

ESTTA Tracking number: **ESTTA981856**

Filing date: **06/19/2019**

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

Proceeding	92071079
Party	Defendant Gaval Wynwood, LLC
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Submission	Other Motions/Papers
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Signature	/Danielle N. Garro/
Date	06/19/2019
Attachments	Cafe Babbo v. Gavel Wynwood - 2019.04.pdf(3737052 bytes)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No.

Cafe Babbo, LLC.

A Florida Limited Liability Company,

Plaintiff,

vs.

Gaval Wynwood, LLC,

a Florida Limited Liability Company;

Gaval Hospitality, LLC,

a Florida Limited Liability Company;

Jaguar Hospitality Group, LLC,

a Florida Limited Liability Company; and

Oscar Gavino, as an individual,

Defendants.

COMPLAINT

Plaintiff Cafe Babbo LLC (hereinafter “Plaintiff”), sues Defendants Gaval Wynwood, LLC (hereinafter “Gaval Wynwood”), Gaval Hospitality, LLC (hereinafter “Gaval Hospitality”), Jaguar Hospitality Group, LLC (hereinafter “Jaguar”), and Oscar Gavino (collectively “Defendants”), and makes the following allegations:

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff is a Florida limited liability company, with its principal place of business at 97 N.W. 25th St # 103, Miami, FL 33127.
2. Gaval Wynwood is a Florida Limited Liability Company with its principal place of business at 2801 N.W. 2nd Avenue, Miami, FL 33131.

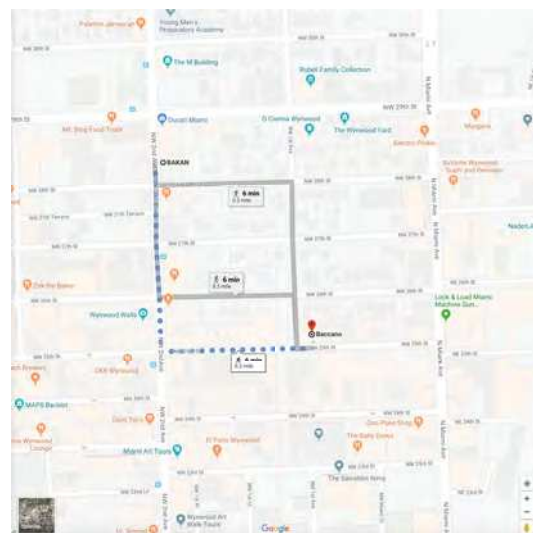
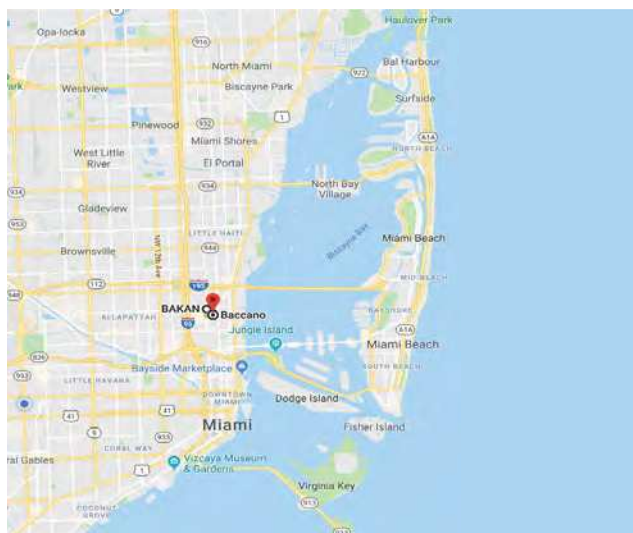
3. Gaval Hospitality is a Florida Limited Liability Company with its principal place of business at 2801 N.W. 2nd Avenue, Miami, FL 33131.
4. Jaguar Hospitality Group is a Florida Limited Liability Company with its principal place of business at 3067 Grand Ave, Miami, FL 33133.
5. Oscar Gavino is an individual residing at 2801 N.W. 2nd Avenue, Miami, FL 33131.
6. This is an action for federal mark infringement, false description and representations, false designations of origin under the Lanham Act, Title 15, United States Code, Sections 1114 and 1125(a); and the ancillary state causes of action of common law trade mark infringement and unfair competition.
7. Jurisdiction of this Court arises under 28 U.S.C. Sec. 1331, 28 U.S.C. Sec. 1338, and under the doctrine of pendent jurisdiction over state claims arising from a common nucleus of operative facts.
8. Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c) and §1400(b) because one or more of the defendants reside or can be found in this District, Defendant does business in this District, and/or a substantial part of the events or omissions giving rise to the claim occurred in this District.

FACTUAL BACKGROUND

9. Plaintiff is the owner of the mark BACCANO for restaurant services in International Class 043 in the United States Patent and Trademark Office with Registration No. 4, 939, 939.
10. Plaintiff has used, and continues to use, in commerce in the United States the mark BACCANO for restaurant services. See Exhibit 1, corresponding to images of Plaintiff's restaurant bearing Plaintiff's mark.

11. Plaintiff started using in commerce its trademark, BACCANO since at least as early as May 31, 2015, and has used its trademark BACCANO continuously since 2015 in promotional and advertising material thus creating valuable goodwill for the Plaintiff's mark. See Exhibit 2, corresponding to samples of articles and promotional material depicting Plaintiff's marks.
12. Plaintiff's unique mark is prominently featured on Plaintiff's website <http://www.baccanomiami.com>, as well as its business material and marketing.
13. Plaintiff advertises its services under the BACCANO mark online, through social media, at its restaurant, and physical promotional material.
14. Plaintiff's services under the BACCANO mark are well known by relevant consumers due to Plaintiff's good reputation in the restaurant services business. See Exhibit 3, corresponding to Plaintiff's services reviewed by clients.
15. Plaintiff has expended considerable money and effort promoting its mark BACCANO in Florida and throughout the United States to acquire its goodwill.
16. Upon information and belief, Defendants Gaval Wynwood, Gaval Hospitality, Jaguar Hospitality Group, and Oscar Gavino were aware of the existence of BACCANO before Defendants adopted the designation BAKAN and nonetheless proceeded to use the confusingly similar designation.
17. Gaval Wynwood's Registration No. 5716715 claims that Gaval Wynwood has used the mark BAKAN (hereinafter referred to as "Infringing Designation") for restaurants services since December 12, 2018. See Exhibit 4, corresponding to Gaval Wynwood's use of its mark, BAKAN.

