ipdocket@buchalter.com, hblan@buchalter.com, mseror@buchalter.com 949-224-6272
Docket no.	B6539-5001

**Applicant information**

Application no.	90327658	Publication date	01/11/2022
Opposition filing date	05/11/2022	Opposition period ends	05/11/2022
Applicant	Arrehman Arraheem Corporation 20311 SCARLETT SADDLE CT. CYPRESS, TX 774434021 UNITED STATES		

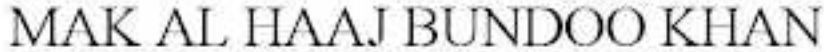
**Goods/services affected by opposition**

Class 043. First Use: Sep 2, 2020 First Use In Commerce: Sep 2, 2020  
All goods and services in the class are opposed, namely: Restaurant and catering services

**Grounds for opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Section 2(a)
Deceptiveness	Trademark Act Section 2(a)

Mark cited by opposer as basis for opposition

U.S. registration no.	6623887	Application date	12/30/2020
Register	Principal		
Registration date	01/18/2022	Foreign priority date	NONE
Word mark	MAK AL HAAJ BUNDOO KHAN		
Design mark			
Description of mark	NONE		
Goods/services	Class 043. First use: First Use: Nov 11, 2021 First Use In Commerce: Nov 11, 2021 Restaurant services, including sit-downservice of food and take-out restaurant-services		

Related proceedings	U.S. District Court Central District of California Case No. 8:22-cv-00304-DOC-KE
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Attachments	90433316#TMSN.png( bytes ) Notice of Opposition - BUNDU KHAN KEBAB HOUSE BEST BBQ FOR YOU.pdf(168040 bytes )
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Signature	/fbhatti/
Name	FARAH P. BHATTI
Date	05/11/2022

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

In the Matter of Application Serial Nos.: 90/327658  
Filed: Nov. 18, 2020  
For the mark: **BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU**  
Published in the *Trademark Official Gazette* on January 11, 2022

Bundoo Khan USA, LLC  Opposer,  v.  Arrehman Arraheem Corporation,  Applicant.	Opposition No.: _____
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**NOTICE OF OPPOSITION**

Bundoo Khan USA, LLC. (“Opposer”) believes that it will be damaged by registration of the **BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU** mark shown in Application Serial No. 90/327658 (the “Application”) and hereby opposes the same. The grounds for the opposition are as follows:

1. Arrehman Arraheem Corporation (“Applicant”) filed an application on November 18, 2020 for federal registration of the mark **BUNDU KHAN KEBAB HOUSE BEST BBQ JUST FOR YOU** (“Applicant’s Claimed Mark”) in connection with “restaurant and catering services” (“Applicant’s Services”).

2. Applicant’s Claimed Mark was published for opposition in the *Trademark Official Gazette* on January 11, 2022. Opposer filed a 90 day Extension of Time to file the Opposition. Therefore, this Opposition is being filed timely.

3. Opposer is the record owner of U.S. Trademark Registration No. 6,623,887 for the mark MAK AL HAAJ BUNDOO KHAN (“Opposer’s Registration” or “BUNDOO KHAN trademark”) in connection

with “Restaurant services, including sit-down service of foods and take-out restaurant services” (“Opposer’s Services”)

4. Opposer is the exclusive licensee and franchisee of the original BUNDOO KHAN trademark as used for restaurants, based in Karachi, Pakistan (“Bundoo Khan Licensor”). The Bundoo Khan Licensor is the owner of the original BUNDOO KHAN mark, a well-known trademark used in connection with restaurant services.

5. Opposer has been granted exclusive rights to enforce the BUNDOO KHAN trademark in the United States by the Bundoo Khan Licensor.

6. The trademark BUNDOO KHAN is a well-known mark as described in the Paris Convention Article *6bis* and incorporated in the Lanham Act §43(a), §44(b) and §44(h).

7. The BUNDOO KHAN trademark was first used in Karachi, Pakistan in connection with restaurant services in 1948. Over the years, the BUNDOO KHAN name and brand rose to prominence and became well-known as the best Pakistani barbeque available not only in Pakistan, but worldwide, including in the United States. To this day, consumers of Applicant’s and Opposer’s services in the United States that see the BUNDOO KHAN name immediately associate it with the restaurant in Karachi, Pakistan and the Bundoo Khan Licensor.

8. Apart from the quality and high standards that have become synonymous with the BUNDOO KHAN name, the enormous success of the BUNDOO KHAN restaurants is also attributable to the consistent branding of the official restaurants. Such consistent branding is what makes customers know that they are getting the real and official BUNDOO KHAN barbeque experience.

