

ESTTA Tracking number: **ESTTA1239425**

Filing date: **10/03/2022**

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	JFD PARENT, LLC
Granted to date of previous extension	10/01/2022
Address	1420 BLVD OF THE ARTS SARASOTA, FL 34236 UNITED STATES
Attorney information	DAVID K. FRIEDLAND FRIEDLAND VINING, P.A. 6619 S. DIXIE HWY PMB 157 MIAMI, FL 33143 UNITED STATES Primary email: DKF@FRIEDLANDVINING.COM Secondary email(s): TRADEMARKS@FRIEDLANDVINING.COM, JRV@FRIEDLANDVINING.COM 3057771725
Docket no.	10023

**Applicant information**

Application no.	97290287	Publication date	08/02/2022
Opposition filing date	10/03/2022	Opposition period ends	10/01/2022
Applicant	BLOCK PARTY HIGHLAND PARK, LLC 5052 YORK BLVD. LOS ANGELES, CA 90042 UNITED STATES		

**Goods/services affected by opposition**

Class 043. First Use: Aug 27, 2020 First Use In Commerce: Aug 27, 2020  
All goods and services in the class are opposed, namely: Restaurant and bar services, including restaurant carryout services

**Applicant information**

Application no.	97054954	Publication date	09/06/2022
Opposition filing date	10/03/2022	Opposition period ends	10/06/2022
Applicant	BLOCK PARTY HIGHLAND PARK, LLC 5052 YORK BLVD.		

	LOS ANGELES, CA 90042 UNITED STATES
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### Goods/services affected by opposition

Class 043. First Use: Aug 27, 2020 First Use In Commerce: Aug 27, 2020 All goods and services in the class are opposed, namely: Restaurant and bar services, including restaurant carryout services
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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.	2679318	Application date	01/22/1999
Register	Principal		
Registration date	01/28/2003	Foreign priority date	NONE
Word mark	THE ORIGINAL WOLFIE'S		
Design mark			
Description of mark	NONE		
Goods/services	Class 042. First use: First Use: 1947 First Use In Commerce: 1947 delicatessen services		

U.S. registration no.	2777063	Application date	06/02/1997
Register	Principal		
Registration date	10/28/2003	Foreign priority date	NONE
Word mark	WOLFIE'S		
Design mark			
Description of mark	NONE		
Goods/services	Class 042. First use: First Use: 1947 First Use In Commerce: 1947 delicatessen services		

Attachments	Notice of Opposition WOLFIES HOT CHICKEN marks 10.03.2022.pdf(166688 bytes )
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Signature	/David K. Friedland/
Name	DAVID K. FRIEDLAND
Date	10/03/2022

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

**JFD PARENT, LLC,**

Opposer,

v.

**BLOCK PARTY  
HIGHLAND PARK, LLC,**

Applicant.

Opposition No.:

Application Serial No.: 97/054,954

Mark: **WOLFIE’S NASHVILLE HOT  
CHICKEN and Design**

Publication Date: September 6, 2022

Application Serial No.: 97/290,287

Mark: **WOLFIE’S HOT CHICKEN and Design**

Publication Date: August 2, 2022

**NOTICE OF OPPOSITION**

Pursuant to 15 U.S.C. § 1063(a) and TBMP § 303.01, Opposer JFD PARENT, LLC (“Opposer”), a Delaware limited liability company, located and doing business at 1420 Blvd. of the Arts, Sarasota, FL 34236, is and will be damaged by Applications Serial No. 97/290,287 and 97/054,954 (the “Applications”), and hereby opposes the registration of same.

As grounds for opposition, Opposer alleges as follows:



1. Opposer is the owner of multiple restaurants that have offered services under the marks **WOLFIE’S** and **THE ORIGINAL WOLFIE’S** (collectively, “Opposer’s Marks”) since as early as the 1940’s.

2. Opposer has continuously used Opposer’s Marks on restaurant signage, menus, and other source indicia to identify its various restaurant services to the consuming public.

3. As a result of Opposer’s substantially exclusive and extensive use and promotion of Opposer’s Marks, its trademarks have acquired enormous value and recognition in the United States, all of which inure to the benefit of Opposer.

4. Opposer’s Marks are a symbol of Opposer’s quality, reputation and goodwill, and serve as an instant source identifier for Opposer.

5. Opposer owns the entire right, title and interest in and to Opposer’s Marks and is the owner of the following U.S. Trademark Registrations for certain of its trademarks:

<i>Reg. No.</i>	<i>Depiction of Mark</i>	<i>Services</i>
2,679,318	<p><b>THE ORIGINAL WOLFIE’S (stylized)</b></p> 	Delicatessen services, in International Class 42.
2,777,063	<p><b>WOLFIE’S (stylized)</b></p> 	Delicatessen services, in International Class 42.

6. According to the Trademark Electronic Search System (“TESS”) of the United States Patent and Trademark Office (“PTO”), Applicant Block Party Highland Park, LLC (“Applicant”) is the record owner of the Applications for the marks WOLFIE’S

NASHVILLE HOT CHICKEN and Design and WOLFIE’S HOT CHICKEN and Design (“Applicant’s Marks”).

7. Applicant filed the Applications on September 30, 2021 and March 1, 2022, respectively, based on Applicant’s alleged use of Applicant’s Marks in connection with “Restaurant and bar services, including restaurant carryout services,” in International Class 43.

8. Applicant’s Marks are confusingly similar to Opposer’s Marks in that Applicant’s Marks include the term “WOLFIE’S” with the remaining words – HOT CHICKEN and NASHVILLE HOT CHICKEN – disclaimed in both of the Applications. In addition, the overall commercial impressions of the marks are very similar, which erroneously suggests an affiliation with Opposer.

9. In view of the similarity of Applicant’s Marks to Opposer’s Marks, and the fact that the parties are offering identical restaurant services, it is alleged that Applicant’s Marks so resemble Opposer’s Marks as to be likely to cause confusion, mistake, or deception under Trademark Act §2(d), 15 U.S.C. §1052(d), or otherwise.

10. Moreover, Applicant’s Marks will injure Opposer by impairing Opposer’s ability to register other marks in connection with restaurant-related services.

**PRAYER FOR RELIEF**

WHEREFORE, Opposer respectfully requests that the opposition be granted and Applications Serial No. 97/054,954 and 97/290,287 be denied registration in Class 43.

Date: October 3, 2022

Respectfully submitted,

**FRIEDLAND VINING**

/s/David K. Friedland

By: **David K. Friedland**  
Florida Bar No. 833479  
**Jaime Vining**  
Florida Bar No. 30932  
6619 S. Dixie Highway, PMB 157  
Miami, Florida 33143  
(305) 777-1725 telephone  
e-mail: DKF@friedlandvining.com  
e-mail: JRV@friedlandvining.com

*Counsel for Opposer*  
**JFD PARENT, LLC**