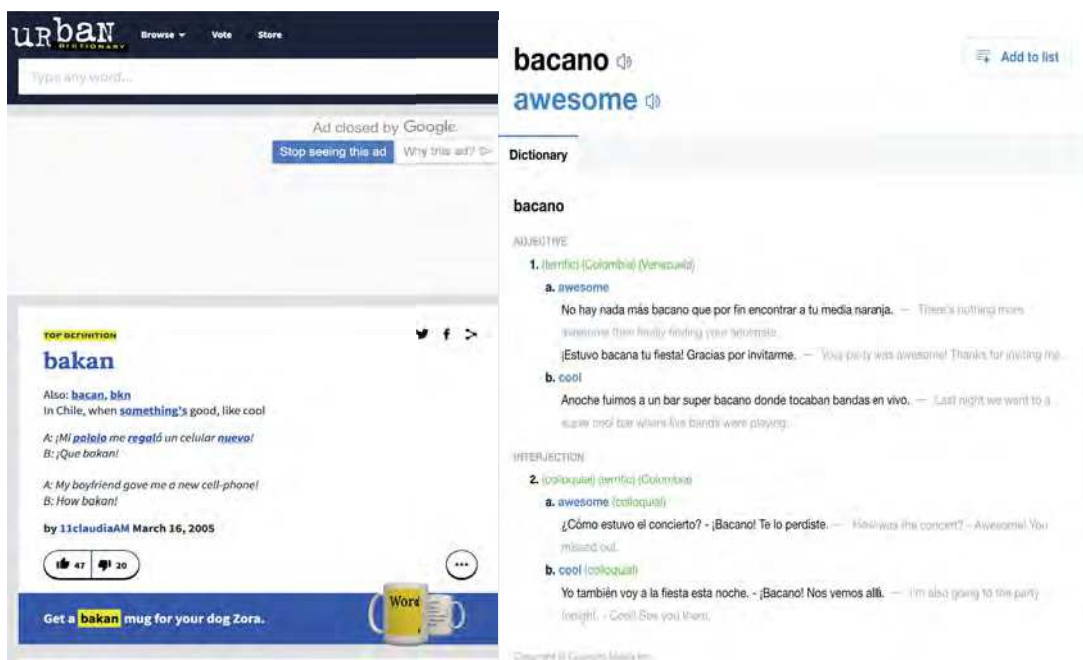
18. On or about February 10, 2017, Gaval Wynwood became a Florida corporation under the name “GAVAL WYNWOOD, LLC”. See Exhibit 5, corresponding to the records of when Gaval Wynwood incorporated.
19. On October 03, 2017, Gaval Wynwood filed an application to register the mark BAKAN for restaurant and bar services in international class 043 in the United States Patent and Trademark Office, which matured as U.S. Registration No. 5716715. See Exhibit 6, corresponding to Gaval Wynwood’s U.S. registration.
20. Defendants have knowingly and willfully adopted and used the Infringing Designation knowing about the prior existence of Plaintiff’s rights over the BACCANO mark.
21. Defendants’ restaurant BAKAN is strategically located in the heart of Wynwood next to Plaintiff’s restaurant; specifically, Defendant’s restaurant is located at 2801 NW 2nd Ave, Miami, FL 33127, only 0.3 miles away from Plaintiff’s Restaurant BACCANO. See Exhibit 7, corresponding to Defendants’ restaurant BAKAN and Plaintiff’s restaurant BACCANO locations.



22. On February 28, 2019, on or around 9:04pm, Plaintiff received a call from an individual believing to have called Defendants’ BAKAN restaurant to make a reservation.

23. In the very short period of time that Defendants’ restaurant has been open there have already been incidents of actual confusion amongst relevant consumers.

24. Defendants’ restaurant uses a very similar name with a highly similar pronunciation and meaning and both restaurants are in close proximity to one another—thereby increasing the likelihood of confusion. See Exhibit 8, showing the meanings of the two marks being the same or highly similar to the relevant consumers.



25. When navigating online using Google’s search engine, a user who searches for “BACCANO Wynwood” will be confronted with results of Plaintiff’s restaurant services under the mark BACCANO, and also suggestions identifying and pointing users towards Defendants’ BAKAN restaurant. See Exhibit 9, showing the results of said Google search.



baccano wynwood



All Shopping Images News Videos More Settings Tools

About 12,100 results (0.39 seconds)

Baccano - 307 Photos & 211 Reviews - Italian - 97 NW 25th St ...

<https://www.yelp.com/biz/baccano-miami>

★★★★☆ Rating: 4 - 211 reviews - Price range: \$11-30

211 reviews of Baccano "When an Italian from Naples recommends this place.... Formally known as Cafe Babbo Miami, Baccano Wynwood offers authentic ...

Baccano Wynwood

www.baccanomiami.com/

Wood Oven Pizzeria.

Baccano (Wynwood) Delivery | Miami | Uber Eats

https://www.ubereats.com/en-US/.../baccano-wynwood/N8hsleOnRNaEDAapR0zD_g/

Use your Uber account to order delivery from Baccano (Wynwood) in Miami. Browse the menu, view popular items, and track your order.

Baccano Menu - Miami, FL Restaurant - MenuPages.com

<https://menupages.com/baccano/97-nw-25th-st-ste-103-miami>

Menu, hours, photos, and more for Baccano located at 97 NW 25th St Ste 103, Miami, FL, 33127-4476, offering Pizza, Italian, American, Dinner, Sandwiches and ...

Baccano | Midtown/Wynwood/Design District | Pizza, Italian ...

<https://www.miaminewtimes.com/location/baccano-6421549>

Baccano. 97 NW 25th St Miami, FL 33127. Midtown/Wynwood/Design ... Courtesy of Baccano ... More Pizza Restaurants in Midtown/Wynwood/Design District.

Baccano, Miami - Restaurant Reviews, Phone Number & Photos ...

<https://www.tripadvisor.com> > ... > Florida (FL) > Miami > Miami Restaurants

★★★★☆ Rating: 4 - 65 reviews - Price range: \$\$ - \$\$\$

Baccano, Miami: See 65 unbiased reviews of Baccano, rated 4 of 5 on TripAdvisor and ... Nice place, we went here several nights during our stay in Wynwood.

Baccano Miami - Home - Miami, Florida - Menu, Prices, Restaurant ...

<https://www.facebook.com> > Places > Miami, Florida > Pizza Place

★★★★★ Rating: 4.8 - 126 votes

Baccano Miami - 97 NW 25th St Ste 103, Miami, Florida 33127 - Rated 4.8 based ... #wynwood #baccanopizzeria #pizza one of the best pizzas I had in a while.

Baccano Delivery - 97 NW 25th St Ste 103 Miami | Order Online With ...

<https://www.grubhub.com> > Miami > Wynwood

★★★★☆ Rating: 3 - 42 votes - Price range: \$\$

Order delivery online from Baccano in Miami instantly! View Baccano's March 2019 deals, coupons & menus. Order delivery online right now or by phone from ...

Baccano Pizza - Wynwood Arts District - 2 tips from 218 visitors

<https://foursquare.com> > Food > Pizza Place

★★★★☆ Rating: 8/10 - 32 votes - Price range: \$

See 19 photos and 2 tips from 218 visitors to Baccano Pizza. "Pizza here is delicious! The Parma is so good! Never saw a pizza like this in Miami!"

