

ESTTA Tracking number: **ESTTA1259040**

Filing date: **01/10/2023**

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	Dimes Gida Sanayi Ve Ticaret Anonim Sirketi		
Entity	anonym sirketi (a.s.)	Citizenship	Turkey
Address	GIDA SANAYI SITESI NO.1 TOKAT, 6000 TURKEY		
Attorney information	JOSEPH L. MORALES THE MORALES LAW FIRM 6628 WALNUTWOOD CIR. BALTIMORE, MD 21212 UNITED STATES Primary email: jmorales@moralesq.com 4433157929		
Docket no.	1956.40003OP		

Applicant information

Application no.	97159984	Publication date	12/13/2022
Opposition filing date	01/10/2023	Opposition period ends	01/12/2023
Applicant	Hoyos Products LLC 10423 OLD CUTLER ROAD, APARTMENT 203 CUTLER BAY, FL 33190 UNITED STATES		

Goods/services affected by opposition

Class 032. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Non-alcoholic drinks, namely, sports drinks, club soda, and tonic water; non-alcoholic fruit drinks; non-alcoholic carbonated drinks; non-alcoholic carbonated drinks with fruit flavoring; carbonated drinks, namely, carbonated waters, frozen carbonated drinks, and beers; carbonated drinks with fruit flavoring; fruit juices
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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.	3761388	Application date	03/12/2008
Register	Principal		
Registration date	03/16/2010	Foreign priority	NONE

		date	
Word mark	DIMES		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 029. First use: First Use: None First Use In Commerce: None [Meat, fish; Dry legumes; Ready soups; preserved olives; Milk and milk products excluding ice cream, ice milk and frozen yogurt; Edible vegetable oils; sesame oil, Eggs; Potato chips]</p> <p>Class 030. First use: First Use: None First Use In Commerce: None [Coffee, cocoa; beverages with chocolate base, namely, chocolate food beverages not being dairy-based or vegetable based; Macaronis, noodles; Honey, propolis, namely, bee glue for human consumption; Spices; Yeasts; flour, processed semolinas, food starches; Sugar powder, cube sugar, confectionery sugar, namely, crystal sugar pieces; Teas, ice teas; Candies for food, chocolates, biscuits, crackers, wafers; Salt]</p> <p>Class 032. First use: First Use: None First Use In Commerce: None [Beers; Mineral waters, spring waters, table waters, soda waters;] Vegetable juices as beverages; fruit juices [; syrups for making beverages, namely, for making vegetable and fruit beverages]</p>		

Attachments	46459.pdf(112367 bytes)
Signature	/Joseph L. Morales/
Name	Joseph L. Morales
Date	01/10/2023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Dimes Gida Sanayi Ve Ticaret Anonim Sirketi)	
)	
)	
v.)	Opposition No. _____
)	
Hoyos Products LLC)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

Dimes Gida Sanayi Ve Ticaret Anonim Sirketi (“Opposer”), a Turkish anonym sirketi (a.s.), having a place of business at Gida Sanayi Sitesi No.1, Tokat, Turkey 6000, believes that it will be damaged by registration of the mark “Di’mas” (“Applicant’s Mark”) as applied for in Application Serial Number 97/159,984 (the “’984 Application”) by Hoyos Products LLC (the “Applicant”), a Florida Limited Liability Company, having a place of business at 10423 Old Cutler Road, Apartment 203, Cutler Bay, Florida 33190. Opposer hereby opposes registration of the ’984 Application published for opposition in the Official Gazette on December 13, 2022.

The grounds for opposition are as follows:

1. Opposer is a global juice company based in Turkey, which has been selling its products for over fifty (50) years.
2. Opposer has continuously used the mark DIMES in conjunction with vegetable juices as beverages and fruit juices in the United States since at least as early as April 28, 2015, and is the owner of a federal trademark registration for the mark DIMES.

3. Opposer has invested over seven years of effort and substantial sums in promoting and developing the mark DIMES in the United States. As a result, the mark DIMES has gained significant recognition and popularity.

