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Filing date: **10/18/2022**

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

Proceeding no.	91276101
Party	Plaintiff Bundoo Khan USA, LLC
Correspondence address	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
Submission	Motion to Amend Pleading/Amended Pleading
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Signature	/fbhatti/
Date	10/18/2022
Attachments	Motion to Amend with Consent.pdf(67558 bytes ) Amended Notice of Opposition - BUNDU KHAN KEBAB HOUSE BEST BBQ JUST F OR YOU.pdf(146438 bytes ) Redline - Amended Notice of Opposition - BUNDU KHAN KEBAB HOUSE BEST BBQ JUST FOR YOU v to vVO.pdf(163444 bytes )

**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.: 91276101
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**OPPOSER’S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION**

Opposer Bundoo Khan USA, LLC (“Opposer”) by and through its attorneys, moves for leave to amend its Notice of Opposition in the above-referenced proceeding. Applicant has secured the written consent of opposing counsel for the filing of the amended Notice of Opposition.

Applicant, concurrently with the filing of this Motion to Amend the Notice of Opposition is filing its Amended Notice of Opposition and a redline version of the same.

Accordingly, Applicant respectfully requests that its Motion to Amend the Notice of Opposition be granted and that the Amended Notice of Opposition be accepted.

\*   \*   \*   \*   \*   \*   \*   \*   \*   \*



**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **OPPOSER'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION** was served on Applicant by email on this 18<sup>th</sup> day of October 2022, at the following addresses of record:

[sring@porterhedges.com](mailto:sring@porterhedges.com)  
[edeese@porterhedges.com](mailto:edeese@porterhedges.com)

\_\_\_\_\_/fbhatti  
Farah P. Bhatti

**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**

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<p>Bundoo Khan USA, LLC</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>Arrehman Arraheem Corporation,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.: 91276101</p>
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**AMENDED 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 and then timely filed its Notice of Opposition. Applicant requested suspension of the proceedings pending a federal litigation and did not file an Answer. Therefore, this Amended Notice of Opposition is being filed timely as Applicant has yet to file an Answer to the Opposition.

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”) 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 restaurant based in Karachi, Pakistan (“Bundoo Khan Licensor”). Based on its license and franchise agreement, Opposer is entitled to and has the exclusive right to use and enforce the BUNDOO KHAN trademark (the “BUNDOO KHAN trademark”) in the United States.

5. Mr. Bundoo Khan was born in 1890 in India and migrated with his family to Karachi, Pakistan after the partition of India and Pakistan. In 1948, Mr. Khan opened a small shop selling food items in Karachi. In 1957, he expanded the shop into a full-scale restaurant and over time, began developing his menu to include his world-famous Chicken Tikka and Bihari kebab dishes.

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

7. The BUNDOO KHAN trademark 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).

8. 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 also 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 and trademark immediately associate it with the restaurant in Karachi, Pakistan and the Bundoo Khan Licensor.

9. After Mr. Khan's death in 1987, his children carried on the legacy of his restaurant and food by operating shops in Karachi, Pakistan then expanding to Faisalabad, Pakistan and Dubai, UAE. The use of the BUNDOO KHAN trademark by Mr. Khan and his family long pre-dated any use by Applicant of its BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark.

10. Given the long-existing use of the BUNDOO KHAN mark, first by Mr. Khan himself and later by his family, the BUNDOO KHAN trademark and brand is known by a substantial percentage of consumers in the United States, particularly those of Pakistani descent or lineage and those in geographic areas of the United States with large Pakistani communities – such as in the Los Angeles, California and Houston, Texas metropolitan areas.<sup>1</sup>

11. Given the prominence and fame of the BUNDOO KHAN brand in the minds of consumers, the primary significance of the BUNDOO KHAN trademark is to identify the source of the goods and services being offered under that mark. As a result, the BUNDOO KHAN brand has secondary meaning. This secondary meaning has extended across the United States generally.

12. On or around February 13, 2021, Opposer entered into a "Master Franchise Agreement" with the Bundoo Khan Licensor. This Agreement gives Opposer the exclusive right to use the BUNDOO KHAN trademark in the United States in connection with restaurant services and also provides Opposer with the right to sub-license or further franchise the BUNDOO KHAN trademark in the United States. These rights were granted exclusively to Opposer by the Bundoo Khan Licensor based in Karachi, Pakistan.