Baccano Delivery in Miami, FL - Restaurant Menu | DoorDash

<https://www.doordash.com/store/baccano-miami-73912/>

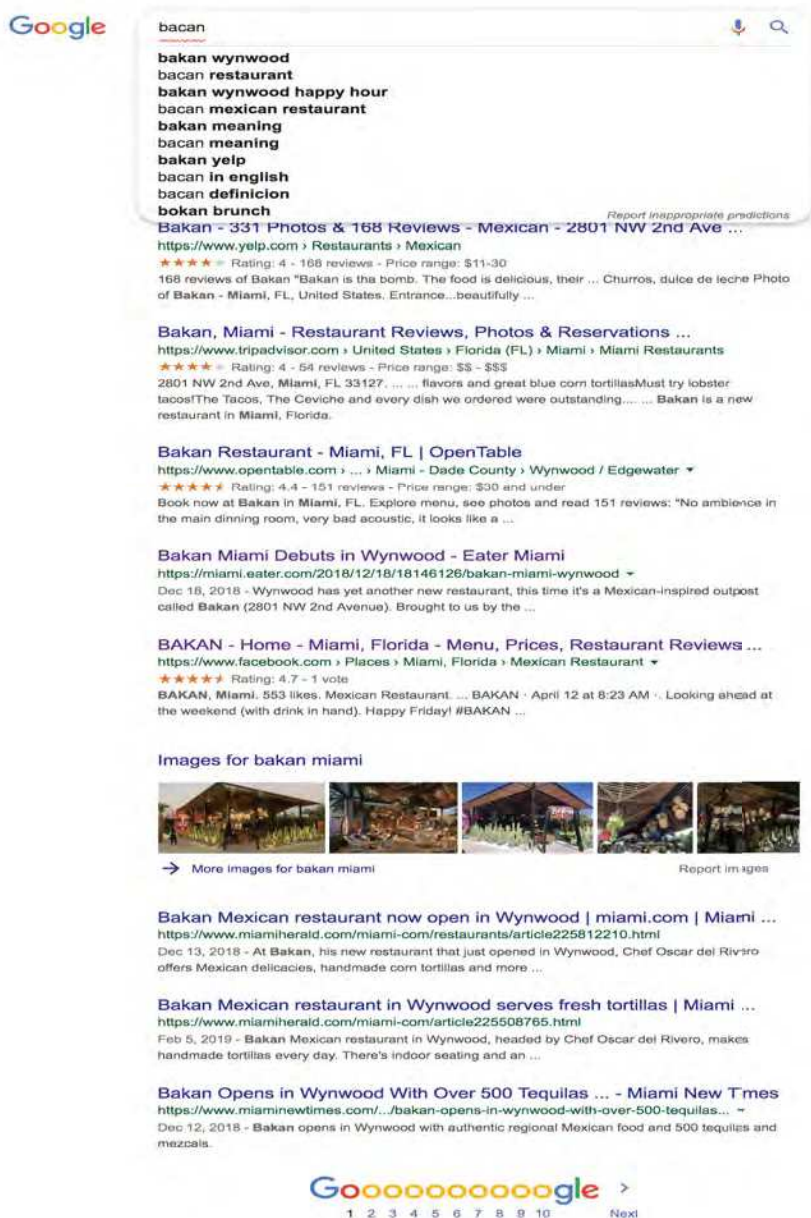
Get Baccano delivery in Miami, FL! Place your ... Baccano. Open Hours: 12:00PM - 10:00PM. 4.2/5. 26 ratings. FreeDelivery. Enter your ... Mister O1 - Wynwood.

Searches related to baccano wynwood

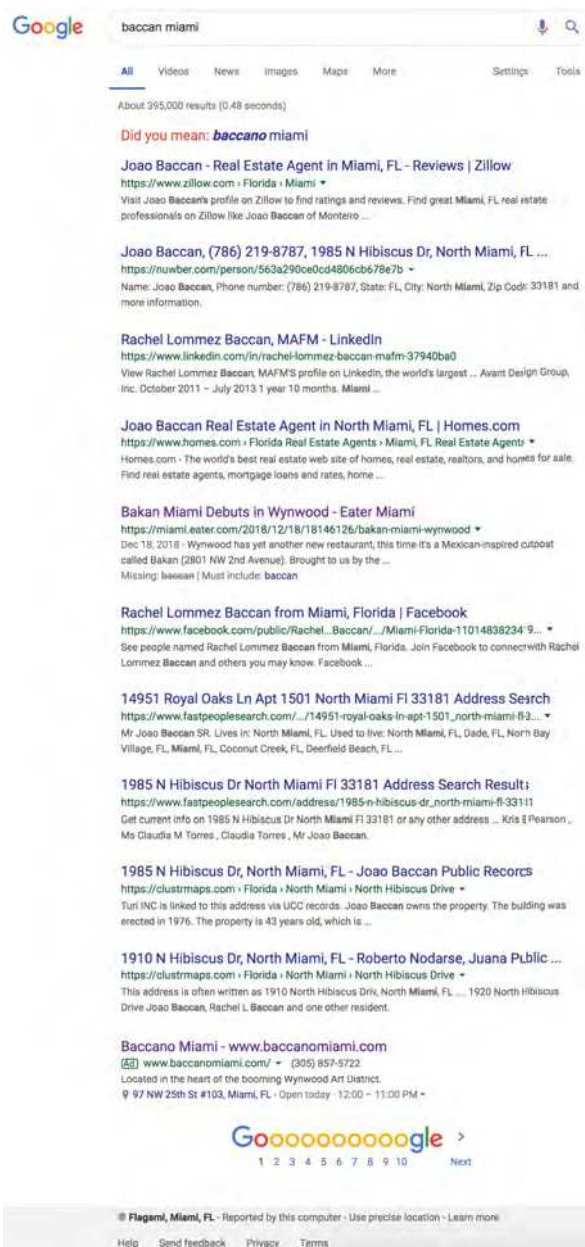
- baccano menu
- baccano miami happy hour
- bakan wynwood
- pizza in wynwood
- wynwood walls restaurants
- wynwood restaurants
- baccano restaurant
- italian wynwood



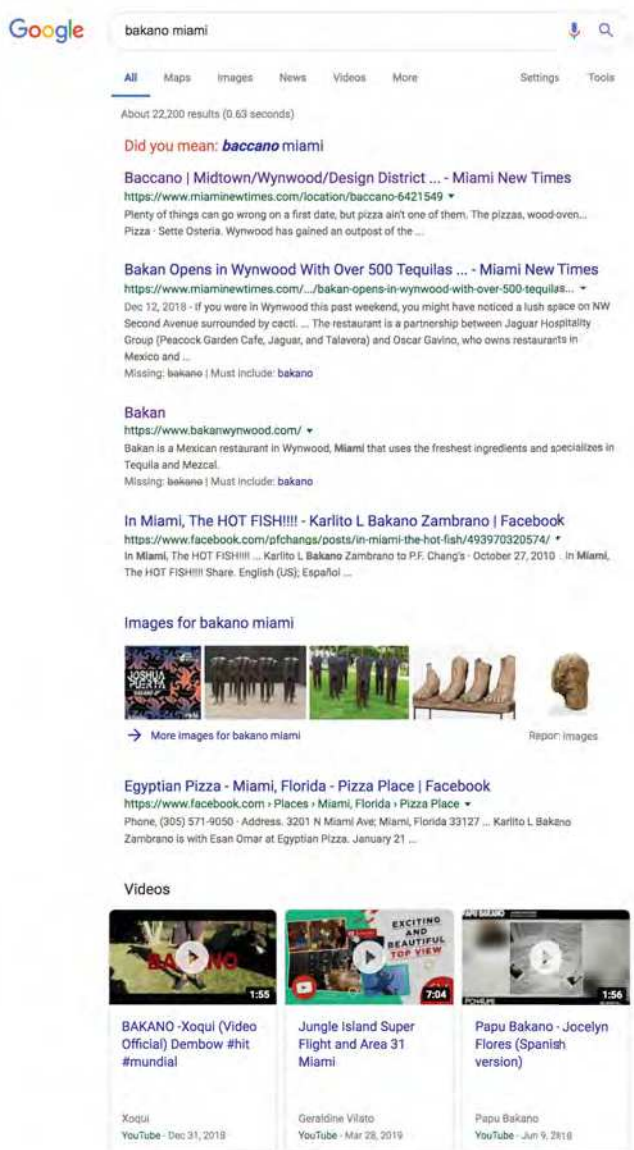
26. When navigating online using a Google's search engine, a user who searches for the term "BACAN", will be autocorrected or suggested by Google to instead type Defendants' Infringing Designation. See Exhibit 10, showing the results of said Google search.