9. On information and belief, Applicant did not use Applicant's Claimed mark in commerce prior to 1948.

10. Opposer uses and promotes the BUNDOO KHAN trademark with the express permission of the Bundoo Khan Licensor. The BUNDOO KHAN mark is a well-known mark that Opposer uses in a way that the public associates the BUNDOO KHAN mark exclusively with Opposer and Opposer's Services.

11. Opposer is the only entity granted rights to use the BUNDOO KHAN mark in the United States by the owners of the well-known mark.

12. Opposer, along the Bundoo Khan Licensor, have expended considerable time and expense in promoting, advertising and popularizing the distinctive BUNDOO KHAN mark featured in Opposer's Registration in connection with Opposer's Services. The relevant public has come to know, rely upon and recognize Opposer's Registration and Mark as a strong indicator of source, quality, and reputation of Opposer in connection with Opposer's Services.

13. Applicant is not affiliated or connected with, or endorsed or sponsored by, Opposer, nor has Opposer approved any of the services offered by Applicant under the BUNDU KHAN mark.

14. The BUNDU KHAN portion of Applicant's Claimed Mark is pronounced identically to the BUNDOO KHAN portion of Opposer's Registration.

15. Applicant's Claimed Mark incorporates the BUNDOO KHAN or BUNDU KHAN portion of Opposer's Registration which is the dominant portion of Opposer's Registration.

16. Upon information and belief, consumers are likely to shorten both Opposer's Registration and Applicant's Claimed Mark to BUNDOO KHAN or BUNDU KHAN when referring to the

services and are likely to assume that BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU is associated or connected with Opposer.

17. Opposer has not granted any trademark rights to Applicant. Indeed, Applicant is not affiliated or connected with or endorsed or sponsored by Opposer, nor has Opposer approved of any of the services offered or sold or intended to be sold by Applicant under the Applicant's Claimed Mark.

18. Applicant's Claimed Mark wholly incorporates the trademark BUNDOO KHAN or BUNDOO KHAN and due to the enormous and longstanding fame of the BUNDOO KHAN or BUNDU KHAN mark, the Opposed Mark falsely suggests a connection, association or sponsorship with Opposer.

19. Applicant's use and registration of the BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark violates Article *6bis* of the Paris Convention for the Protection of Industrial Property, as made applicable by Section 44(b) and 44(h) of the Lanham Act, 15 U.S.C. §1126(b), (h), because Applicant's Claimed Mark incorporates the essential part of Opposer's BUNDOO KHAN mark, and is a reproduction or imitation of Opposer's BUNDOO KHAN mark which is well-known amongst the relevant consumers.

20. Applicant's Claimed Mark when used in connection with Applicant's Services are likely to confuse the consuming public to believe that Applicant's Services are authorized, sponsored, licensed or controlled by Opposer, or are in some way, related to Opposer.

21. Applicant's Claimed Mark falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act, since the Applicant's Claimed Mark points uniquely to Opposer, and consumers will assume that the services offered under the Applicant's Claimed Mark are connected with Opposer.

22. Applicant's Claimed Mark so closely resembles Opposer's Mark that Applicant's Claimed Mark is likely to cause deception in violation of Section 2(a) of the Trademark Act and to materially alter consumers' decisions to acquire Applicant's services.

23. Applicant's Claimed Mark is virtually identical in sound and commercial impression to Opposer's Registration and incorporates Opposer's BUNDOO KHAN mark, and is intended to be used for services identical and/or closely related to Opposer's Services.

24. Based on the similarities of the marks and the services, the relevant public is likely to be confused into believing that Applicant's Services emanate from Opposer, or are authorized, licensed, endorsed, or sponsored by, or associated with, Opposer.

25. Opposer and the goodwill and reputation symbolized by Opposer's BUNDOO KHAN mark will be damaged by the registration of Applicant's Claimed Mark because it so resembles Opposer's Registration as to be likely, when used in connection with Applicant's Services, to cause confusion, or to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052.

26. Use and registration of Applicant's Claimed Mark will deprive Opposer of its ability to protect its reputation and goodwill.

27. On information and belief, Applicant adopted the confusingly similar and deceptive mark BUNDU KHAN with intent to trade on Opposer's goodwill, and/or in reckless disregard of the Bundoo Khan Licensor's global rights.

28. Applicant's use of the BUNDU KHAN mark on Applicant's Services that are identical to the services of Opposer is likely to cause a false association, affiliation or connection as to the origin of Applicant's Claimed Mark in violation of Section 43(a) of the Trademark Act (15 U.S.C. §1125(a)).

29. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Claimed Mark, and registration should be refused.

WHEREFORE, Opposer requests that registration of Applicant's Claimed Mark be refused, and this Notice of Opposition be sustained in Opposer's favor.

Date: May 11, 2022

Respectfully Submitted

**Bundoo Khan USA, LLC**

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