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<sup>1</sup> [See https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-pakistanis-in-the-u-s/](https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-pakistanis-in-the-u-s/), identifying Houston, Texas and Los Angeles, California metropolitan areas as having the second and sixth largest Pakistani communities in the United States as of 2019, respectively. **Exhibit A**

13. As a result of the recognition of the BUNDOO KHAN trademark as used by the Bundoo Khan Licensor and now as a result of Opposer's use in the United States, the BUNDOO KHAN trademark has long become well known to consumers in the United States, has become widely associated with Opposer and the Bundoo Khan Licensor, and points uniquely and unmistakably to Opposer as the source of Opposer's services. Consumers in the United States associate the BUNDOO KHAN trademark exclusively with Opposer and the Bundoo Khan Licensor. The BUNDOO KHAN trademark represents the substantial goodwill of Opposer and the Bundoo Khan Licensor that warrants protection.

14. 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.

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

16. Only Opposer and those entities that are authorized by Opposer may use the BUNDOO KHAN trademark in the United States.

17. BUNDOO KHAN is a deceased individual that has no relation to Applicant. Applicant is not a relative of BUNDOO KHAN and has no other affiliation or connection to BUNDOO KHAN or his relatives.

18. The immediate family members of BUNDOO KHAN, specifically his sons and grandsons, have continued the legacy of BUNDOO KHAN as it relates to restaurant services and are continuing to run the original restaurants and provide rights to others to do the same under their strict quality control standards.



19. On information and belief, Applicant had knowledge of the legacy and notoriety of BUNDOO KHAN and his well-known status in connection with barbeque restaurants and therefore, chose to name its restaurants BUNDU KHAN in an effort to draw an association with the BUNDOO KHAN name, brand and trademark.

20. Applicant's use of BUNDU KHAN falsely suggests a connection with the deceased person BUNDOO KHAN.

21. Applicant does not have the permission of Opposer, or the family members of BUNDOO KHAN to use the BUNDOO KHAN trademark or name. Attached at **Exhibit B** is a letter sent to Applicant by the family members of BUNDOO KHAN informing Applicant that its use is unauthorized and demanding that Applicant stop impersonating the Bundoo Khan family and cease all use of the BUNDU KHAN trademark.

22. Applicant has never received any consent, written or otherwise, from Opposer or the Bundoo Khan Licensor to register the BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU trademark or to claim ownership of Opposer's BUNDOO KHAN mark.

23. The BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark is virtually identical to Opposer's BUNDOO KHAN trademark in appearance, connotation and commercial impression.

24. Upon information and belief, Opposer's services (and those offered by the Bundoo Khan Licensor) and Applicant's services are offered to the same, substantially the same, and/or related classes of consumers.

25. Given the fame and goodwill associated with the BUNDOO KHAN trademark, Applicant's use of a virtually identical mark would unquestionably be recognized by consumers as pointing to the

original Bundoo Khan. This is all the more true given the fact that the services being offered by Applicant are virtually identical to the services offered by the original Bundoo Khan and his restaurants and the efforts by Applicant to foster such a connection.

26. Upon information and belief, Applicant has falsely claimed to customers that it is affiliated with BUNDOO KHAN and that one of its principals is the grandson of Bundoo Khan. These representations are false.

27. At the time of filing its application and continuing to this day, Applicant's use of its BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark falsely suggests to consumers a connection with a dead person, in clear violation of Section 14(3) of the Lanham Act, 15 U.S.C. §1064(3). In addition, Applicant's BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark is being used to misrepresent the source of the services being provided under the mark.

28. Applicant's use of Applicant's Claimed Mark is without Opposer's consent or permission, or that of the Bundoo Khan Licensor or the family members of Bundoo Khan.

29. Applicant will be harmed by the registration of Applicant's Claimed Mark as use of the mark is likely to dilute the significance and secondary meaning of Opposer's BUNDOO KHAN trademark. In addition, the negative consumer experiences occurring at Applicant's locations tend to further dilute and impair Opposer's rights and the goodwill of the BUNDOO KHAN brand. The foregoing dilution by blurring and dilution by tarnishment is causing, and is likely to continue to cause significant harm to Opposer.

30. Opposer, along with the Bundoo Khan Licensor, have expended considerable time and expense in promoting, advertising and popularizing the distinctive BUNDOO KHAN trademark 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 the BUNDOO KHAN trademark as a strong indicator of source, quality, and reputation of Opposer in connection with Opposer's Services.

31. 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 trademark.

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

33. 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.

34. 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.

35. 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.

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

37. Applicant's use and potential 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, March 20, 1883 as revised at Stockholm, July 14, 1967, 21 U.S.T. 1583 (the "Paris

Convention”), as made applicable by Sections 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 trademark which is well-known in the United States amongst the relevant consumers.