27. When navigating online using Google’s search engine, a user who searches for “BACCAN Miami” will be confronted with results including both Plaintiff’s and Defendants’ restaurant services. However, Defendants’ restaurant services will appear before Plaintiff’s. See Exhibit 11, showing the results of said Google search.



28. When navigating online using Google’s search engine, a user who searches for Plaintiff’s restaurant with a slight misspelling such as “BAKANO Miami” will be confronted with results including both, Plaintiff’s and Defendants’ restaurant services. See Exhibit 12, showing the results of said Google search.



29. Plaintiff uses its website <http://baccanomiami.com> since at least as early as July 2015.

30. Defendants use a URL address, www.bakanwynwood.com, that is very similar to Plaintiff's and uses the mark followed by the geographic descriptor indicating they are located in the same geographic location.
31. Plaintiff has been, and will continue to be, damaged by the acts of Defendants. Moreover, the goodwill of BACCANO has been damaged and will continue to be irreparably damaged unless Defendants are enjoined from using the Infringing Designation.
32. Plaintiff has objected to Defendants' use of the confusingly similar designation, including by sending Gaval Wynwood a cease and desist letter dated February 15th, 2018. See Exhibit 13, corresponding to the cease and desist letter sent to Gaval Wynwood.
33. Maria Hardison, counsel for Gaval Wynwood, responded to Plaintiff's letter stating that her client refuses to change the Infringing Designation.
34. There is no adequate remedy at law for this irreparable harm unless an injunction is issued.
35. Based upon information and belief, Defendants are all related; specifically, Gaval Wynwood and Gaval Hospitality are related companies and Oscar Gavino is a Member of Gaval Hospitality and the driving force behind both companies.
36. Upon information and belief, Jaguar also owns or operates the restaurant using the Infringing Designation. See Exhibit 14, showing an article stating "Wynwood has yet another new restaurant, this time it's a Mexican-inspired outpost called Bakan (2801 NW 2nd Avenue). Brought to us by the Jaguar Hospitality Group with Grupo Gavall"

COUNT I
FEDERAL MARK INFRINGEMENT UNDER 15 U.S.C. 1114

37. Plaintiff repeats and reincorporates the allegations set forth in Paragraphs 1 through 36, as if fully set forth herein.
38. This count arises under the Section 32 of the Lanham Act, 15 U.S.C. §§ 1114, et. seq.
39. Plaintiff owns a valid and active United States Trademark registration for its mark BACCANO for restaurant services. See Exhibit 15 showing Plaintiff's Certificate of Registration No. 4, 939, 939.
40. After Plaintiff's use of the mark BACCANO for restaurant services and after Plaintiff's Registration Date for the mark BACCANO for restaurant services, Defendants adopted and used in commerce the confusingly similar infringing mark BAKAN for restaurant services.
41. Defendants' adoption and use of its infringing mark BAKAN was with knowledge of Plaintiff's BACCANO mark.
42. Defendants use of the infringing mark is likely to cause confusion, mistake or to deceive the public as the source of Defendants' good and services and/or the affiliation, connection or association of Defendants' and their services with Plaintiff.
43. Defendants' acts constitute trademark infringement of Plaintiff's federally registered marks in violation of Section 32 of the Federal Trademark Act, 15 U.S.C. § 1114 and such infringement is willful.
44. As a result of the foregoing, Plaintiff has been damaged in an amount that will be ascertained at trial. It would be difficult to ascertain the amount of compensation which could afford Plaintiff adequate relief for such continuing acts.

45. By reason of Defendants' acts, Defendants have caused and will continue to cause irreparable injury to Plaintiff and, unless enjoined by this Court, such acts will continue, and Plaintiff will continue to suffer irreparable injury.

46. Plaintiff has no adequate remedy at law.

COUNT II
VIOLATION OF SECTION 43(a) OF THE LANHAM ACT (15 U.S.C. §1125(a))

47. Plaintiff repeats and reincorporates the allegations contained in Paragraphs 1 through 36 above, as if fully set forth herein.

48. This account arises under Section 43(a) of the Trademark Act of 1946, as amended, 15 U.S.C. §1125(a).

49. Defendants unauthorized use in commerce of the infringing mark constitutes a false designation of origin and a false association that wrongfully and falsely designates the products offered thereunder as originating from Plaintiff, or as being associated, affiliated or connected with or approved or sponsored by Plaintiff.

50. Defendants' activities as described above, constitute trademark infringement and false designation of origin, affiliation or sponsorship in violation of 15 U.S.C. § 1125(a), and such acts are willful.

51. As a result of the foregoing, Plaintiff has been damaged in an amount that will be ascertained at trial. It would be difficult to ascertain the amount of compensation which could afford Plaintiff adequate relief for such continuing acts.

52. By reason of Defendants' acts, Defendants have caused and will continue to cause irreparable injury to Plaintiff and, unless restrained by this Court, such acts will continue, and Plaintiff will continue to suffer irreparable injury.

53. Plaintiff has no adequate remedy at law.

COUNT III
COMMON LAW MARK INFRINGEMENT

54. Plaintiff repeats and reincorporates the allegations contained in Paragraphs 1 through 36 above, as if fully set forth herein.
55. The use and/or advertising of the Infringing Designations by Defendants is likely to cause confusion or mistake among purchasers as to the source and/or sponsorship of Defendants' restaurant services with those of Plaintiff.
56. Defendants' use and/or advertising of the Infringing Designation to identify the same, or related services is likely to cause confusion or mistake among purchasers as to the source and sponsorship of the services and such acts of said Defendants constitutes common law infringement of Plaintiff's Mark. The dominant portion of Plaintiff's mark is BACANNO and the dominant portion of Defendants' mark is the similar designation BAKAN.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant:

- a. preliminary and permanent injunctive relief;
- b. compensatory damages and punitive damages;
- c. accounting and lost profits;
- d. and any other relief the Court deems just and proper.

COUNT IV
COMMON LAW UNFAIR COMPETITION

57. Plaintiff repeats and reincorporates the allegations contained in Paragraphs 1 through 36 above, as if fully set forth herein.
58. Plaintiff is the prior user of the BACCANO mark in the United States, which was in use on or before 2015, long before any use by Defendants of the Infringing Designation.

59. Plaintiff's BACCANO mark is arbitrary and inherently distinctive and entitled to protection.
60. Defendants are using, within the State of Florida, confusingly similar names, brands and symbols to identify services that compete directly with those of Plaintiff.
61. Defendants' actions are likely to cause consumer confusion as to the source or sponsorship of their products.
62. Defendants' activities as described above constitute unfair competition under the common law of the State of Florida.
63. As a result of the foregoing, Plaintiff has been damaged in an amount that will be ascertained at trial. It would be difficult to ascertain the amount of compensation which could afford Plaintiff adequate relief for such continuing acts.
64. By reason of Defendants' acts, Defendants have caused and will continue to cause irreparable injury to Plaintiff and, unless restrained by this Court, such acts will continue, and Plaintiff will continue to suffer irreparable injury.
65. Plaintiff has no adequate remedy at law.