4. Opposer is the owner of, and will rely herein on, United States federal trademark registration number 3,761,388 for DIMES, which registration was issued on March 16, 2010.

5. The above registration is valid, subsisting, and constitute prima facie evidence of Opposer's exclusive and incontestable right to use DIMES in commerce for the goods and services specified in said registrations and for related goods and services.

6. Opposer has extensively sold, advertised, and promoted its goods and services under DIMES in United States commerce for many years prior to the filing of the '984 Application and any date of first use that may be claimed by Applicant, once a statement of use is filed in the intent to use application.

7. By virtue of Opposer's extensive use and promotion of its DIMES mark, Opposer has established valuable goodwill in the mark. The public has come to associate this mark with Opposer and recognize the mark as an indication of products and services that originate from Opposer.

8. As a result of the widespread advertising, promotion, and sale by Opposer, Opposer's DIMES mark has acquired a high degree of recognition, fame, and distinctiveness, in the United States as designating the goods and services that originate exclusively from Opposer, particularly as it relates to vegetable juices for beverages and fruit juices. Opposer's DIMES mark in use in the United States prior to the earliest date on which Applicant can rely or may rely in the future.

9. Applicant filed the '984 Application to register Di'mas for use in connection with Class 32 for Non-alcoholic drinks, namely, sports drinks, club soda, and tonic water; non-alcoholic fruit

drinks; non-alcoholic carbonated drinks; non-alcoholic carbonated drinks with fruit flavoring; carbonated drinks, namely, carbonated waters, frozen carbonated drinks, and beers; carbonated drinks with fruit flavoring; fruit juices.

FIRST CAUSE OF ACTION - LIKELIHOOD OF CONFUSION

10. Applicant is not related to, associated with, or endorsed by Opposer and is not authorized or licensed by Opposer to use the mark DIMES, any other mark similar to the mark DIMES, or to otherwise suggest a relationship, association, endorsement, authorization, or license by, from, or with Opposer.

11. Applicant's Mark Di'mas is nearly identical to Opposer's DIMES mark. The marks are similar in look, feel, and pronunciation. An ordinary consumer is likely to be confused as to the source of the goods associated with both marks.

12. Applicant's identified goods and services are in the same class and identical or closely related to the goods and services sold, distributed, marketed, and advertised in connection with Opposer's mark DIMES, including those identified in Registration No. 3,761,388. Applicant also offers nearly identical goods under the Di'mas mark, including non-alcoholic drinks, namely, sports drinks, club soda, and tonic water; non-alcoholic fruit drinks; non-alcoholic carbonated drinks; non-alcoholic carbonated drinks with fruit flavoring; carbonated drinks, namely, carbonated waters, frozen carbonated drinks, and beers; carbonated drinks with fruit flavoring; fruit juices.

13. Applicant's use of the Di'mas in association with non-alcoholic drinks, namely, sports drinks, club soda, and tonic water; non-alcoholic fruit drinks; non-alcoholic carbonated drinks; non-alcoholic carbonated drinks with fruit flavoring; carbonated drinks, namely, carbonated waters, frozen carbonated drinks, and beers; carbonated drinks with fruit flavoring; fruit juices is

likely to cause confusion, mistake, or deception and is also likely to create the erroneous impression that Opposer and Applicant are somehow related or associated, or that Opposer sponsors or approves Applicant's services, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

PRAYER FOR RELIEF

WHEREFORE, Opposer requests that the '984 Application be denied registration, that no certificate of registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer. The official filing fee is presented herewith.

Respectfully submitted,

/Joseph L. Morales/

Dated: January 10, 2023

Joseph L. Morales
The Morales Law Firm, LLC
6628 Walnutwood Cir.
Baltimore, Maryland 21212
Tel: (443) 315-7929
Fax: (443) 815-4747
Email: jmorales@moralesq.com
Attorney for Opposer
Dimes Gida Sanayi Ve Ticaret
Anonim Sirketi