38. Applicant’s Claimed Mark when used in connection with Applicant’s Services is 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.

39. 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.

40. 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.

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

42. 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.

43. 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.

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

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

46. 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)).

47. 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: September 7, 2022

Respectfully Submitted

**Bundoo Khan USA, LLC**

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/fbhatti/

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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing AMENDED NOTICE OF OPPOSITION has been services on Sarah J. Ring, counsel for Applicant, by forwarding said copy on September 7, 2022, via email, to the correspondence address of record for Applicant Arrehman Arraheem Corporation [atsring@porterhedges.com](mailto:atsring@porterhedges.com), [edeese@porterhedges.com](mailto:edeese@porterhedges.com).

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/fbhatti/

Farah P. Bhatti

**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.:  <u>91276101</u>
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**AMENDED 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 [and then timely filed its Notice of Opposition. Applicant requested suspension of the proceedings pending a federal litigation and did not file an Answer.](#) Therefore, this [Amended Notice of Opposition](#) is being filed timely [as Applicant has yet to file an Answer to the Opposition.](#)



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,~~ restaurant 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.~~ Based on its license and franchise agreement, Opposer is entitled to and has the exclusive right to use and enforce the BUNDOO KHAN trademark (the “BUNDOO KHAN trademark”) in the United States.

5. Mr. Bundoo Khan was born in 1890 in India and migrated with his family to Karachi, Pakistan after the partition of India and Pakistan. In 1948, Mr. Khan opened a small shop selling food items in Karachi. In 1957, he expanded the shop into a full-scale restaurant and over time, began developing his menu to include his world-famous Chicken Tikka and Bihari kebab dishes.

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

7. ~~6.~~ The ~~trademark~~ BUNDOO KHAN trademark 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).

8. ~~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 also 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 and trademark immediately associate it with the restaurant in Karachi, Pakistan and the Bundoo Khan Licensor.

9. After Mr. Khan’s death in 1987, his children carried on the legacy of his restaurant and food by operating shops in Karachi, Pakistan then expanding to Faisalabad, Pakistan and Dubai, UAE. The use of the BUNDOO KHAN trademark by Mr. Khan and his family long pre-dated any use by Applicant of its BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark.

10. Given the long-existing use of the BUNDOO KHAN mark, first by Mr. Khan himself and later by his family, the BUNDOO KHAN trademark and brand is known by a substantial percentage of consumers in the United States, particularly those of Pakistani descent or lineage and those in geographic areas of the United States with large Pakistani communities – such as in the Los Angeles, California and Houston, Texas metropolitan areas.<sup>1</sup>

11. Given the prominence and fame of the BUNDOO KHAN brand in the minds of consumers, the primary significance of the BUNDOO KHAN trademark is to identify the source of the goods and services being offered under that mark. As a result, the BUNDOO KHAN brand has secondary meaning. This secondary meaning has extended across the United States generally.

12. On or around February 13, 2021, Opposer entered into a “Master Franchise Agreement” with the Bundoo Khan Licensor. This Agreement gives Opposer the exclusive right to use the BUNDOO KHAN trademark in the United States in connection with restaurant services and also provides Opposer with the right to sub-license or further franchise the BUNDOO KHAN trademark in the United States.

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<sup>1</sup> See <https://www.pewresearch.org/social-trends/fact-sheet/asian-americans-pakistanis-in-the-u-s/>, identifying Houston, Texas and Los Angeles, California metropolitan areas as having the second and sixth largest Pakistani communities in the United States as of 2019, respectively. **Exhibit A**

These rights were granted exclusively to Opposer by the Bundoo Khan Licensor based in Karachi, Pakistan.

13. As a result of the recognition of the BUNDOO KHAN trademark as used by the Bundoo Khan Licensor and now as a result of Opposer's use in the United States, the BUNDOO KHAN trademark has long become well known to consumers in the United States, has become widely associated with Opposer and the Bundoo Khan Licensor, and points uniquely and unmistakably to Opposer as the source of Opposer's services. Consumers in the United States associate the BUNDOO KHAN trademark exclusively with Opposer and the Bundoo Khan Licensor. The BUNDOO KHAN trademark represents the substantial goodwill of Opposer and the Bundoo Khan Licensor that warrants protection.

14. ~~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.