COUNT V
CANCELLATION OF REGISTRATION

66. Plaintiff repeats and reincorporates the allegations contained in Paragraphs 1 through 36 above, as if fully set forth herein.
67. This claim arises under the federal Lanham Act, 15 U.S.C. §§ 1119, 1121 and 1064, under the declaratory judgment provisions of 28 U.S.C. §§ 2201 and 2202, and under the Trademark Laws of the United States, 15 U.S.C. § 1501 et seq., and Plaintiff seek for declaratory judgment, declaring that Gaval Wynwood's United States Trademark Registration No. 5, 716,715 should be cancelled and directing, by writ of mandamus, or

other appropriate order to the United States Patent and Trademark Office to immediately cancel and remove same from its Principal Register, and any other registers.

68. This action involves a registered trademark.
69. The registration of which should not have been permitted under the Lanham Act.
70. There is an actual justiciable controversy between the parties as to the entitlement of Gaval Wynwood to ownership of the federal registration, as a result of which there is a present need for a declaration of the rights of the Parties.
71. Plaintiff has sustained damage as a result of the wrongful registrations.
72. The declaration of the court is necessary in order to rectify the register with respect to the registrations of a party to this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants as follows:

1. That Defendants, and their officers, agents, servants, employees and attorneys and all persons or entities in active concert or participation with any of them who receive actual notice of the injunctive order, be preliminarily and permanently enjoined, from:
 - a. Using, advertising, promoting, displaying, registering, applying for or maintaining registrations for, or exploiting in any manner, the mark or name BAKAN, or any other marks, designations, designs or trade dress confusingly similar to the Plaintiff's registration;
 - b. Committing any other acts calculated or likely to cause the public to believe that Defendants or their goods or services are in any way connected, affiliated or associated with Plaintiff; and/or
 - c. Competing unfairly with Plaintiff in any other way.

2. Pursuant to 15 U.S.C. § 1118, that Defendants deliver to Plaintiff for destruction all material (including, without limitation, all products, catalogs, advertisements, promotional materials, brochures, signs, displays, stationery and business cards), within their possession, custody or control, either directly or indirectly, that bears or uses the infringing marks or any of them, or any other marks, designations, designs or trade dress confusingly similar to the Plaintiff's registration.
3. Pursuant to 15 U.S.C. § 1116(a), that Defendants be directed to file with the Court and serve upon Plaintiff within thirty (30) days after entry of final judgment, a report in writing and under oath setting forth in detail the manner and form by which it has complied with the provisions set forth in paragraphs 1 and 2 above;
4. Pursuant to 15 U.S.C. § 1117(a) and the common law of unfair competition, that Defendants be directed to account to Plaintiff for all gains, profits and advantages derived from Defendants' wrongful acts;
5. Pursuant to 15 U.S.C. § 1117(a), that Plaintiff recover from Defendants three times the amount of their profits or any damages sustained by Plaintiff, together with interest on such amount and the costs of this action;
6. Pursuant to 15 U.S.C. §§ 1064 and 1119, a determination that that the registration of BAKAN is barred under Section 2(d) of the Lanham Act, and directing that Registration No. 5, 716,715 dated April 2, 2019, be cancelled from the Federal Register;
7. Pursuant to 15 U.S.C. § 1117(a), that Plaintiff recover from Defendants, Plaintiff's attorneys' fees and costs in this action; and
8. That Plaintiff have such other and further relief as the Court deems just, equitable and proper.

DEMAND FOR JURY TRIAL

Plaintiff Cafe Babbo, LLC respectfully requests a trial by jury on all issues so triable in accordance with Fed. R. Civ. P. 38.

Dated: April 25, 2019

Respectfully submitted,



Chris Sanchelima, Esq. (Fla. Bar No. 107751)
chris@sanchelima.com
Sanchelima & Associates, P.A.
235 S.W. Le Jeune Road
Miami, Florida 33134
Telephone: (305) 447-1617
Facsimile: (305) 445-8484
Attorneys for Plaintiff

VERIFICATION

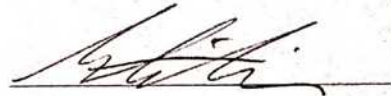
I, Antonio Chia, declare as follows:

I am the founder and chairman of Cafe Babbo, LLC. and I am authorized to make this verification on its behalf.

I have read the foregoing VERIFIED COMPLAINT and I am familiar with its contents. The matters stated therein are true to the best of my knowledge, information, and belief.

Executed on April 17, 2019 at 7:45 pm, Miami FL.

I declare under penalty of perjury under the laws of the United States and the State of Florida that the foregoing is true and correct.



Cafe Babbo, LLC

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Cafe Babbo, LLC

(b) County of Residence of First Listed Plaintiff Miami-Dade (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Chris Sanchelima, SANCHELIMA & ASSOCIATES, P.A. 235 SW Le Jeune Road, Miami, FL 33134, 305-447-1617

DEFENDANTS

Gaval Wynwood, LLC; Gaval Hospitality, LLC; Jaguar Hospitality Group, LLC; and Oscar Gavino

County of Residence of First Listed Defendant Miami-Dade (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PRISONER PETITIONS, TORTS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 15 U.S.C. Section 1125(a) and 15 U.S.C. Section 1114

Brief description of cause: federal mark infringement, false description & representations, false designations of origin under the Lanham Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE 4/25/2019 SIGNATURE OF ATTORNEY OF RECORD s/Chris Sanchelima/

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Cafe Babbo, LLC.

Plaintiff(s)

v.

Gaval Wynwood, LLC; Gaval Hospitality, LLC; Jaguar Hospitality Group, LLC; and Oscar Gavino

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Oscar Gavino - 2801 N.W. 2nd Avenue, Miami, FL 33131

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Sanchelima, SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road
Miami, Florida 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Cafe Babbo, LLC.

Plaintiff(s)

v.

Gaval Wynwood, LLC; Gaval Hospitality, LLC; Jaguar Hospitality Group, LLC; and Oscar Gavino

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Jaguar Hospitality Group, LLC - 3067 Grand Ave, Miami, FL 33133

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Sanchelima, SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road
Miami, Florida 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Cafe Babbo, LLC.

Plaintiff(s)

v.

Gaval Wynwood, LLC; Gaval Hospitality, LLC; Jaguar Hospitality Group, LLC; and Oscar Gavino

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Gaval Wynwood, LLC - 2801 N.W. 2nd Avenue, Miami, FL 33131

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Sanchelima, SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road
Miami, Florida 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

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on *(date)* _____, and mailed a copy to the individual's last known address; or

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designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Cafe Babbo, LLC.

Plaintiff(s)

v.

Gaval Wynwood, LLC; Gaval Hospitality, LLC; Jaguar Hospitality Group, LLC; and Oscar Gavino

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Gaval Hospitality, LLC - 2801 N.W. 2nd Avenue, Miami, FL 33131

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Chris Sanchelima, SANCHELIMA & ASSOCIATES, P.A.
235 SW Le Jeune Road
Miami, Florida 33134

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

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on *(date)* _____ , and mailed a copy to the individual's last known address; or

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designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0 _____ .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Exhibit 1









Exhibit 2





305-857-5722

Hours

Everyday
12pm - 11pm

Menu


BACCANO
M I A M I

The collage consists of four distinct sections. The top-left section shows a close-up of a fresh green salad with white cheese and a slice of tomato. The top-right section contains the phone number 305-857-5722, the word 'Hours' with a horizontal line underneath, and the text 'Everyday 12pm - 11pm'. The bottom-left section features the word 'Menu' with a horizontal line underneath. The bottom-right section displays a bar area with several bottles of beer hanging from a rack and more bottles on a counter below.



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THE TEN BEST PIZZAS IN MIAMI



The Ten Best Pizzas in Miami

MAUREEN AIMEE MARIANO | SEPTEMBER 6, 2016 | 8:00AM

- 36 Miami may not have a celebrated regional style of pizza that rivals New York thin-crust or Chicago deep-dish, but the Magic City holds its own
- 77 when it comes to producing versions of palate-pleasing pies.
- 5 What's Italian in origin has become a quintessential U.S. staple – Americans' number one go-to meal that hits the spot unlike any other and makes us salivate simply thinking about it. When made correctly – with a crisp golden crust, an even layer of homemade sauce, melted cheese dripping off the sides, and the freshest toppings – pizza is arguably the greatest gift to mankind.

AA

Just as this democratic food has changed our diet over the years, so too has the local pizza landscape. Newcomers have amassed a following through their innovative creations, while more classic joints try to maintain their reign with no-fail recipes. No matter what you fancy, you'll find a pie that fits you.

RELATED STORIES

- [The Ten Best Pizzas in Miami](#)
- [South Florida Celebrates Its First-Ever Pizza Festival](#)
- [The Ten Best All-Day Breakfasts in Miami](#)

So here's to the naysayers who believe Miami can't make topnotch pizza. One slice from these top ten spots will prove the Magic City takes pizza seriously.



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Harry's gluten-free pizza

Courtesy of the Genuine Hospitality Group



10. Harry's Pizzeria

Michael Schwartz's signature thin-crust pizzas set the standard in Miami. If you're indecisive, you're in luck. Compared to other pizzerias with never-ending pie lists, Harry's is pretty straightforward and features about ten. Order the short rib variety (\$17), topped with Gruyère, caramelized onion, and arugula, or if you're feeling a little more seafood-centric, try the rock shrimp (\$16). Classics such as cheese and margherita make the list, but why be boring when you can be bold, especially with a tall glass of local beer?



The classic cheese pizza at Casola's

Photo by Carlos Wiso

9. Casola's

Hungry crowds pile into this laid-back, unassuming mainstay for its mammoth, New York-style pizzas. Irresistibly thin crust sets the foundation for specialties such as steak, barbecue chicken, Hawaiian, and veggie. Prices are easy on the wallet – a slice of cheese pizza starts at \$4.09, and a 24-inch house pie starts at \$23.94. And if pizza isn't your thing, no problem. The submarine sandwiches are not to be missed, and like all things at Casola's, the portions are huge.



Frankie's square-cut pizza

Courtesy of Frankie's

8. Frankie's

If you live in Westchester or ever find yourself in the area and haven't had Frankie's, you haven't lived. Make an effort to try a slice (or four) at one of Miami's oldest pizza joints, and you'll see why it has been in business so long. Since 1955, this no-fuss, classic mom-and-pop pizza shop has been serving Frankie's devotees its famed square-cut pizzas at rock-bottom prices. Bread emerges from the oven crunchy but still bread-like, and the cheese and toppings are generous without being overindulgent. Clearly, Frankie's will always be a leader.



Ironside's margherita pizza

Courtesy of Ironside

7. Ironside Pizza

Why wait to take a trip to Italy when you can experience its cuisine on Miami's Upper Eastside at Ironside Pizza? The same guys behind Brickell's Toscana Divino are the masterminds behind this hidden gem just west of Biscayne Boulevard. Indulge your craving of wood-fired, authentic Italian pizza recipes, ranging from porcini mushroom to spicy salami, with the freshest ingredients, including the dough, flown in directly from Italy. Gluten-free and vegan options are also available.





Proof's oxtail pizza

billwiserphoto.com

6. Proof Pizza & Pasta

The proof is in the pizza at midtown's Neapolitan-style pizza shop. The pie selection is small but carefully curated and exceptionally executed. Something about Proof Pizza & Pastas' unmistakable smoky, thin crust gets people going, while best-sellers such as the oxtail pizza (\$16), topped with mozzarella, black garlic, caramelized onions, and thyme, keep them coming back for more. The ambiance is charming. Service is helpful. And the desserts are as impressive as the entrées. Cue the monstrous chocolate macaron ice-cream sandwich.



Baccano's wood-fired-oven pizza

Photo by Michele Ruffo

5. Baccano

Grab a glass of vino and await your Neapolitan-style pie as it cooks in the wood-fired oven at this industrial-esque Wynwood eatery. It's both hip and homey, old-school and modern. Guests can enjoy variations of authentic Italian pizza recipes or more creative pies such as the tuna and onion (\$13) or bacon and egg (\$15). Delectable dessert options and coffees round out the meal. If you're feeling especially adventuresome after you eat, take a stroll in the neighborhood.



Andiamo's "Sunday pie"

Photo by Dani Deglen

4. Andiamo

Don't let the car wash next door distract you. The focus is on this neighborhood joint serving more than 30 gourmet brick-oven pizzas for every palate and party size. Take in the bustling view of Biscayne Boulevard as you dine alfresco on a breezy patio and enjoy favorites such as the New Yorker, made with fresh mozzarella, tomato sauce, Parmesan, extra-virgin olive oil, and fresh basil, or the Godfather, a meat lover's paradise topped with sausage, pepperoni, meatballs, and mushrooms. The most recent addition, the "Sunday pie," is also worthwhile for its seamless blend of sweet, spicy, and meaty flavors courtesy of the tomato sauce, pepperoncini, mozzarella, ricotta, Parmesan, and basil. Regardless of which pie you pick, expect perfection.



Lucali's Nutella pie

billieisrapha.com

3. Lucali

No best-of pizza list would be complete without Sunset Harbour's most popular pizzeria. Just like Mark Iacono's original location in Brooklyn, Lucali in South Beach is always reliable for its hearty calzones, fresh salads, and mouthwatering plain pie, but that's if you want to splurge. The 24-inch wood-fired pies start at \$24 and come on crisp, thin crusts topped with secret tomato sauce, melted buffalo mozzarella, and shredded Parmigiano-Reggiano. Toppings – which vary from beef pepperoni to portobello mushrooms – cost an additional \$3 each. And don't miss the Nutella pie, because what's an extra \$15?



Visa O-1's signature Star Luca

Photo by Zoehary Ferguson

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2. Visa O-1

Created on the notion that to qualify

EMAIL NEWSLETTERS.

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for an O-1 visa, "the beneficiary must demonstrate extraordinary ability by sustained national or international acclaim," Visa O-1 backs up its tagline by serving "extraordinary pizza" overseen by master *pizzaiolo* and owner Renato Viola. Hailing from Agropoli, Italy, he's a world champion in acrobatic pizza and does, in fact, hold a special working visa. His mastery is showcased in a lengthy list of pizzas, but it's his 13-inch star-shaped "extraordinary pizzas" that outshine them all. Try the Star Luca (\$14.90) for a filling blend of pepperoni, mozzarella, and San Marzano tomato sauce with ricotta-stuffed corners.