15. ~~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.~~

16. Only Opposer and those entities that are authorized by Opposer may use the BUNDOO KHAN trademark in the United States.
17. BUNDOO KHAN is a deceased individual that has no relation to Applicant. Applicant is not a relative of BUNDOO KHAN and has no other affiliation or connection to BUNDOO KHAN or his relatives.
18. The immediate family members of BUNDOO KHAN, specifically his sons and grandsons, have continued the legacy of BUNDOO KHAN as it relates to restaurant services and are continuing to run the original restaurants and provide rights to others to do the same under their strict quality control standards.
19. On information and belief, Applicant had knowledge of the legacy and notoriety of BUNDOO KHAN and his well-known status in connection with barbeque restaurants and therefore, chose to name its restaurants BUNDU KHAN in an effort to draw an association with the BUNDOO KHAN name, brand and trademark.
20. Applicant's use of BUNDU KHAN falsely suggests a connection with the deceased person BUNDOO KHAN.
21. Applicant does not have the permission of Opposer, or the family members of BUNDOO KHAN to use the BUNDOO KHAN trademark or name. Attached at **Exhibit B** is a letter sent to Applicant by the family members of BUNDOO KHAN informing Applicant that its use is unauthorized and demanding that Applicant stop impersonating the Bundoo Khan family and cease all use of the BUNDU KHAN trademark.

22. Applicant has never received any consent, written or otherwise, from Opposer or the Bundoo Khan Licensor to register the BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU trademark or to claim ownership of Opposer's BUNDOO KHAN mark.
23. The BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark is virtually identical to Opposer's BUNDOO KHAN trademark in appearance, connotation and commercial impression.
24. Upon information and belief, Opposer's services (and those offered by the Bundoo Khan Licensor) and Applicant's services are offered to the same, substantially the same, and/or related classes of consumers.
25. Given the fame and goodwill associated with the BUNDOO KHAN trademark, Applicant's use of a virtually identical mark would unquestionably be recognized by consumers as pointing to the original Bundoo Khan. This is all the more true given the fact that the services being offered by Applicant are virtually identical to the services offered by the original Bundoo Khan and his restaurants and the efforts by Applicant to foster such a connection.
26. Upon information and belief, Applicant has falsely claimed to customers that it is affiliated with BUNDOO KHAN and that one of its principals is the grandson of Bundoo Khan. These representations are false.
27. At the time of filing its application and continuing to this day, Applicant's use of its BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark falsely suggests to consumers a connection with a dead person, in clear violation of Section 14(3) of the Lanham Act, 15 U.S.C. §1064(3). In addition, Applicant's BUNDU KHAN KABAB HOUSE BEST BBQ JUST FOR YOU mark is being used to misrepresent the source of the services being provided under the mark.

28. Applicant's use of Applicant's Claimed Mark is without Opposer's consent or permission, or that of the Bundoo Khan Licensor or the family members of Bundoo Khan.

29. Applicant will be harmed by the registration of Applicant's Claimed Mark as use of the mark is likely to dilute the significance and secondary meaning of Opposer's BUNDOO KHAN trademark. In addition, the negative consumer experiences occurring at Applicant's locations tend to further dilute and impair Opposer's rights and the goodwill of the BUNDOO KHAN brand. The foregoing dilution by blurring and dilution by tarnishment is causing, and is likely to continue to cause significant harm to Opposer.

30. ~~12~~-Opposer, along with the Bundoo Khan Licensor, have expended considerable time and expense in promoting, advertising and popularizing the distinctive BUNDOO KHAN ~~mark~~trademark 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~~the BUNDOO KHAN trademark as a strong indicator of source, quality, and reputation of Opposer in connection with Opposer's Services.

31. ~~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~~trademark.

32. ~~14~~-The BUNDU KHAN portion of Applicant's Claimed Mark is pronounced identically to the BUNDOO KHAN portion of Opposer's Registration.

33. ~~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.

34. ~~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.

35. ~~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.

36. ~~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~~ trademark, the Applicant's Claimed Mark falsely suggests a connection, association or sponsorship with Opposer.

37. ~~19.~~ Applicant's use and potential 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, March 20, 1883 as revised at Stockholm, July 14, 1967, 21 U.S.T. 1583 (the "Paris Convention"), as made applicable by ~~Section~~ Sections 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~~ trademark which is well-known in the United States amongst the relevant consumers.

38. ~~20.~~ Applicant's Claimed Mark when used in connection with Applicant's Services ~~are~~ is 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.

39. ~~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.

40. ~~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.

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

42. ~~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.

43. ~~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.

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





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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing AMENDED NOTICE OF OPPOSITION has been services on Sarah J. Ring, counsel for Applicant, by forwarding said copy on September 7, 2022, via email, to the correspondence address of record for Applicant Arrehman Arraheem Corporation atsring@porterhedges.com, edeese@porterhedges.com.

/fbhatti/

Farah P. Bhatti