Steve's Pizza keeps it simple.

Courtesy of Steve's Pizza

1. Steve's Pizza

Steve's Pizza has been the master of the slice game since 1974. Whether you go in at noon for lunch or 3 a.m. for drunk pizza, it's the place to be no matter the hour. No frills or fuss, just bargain brick-oven pizza with a masterful sweet tomato sauce atop a doughy yet simple crust done right. Throw in some baked ziti and a few garlic rolls, and little else is needed to live a happy life. Just ask the loyal customers perpetually packed into the graffiti'd booths inside this North Miami institution, and they'll tell you they've reached pizza nirvana.

Follow Maureen on [Twitter](#).

ADVERTISING



Maureen Almee Mariano is a freelance food writer for *New Times*. She earned a bachelor of science in journalism from the University of Florida before making her way back to the 305, the city that first fueled her insatiable appetite.

CONTACT: [Maureen Almee Mariano](#)
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Exhibit 3



Baccano Miami
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4.8
4.8 out of 5
Based on the opinion of 170 people

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Norma Avellana recommends Baccano Miami.
March 2 · 🌐

I ordered a pizza and my husband a chicken panini. The portions were very generous so we brought the panini home and shared the pizza which was simply delicious.

Cosy atmosphere · Outdoor dining · Chic décor · Creative cuisine · Large menu

Carlos De Antonis recommends Baccano Miami.
February 25 · 🌐

Wonderful pizza Armando is the best

Great food

Gustavo Peña reviewed Baccano Miami — 5★
October 11, 2017 · 🌐

If you didn't think that this is one of the best places to go for pizza in Miami, then you don't know what real pizza is supposed to be like. This is the real deal. I see all those other posts and I think think to myself... maybe you should just buy Pizza Hut. This place is the best. 5 stars doesn't cut it. Legitimate Italian pizza.

👍 3 2 Comments

Meg Hirzel Digby recommends Baccano Miami.
March 30 at 8:17 AM · 🌐

We're from the NY area so we know pizza! This is probably the best pizza we've ever had! Almost a year later and we still talk about it!

Giuseppe Joey Peppe Puglisi reviewed Baccano Miami — 5★
March 6, 2018 · 🌐

One of the best pizza I ever had... I'm 100% Italian and I know what pizza is... and baccano serve one of the best pizza in south Florida... staff? Great felt like to be in Napoli... will be back... keep it up...

👍 3

Edgar Vera recommends Baccano Miami.
January 20 · 🌐

Laid back outdoor place with great music.

Outdoor dining · Hip atmosphere

Baccano

97 NW 25th St # 103, Miami, FL

[Write a review](#)

4.4 ★★★★★ 286 reviews

Sort by: Most relevant



Marcos Trujillo
21 reviews · 26 photos

★★★★★ 2 months ago

The ricotta/truffle/arugula pizza is out of this world. Beautiful interior design and excellent service.

Like



Alice Safarians
6 reviews

★★★★★ 2 months ago

Food was great ..atmosphere relaxing and the staff friendly and professional

Like



Manny Garcia
25 reviews · 35 photos

★★★★★ 2 months ago

Very good pizza also tried the lasagna got lucky with the parking and my son love the Fiat inside the restaurant



Like



Ray Figueroa
Local Guide · 28 reviews · 54 photos

★★★★★ 2 months ago

always amazing. If you want awesome food at a fair price, this is the place.

Like



John c
Local Guide · 61 reviews · 16 photos

★★★★★ 2 months ago

Well, speaking for myself, as a child of Napoli and an expert in nothing other than gelato and pizza - this pie (Parma) was simply outstanding. Excellent crust, ingredients and service. Really, it's good.

Like



Claudia J.
Miami, FL
307 friends
488 reviews
857 photos
Elite '19

★★★★★ 1/5/2019

When an Italian from Naples recommends this place.... we gotta try it..!! Not your typical pizza.... errr.. because it's from Naples pizza!!!!

Heavy tomato sauce, which I love, ordered a simple Buffalo Margarita, which was awesoommeeee..... Crusty on the sides, a bit soggy in the middle, of course, it's all that sauce.

This little place has it's charm, cozy and almost sharing a table with your neighbor. They have a Fiat Cinquecento inside the restaurant!!!



Buffalo Margarita

Rachel S. and 5 others voted for this review

Useful 4 Funny 2 Cool 5



Veronica C.
Miami, FL
130 friends
9 reviews
7 photos

★★★★★ 4/16/2019

Best real Italian pizza in Miami!! If you want to take your taste buds for trip to Napoli Baccano is the place to visit :)



Pizza Lasagna

Was this review ...?

Useful Funny Cool



Chen A.
New York, NY
154 friends
2 reviews
3 photos

★★★★★ 9/12/2018

Amazing food! Amazing owners!
The pizza's dough is one of the best I've ever tasted. It feels like a short visit in Italy...

Was this review ...?



Andrea B.
Orlando, FL
231 friends
10 reviews
9 photos

★★★★★ 2/15/2019

Best pizza in Wynwood, in Miami, in Florida!! We love this place!! The Magherita pizza and Burrata antipasti is our go-to

Was this review ...?



Eduardoluis M.
Doral, FL
19 friends
5 reviews
11 photos

★★★★★ 4/23/2018

1 check-in

The best place to eat pizza! + cup of wine. Beautiful ambient and good service. The threes can lights it's a great match for a good dinner date.

Focaccia is a good start if you have a dinner with the stars.

Easy to park and private place.



Buffalo Margherita Pizza, Rucolosa Pizza & Cup of Wine

Was this review ...?

Exhibit 4





Exhibit 5

02/10/2017 16:45 305 789 549 → 185 5176301
Division Corporations Page 41

L17000030864

Florida Department of State
Division of Corporations
Electronic Filing Cover Sheet

Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document.

((H17000040375 3)))



H170000403753ABC

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Fax Number : (850)617-6381

From: Account Name : GREENBERG TRAUIG CONSULTING, INC.
Account Number : F20140000080
Phone : (305)579-7882
Fax Number : (305)961-5722

Enter the email address for this business entity to be used for future annual report mailings. Enter only one email address please.

Email Address: cambol@gtlaw.com

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GAVAL WYNWOOD, LLC

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ARTICLES OF ORGANIZATION
OF
GAVAL WYNWOOD, LLC

FILED
2017 FEB 10 AM 9:22
TALLAHASSEE, FLORIDA

ARTICLE I - Name

The name of the limited liability company is GAVAL WYNWOOD, LLC (the "Company").

ARTICLE II - Address

The mailing address and street address of the principal office of the Company is 1110 Brickell Avenue, Suite 505, Miami, FL 33131.

ARTICLE III - Management

The Company shall be managed by its managers, as set forth in the Company's Operating Agreement, and is therefore a manager-managed company. The initial manager of the Company is Oscar Gavino Valladares, 1110 Brickell Avenue, Suite 505, Miami, FL 33131.

ARTICLE IV - Registered Agent and Office

The street address of the Company's initial registered agent and office is 18305 Biscayne Boulevard, Suite 401, Aventura, Florida 33160, and the name of its initial registered agent at such office is IFO Registered Agents, LLC.

In accordance with Section 605.0203(1608.408(3)), Florida Statutes, the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.

Dated this 10th day of February, 2017.

/s/ Lourdes C. Cambo
Lourdes C. Cambo
Authorized Representative

((H17000040375 3)))

M/A 189740352v1

02/10/2017 16:45 305 789 5485 + 18506176391

NO. 857 0003

((H17000040375 3)))

FILED

2017 FEB 10 AM 9:22

ACCEPTANCE OF APPOINTMENT OF REGISTERED AGENT
STATE OF FLORIDA

The undersigned, having been named as Registered Agent and to accept service of process for **GAVAL WYNWOOD, LLC**, at the place designated in these Articles of Organization, hereby accepts the appointment as registered agent and agrees to act in such capacity. The undersigned further agrees to comply with the provisions of all statutes relating to the proper and complete performance of its duties, and is familiar with and accepts the obligations of its position as registered agent as provided for in Florida Statutes Chapter 605.

Dated this 10th day of February, 2017.

IFO Registered Agents, LLC

By: /s/ Daniel Cabajic
Name: Daniel Cabajic
Title: Manager

((H17000040375 3)))

MIA 185740352v1

Exhibit 6

United States of America

United States Patent and Trademark Office

BAKAN

Reg. No. 5,716,715

Registered Apr. 02, 2019

Int. Cl.: 43

Service Mark

Principal Register

Gaval Wynwood, LLC (FLORIDA LIMITED LIABILITY COMPANY)
2889 Mcfarlane Road
Coconut Grove, FLORIDA 33133

CLASS 43: Restaurant and bar services

FIRST USE 12-12-2018; IN COMMERCE 12-12-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-632,335, FILED 10-03-2017



Andres Ibarra

Director of the United States
Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- *First Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- *Second Filing Deadline:* You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.

Exhibit 13

Sanchelima & Associates, P.A.
Attorneys at Law

Patent, Trademark & Copyright Law

Jay Sanchelima, Reg. Patent Attorney
Chris. J. Sanchelima, Reg. Patent Attorney

Tel: 305-447-1617
Fax: 305-445-8484
chris@sanchelima.com
www.sanchelima.com

February 15th, 2018

VIA USPS PRIORITY MAIL

Bakan
2801 NW 2nd Ave
Miami, FL 33127

Re: Infringement of BACCANO

To whom it may concern:

The undersigned firm has been retained by, Cafe Babbo, LLC, a Florida corporation, and owner of the trademark for BACCANO. It has recently come to our attention that you may be offering for sale and selling, a counterfeit or false version of our client's services relating to restaurant services in the United States. Cafe Babbo, LLC filed for the mark BACCANO on July 13, 2015 (U.S. Serial No. 86690835) and has been using the mark in commerce since May 31, 2015. Your designation used for restaurant services, BAKAN, is substantially similar.

Please be advised that your sale and/or direct or indirect involvement with the above-referenced restaurant services under the name BAKAN constitutes, among other things, False Designation of Origin under § 43(a) of the Lanham Act, 56 U.S.C. § 1125(a), dilution of Cafe Babbo, LLC's intellectual property rights, unfair competition and deceptive trade practices under state and federal law. Your actions have damages and, unless stopped immediately, will continue to cause irreparable damage and its goodwill and reputation among the trade and consuming public. In light of the foregoing, **You may be exposed to liability for substantial monetary damages and lost profits.** The penalties of such activity may include injunctive relief, actual damages, treble or statutory damages under 15 U.S.C. § 1117(c)(2). In addition, in the event that your conduct is found to be **malicious, fraudulent, deliberate, and willful** the undersigned counsel will seek costs and attorney's fees pursuant to Section 35(a) of the Lanham Act, 15 U.S.C. § 1117(a).

This matter is of serious concern to our client. Accordingly, the undersigned counsel has been instructed to demand that you, your company and all agents, representatives, distributors, licenses, affiliates, and all others directly involved with your company using the infringing BAKAN name. Hereby, **immediately cease and desist** from any and all future sales bearing marks substantially indistinguishable or identical to our client's intellectual property.

In view of the urgency of this serious matter, we require your written confirmation that you and your company has ceased its infringement of BAKAN as well as your full compliance with the demands stated in this letter, by no later than **February 22, 2018**. If we do not hear from you by the date stated above, Cafe Babbo, LLC, is prepared to take immediate action to protect its valuable rights, including but not limited to the filing of an action in Federal Court seeking damages, punitive damages, attorney's fees and costs, to the extent available under federal and state law.

This letter does not constitute an exhaustive statement of our client's position, nor does it constitute a waiver or limitation of any legal or equitable rights of our client, all of which are expressly reserved.

If you have any further questions, you may call the number above to reach undersigned counsel.

Sincerely,
SANCHELIMA & ASSOCIATES, P.A.

By: 
Christian J. Sanchelima, Esq.,
Sanchelima & Associates, P.A.
235 SW 42 Ave,
Miami, FL 33134
chris@sanchelima.com
305-447-1617

Exhibit 14

4/16/2019

Bakan Miami Debuts in Wynwood - Eater Miami

MIAMI

MIAMI RESTAURANT OPENINGS

The Team Behind Jaguar Ceviche Debuts New Mexican Restaurant in Wynwood

Jaguar Hospitality Group with Grupo Gavallhave teamed up to debut Bakan

by [Olee Fowler](#) | [@oleefowler](#) | Dec 18, 2018, 11:30am EST

Bakan exterior | Bakan [Official]

Wynwood has yet another new restaurant, this time it's a Mexican-inspired outpost called **Bakan** (2801 NW 2nd Avenue). Brought to us by the Jaguar Hospitality Group with Grupo Gavall, owners of Jaguar Ceviche Spoon Bar and Latam Grill; Talavera Cocina Mexicana; and Peacock Garden Bistro, it features variety of regional Mexican dishes and a large assortment of mezcal and tequila offerings.

The 180-seat restaurant boasts a cacti-lined outdoor bar and terrace filled with inverted wood pyramid canopies and brown and green hanging basket fixtures. The artsy vibe continues inside with wood accented furnishings and a green-tiled kitchen that allows guests to witness the on-site tortilla making process.

Bakan interior | Bakan [Official]

As for the menu, expect dishes like tacos made with the aforementioned tortillas filled with items like Alaskan King crab, along with larger dishes whole red snapper and short rib mole. The bar has more than 500 mezcal and tequilas on hand so expect plenty of cocktails made with those spirits like a margarita and Mezcal mule. Also beers by the bottle, beers on tap and micheladas are available.

Bakan is open Sunday from noon to midnight, Monday through Wednesday until 11 p.m., and Thursday through Saturday until 2 a.m. For more information call 305-396-7080.

<https://miami.eater.com/2018/12/18/18146126/bakan-miami-wynwood>

E

1/2

Exhibit 15

United States of America
United States Patent and Trademark Office

BACCANO

Reg. No. 4,939,939

Registered Apr. 19, 2016

Int. Cl.: 43

SERVICE MARK

PRINCIPAL REGISTER

CAFE BABBO LLC (FLORIDA LIMITED LIABILITY COMPANY)
97 NW 25TH STREET, #103
MIAMI, FL 33127

FOR: RESTAURANT SERVICES, IN CLASS # (U.S. CLS. 100 AND 101)

FIRST USE 5-31-2015; IN COMMERCE 5-31-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

THE ENGLISH TRANSLATION OF THE WORD "BACCANO" IN THE MARK IS "RACKET".

SER. NO. 86-690,835, FILED 7-13-2015.

JENNIFER O'BRIEN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
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